



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 1, 2011
TO: Reza Khoshnevisan
FROM: Julian Bañales, Planning Department
RE: PPA Case No. 2011.0430U for 480 Potrero Avenue


1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Ben Fu, at (415) 558-6613 or ben.fu@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Julian Bañales, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: July 1, 2011
Case No.: 2011.0430U
Project Address: 480 Potrero Avenue
Block/Lot: 3973 / 002C
Zoning: UMU (Urban Mixed Use)
58-X Height and Bulk District
Project Sponsor: Reza Khoshnevisan
415.922.0200
Staff Contact: Ben A. Fu
415.558.6613
ben.fu@sfgov.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The proposed building on a corner lot at Potrero and Mariposa is in a UMU use district, surrounded by light industrial uses on either side. The building proposes 13,135 square feet of ground floor retail with five stories of 75 residential units above. The residential units are centered around a common court yard at the second floor.

ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), this project is likely to qualify for a Community Plan Exemption under the Mission Area Plan. An **Environmental Evaluation Application** is required for the full scope of the project (grading and construction). To determine fees for environmental review, please refer to page one of our fee schedule, under "Studies for Project inside of Adopted Plan Areas – Community Plan Fees." Required fees for a Community Plan Exemption would be the following: Environmental Document Determination; Community Plan Exemption/Exclusion; and Eastern Neighborhoods Rezoning and Area Plans EIR placeholder fee. If a Focused Initial Study and a Negative Declaration or Focused EIR is required, additional fees would be assessed based on construction cost.

Based on our preliminary review of the proposed project, below is a list of studies that would be required:

1. *Transportation Study.* The proposed project would generate approximately 1,028 daily persons-trips and 315 P.M. peak-hour persons-trips. Projects of this size generally require a Transportation Study. Please refer to the requirements for Transportation Study applications on our website.
2. *Phase I Environmental Site Assessment.* The context of existing environmental hazards in the immediate setting must be reviewed and a Phase I ESA needs to be provided. If the Phase I ESA determines that there are Recognized Environmental Conditions, a Phase II Study may be required by the Department of Public Health (DPH). If so, it must be completed before environmental clearance. If project construction has the potential to disturb existing toxins, specific mitigation measures may be required and a Focused Initial Study could be required. If so, the Initial Study will help determine that either (1) the project is issued a Negative Declaration stating that the project would not have a significant effect on the environment, or (2) an Environmental Impact Report (EIR) is required to determine the project's significance on the environment. DPH is typically able to identify measures to reduce any significant impacts to a less than significant level.
3. *Geotechnical Investigation.* The project would require a Preliminary Archeological Sensitivity Study that would be conducted by our staff archeologist. To assist our staff archeologist, it is recommended that you provide a copy of a geotechnical investigation with boring logs for the proposed project.
4. *Shadow Fan Analysis.* Planning Code Section 295 generally prohibits new buildings that exceed a height of 40 feet that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. To determine whether the proposed project, at a proposed height of 58 feet, would conform to Section 295, a shadow fan analysis is required. Please refer to the requirements for Prop K – Shadow Study application on our website. The shadow fan analysis would be used to determine if the project could create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas pursuant to CEQA.
5. *Historic Preservation Commission.* The Eastern Neighborhoods Final EIR *Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area* requires that projects involving new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission for review and comment during a regularly scheduled hearing. Since the project involves construction that is 58 feet in height, *Mitigation Measure K-1* applies to the proposed project. The Eastern Neighborhoods historic resource surveys are in the process of being adopted. Depending on the timing of the adoption, this requirement may not apply by the time the environmental application has been received.
6. *Potential Construction Noise Mitigation.* The Eastern Neighborhoods Final EIR identified a significant impact related to construction noise that would include pile driving and determined that *Mitigation Measure F-1: Construction Noise* would reduce effects to a less-than-significant level.

If construction of the proposed project requires pile driving, *Mitigation Measure F-1* would be applicable to the proposed project.

7. *Project Open Space Noise Mitigation.* The Eastern Neighborhoods Final EIR identified a significant impact related to ambient outdoor noise levels on users of private, Planning Code-required outdoor open space and determined that *Mitigation Measure F-6: Open Space in Noisy Environments* would reduce effects to a less-than-significant level. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, and construction of noise barriers between noise sources and open space. It is recommended that these features be incorporated into the design of the project when an application is submitted.

If construction of the proposed project requires pile driving, *Mitigation Measure F-1* would be applicable to the proposed project.

8. *Noise Measurements.* The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would apply to the proposed project and a noise study that includes a 24-hour noise measurement and a survey of the surrounding land uses adjacent to the project site would be required in order to complete the environmental review.
9. *Air Quality Assessment.* The proposed project is located within a potential roadway exposure zone identified by the Department of Public Health (DPH). Given that the project proposes sensitive land uses in this potential exposure zone, the project requires an air quality assessment to determine if pollutant concentrations are above the threshold level of 0.2 micrograms per cubic meter. You may choose to have the air quality assessment prepared by a qualified firm and forwarded to DPH for review, or you may request that DPH conduct the assessment.

Should you choose to have the air quality assessment prepared by a qualified firm, please forward a description of the proposed project (including project location and a set of plans) and the results of the air quality assessment to Tom Rivard, San Francisco Department of Public Health, Air Quality Research, Planning and Policy, 1390 Market Street, Suite 210, San Francisco, CA 94102. A fee of \$520 in the form of a check payable to the Department of Public Health for four hours of project review and administrative handling must accompany the assessment.

Should you choose to have DPH prepare the air quality assessment for your proposed project, please forward a description of the project (including project location and a set of plans) to Tom Rivard at the address listed above and a fee of \$1,560 in the form of a check payable to the Department of Public Health. This fee covers 12 hours of preparation of the air quality assessment and administrative handling.

If additional work is necessary, you will be notified by DPH. You will be billed (by DPH) \$130 for each additional hour of work over the first four hours. These fees are charged pursuant to Section 31.47(c) of the San Francisco Administrative Code.

If the air quality assessment finds that concentrations of air pollutants on the site exceed action levels, mitigation measures, outlined in the guidance document, may be required to protect sensitive uses. If the project is subject to Article 38 of the San Francisco Health Code, the actions outlined within that article may be required.

10. *Notification of a Project Receiving Environmental Review.* Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site. Please provide these mailing labels at the time of submittal.

Environmental Evaluation applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. The San Francisco Preservation Bulletin No. 16 is available at www.sfplanning.org under "Historic Preservation."

PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed. Additionally, these approvals are subject to the Planning Department Pre-application process:

1. *Large Project Authorization (X).* Planning Code Section 329 applies to all new construction and proposed alterations of existing buildings in the Eastern Neighborhoods that meet at least one of the following criteria:
 - a. The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or
 - b. The project involves a net addition or new construction of more than 25,000 gross square feet; or
 - c. The project has 200 or more linear feet of contiguous street frontage on any public right of way.

The project meets Criteria 1b above with approximately 61,690 gross square feet of area. Therefore, a Large Project Authorization, or X case, is required. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

2. *Exceptions.* As a component of the review process under Section 329, projects may seek specific exceptions to the provisions of the Planning Code. Exceptions from rear yard (Planning Code Section 134), open space (Planning Code Section 135), and dwelling unit exposure (Planning Code Section 140) must be justified in order for the project to be approved because the proposed inner court does not meet the minimum requirements for rear yard, open space and exposure. Approximately 45 percent of the 75 proposed units, or 34 units, do not meet the exposure requirement. Please consider revising the project design and program to provide code-complying exposure to the units. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

3. *Building Permit Applications.* Permit application and notification are required for the proposed new construction and the Large Project Authorization. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATION:

The project sponsor is encouraged to conduct public outreach early in the development process. Neighborhood notification per Planning Code Section 312 will be combined with the noticing process of the Large Project Authorization. Therefore, noticing materials for owners and occupants with 300-foot radius and occupants within 150-foot radius of the project site are required at the time of project intake. Pre-application meeting is also required with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at www.sfplanning.org under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Resource Center" tab.

PRELIMINARY PROJECT COMMENTS:

The following comments address general issues that may significantly impact the proposed project:

1. *First Source Hiring.* Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please see contact information below:

Ken Nim, Workforce Compliance Officer
CityBuild, Office of Economic and Workforce Development
City and County of San Francisco
50 Van Ness, San Francisco, CA 94102
Direct: 415.581.2303
Fax: 415.581.2368

2. **Streetscape Improvements.** Section 138.1 requires one street tree per 20 feet of street frontage for additions of gross floor area equal to 20 percent or more of the gross floor area of an existing building. The proposed project triggers a requirement for eight street trees for frontage on Potrero Avenue and five trees for the frontage on Mariposa Street.
3. **Tree Disclosure Affidavit.** A Tree Disclosure Affidavit must be filled out and submitted with the Large Project Authorization application.
4. **Dwelling Unit Exposure.** Every dwelling unit in every use district is required per Planning Code Section 142 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

Although the inner court yard on the Project Site would provide all units with adequate light and air, the open area does not increase by five-feet at each succeeding level. Units on the north and west sides do not comply with Section 140. Specifically, approximately 45 percent of the 75 proposed units, or 34 units, do not meet the exposure requirement. For a new construction on a sizable lot, an inner court yard that complies with the dimensional requirements should be accommodated.

5. **Ground Floor Commercial Space and Street Frontage.** Please ensure that the height of the ground floor is 17 feet minimum from grade to ceiling. The intent of the requirement for the tall ground floor is to provide space suitable for a mixture of non-residential uses, which also require access to loading facilities and features like large roll-up doors. Explore providing more entries into the commercial space and whether the space could be subdivided into multiple storefronts for smaller tenants.
6. **Off-Street Loading Spaces.** Planning Code Section 152.1 requires one off-street loading space for a project proposing a total retail space between 10,001 to 30,000 square feet. The project proposes approximately 13,200 square feet of ground floor retail; therefore, one loading space is required.
7. **Car Share Spaces.** Planning Code Section 166 requires one car share space for a project proposing 50 to 200 dwelling units. The project proposes a total of 75 dwelling units. Therefore, one car share space is required.
8. **Shadow Analysis.** As discussed in the Environmental Review section of this document, projects over 40 feet in height require a Shadow Analysis Application per Section 295 to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department. A preliminary shadow analysis was conducted based on the plans submitted as part of the PPA Application. The analysis indicated there would be no new shadows cast on properties under the jurisdiction of the Recreation and Park Department. Nonetheless, a Shadow Analysis Application must be filed in order to document that the project will not cast any shadows on Recreation and Park properties.

9. **Impact Fees.** The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service; Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1, which requires \$8 per gross square-foot of residential space and \$6 per gross square-foot of non-residential space.

Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit for a residential development project, or residential component of a mixed use project within the Project Area, the sponsor of any project containing residential space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 423.3. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

10. **Inclusion Housing.** Affordable housing is required for a project proposing five or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

For your information, if a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- direct financial construction from a public entity
- development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to Kelley Amdur, Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may influence the submittal of the proposed project:

1. **Building Massing, Site Design, and Open Space.** The building massing, in proportion to the size and proportion of the common open space provided by the second level court is appropriate. The scale and articulation of the façade is also well defined and articulated. The units along the rear and side property lines may need to be modified to provide building code complying access to light courts for the purposes of light air, and rescue window access for bedrooms on stories below the fourth floor. The project description mentions commercial loading space in the basement, but the plans do not indicate provisions this.
2. **Architecture.** In general, the architecture is appropriately proportioned, scaled, and varied with a well defined palette of materials and colors. Explore a means of differentiating and giving stronger prominence to the residential entry. Develop the design of the entrance and awning to accentuate the height and detail of this area as the project proceeds. The fins and cornice brow provide good definition with a counter rhythm to the facade. Verify that the fin projection complies with the allowable projections under the Planning Code.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Large Project Authorization, or Building Permit Application, as listed above, must be submitted no later than **January 05, 2013**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Reza Khoshnevisan, Project Sponsor
Ben Fu, Current Planning
Jeremy Battis, Environmental Planning
Johnny Jaramillo, Long Range Planning

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