



SAN FRANCISCO PLANNING DEPARTMENT

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

Preliminary Project Assessment

Date: November 7, 2011
Case No.: **2011.1043U**
Project Address: 1400 Mission Street
Block/Lot: 3507/042
Zoning: C-3-G (Downtown-General Commercial)
150-S/200-S Height and Bulk District
Project Sponsor: Steve Perry, Brand and Allen Architects
(415) 441-0789
Staff Contact: Don Lewis – (415) 575-9095
don.lewis@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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 project consists of a development on an approximately 25,000-square-foot parcel that is currently an active 60-space surface parking lot, located on the west side of Tenth Street, between Mission and Jessie Streets in the South of Market area. The proposed project would include approximately 160,080 square feet of affordable, family housing space (190 units) and approximately 4,910 square feet of ground floor commercial/retail space in one building. The proposed building would be approximately 150 feet tall (15 stories) and would include 48 off-street parking spaces and one loading space in an approximately 8,937-square-foot ground-floor parking garage. The mix of the proposed 190 residential units would be about 7 studios, 63 one-bedrooms, 83 two-bedrooms, and 37 three-bedrooms. The project would include a podium courtyard at the second story. Access to the parking garage would be from Jessie Street while pedestrian access to the building would be from Mission Street.

ENVIRONMENTAL REVIEW:

The project is subject to environmental review under the California Environmental Quality Act. (CEQA). On October 14, 2004, the Planning Commission certified a Final Environmental Impact Report (FEIR)¹ for the 10th/Market/Mission Mixed-Use Projects which included an affordable housing, high-rise building consisting of up to 200 units at 1400 Mission Street. In 2007 an Addendum² to the 2004 FEIR was issued because the size of the 1400 Mission Street development was increased; however, the number of residential units remained unchanged. In 2009 an Addendum³ to the 2004 FEIR was issued because the 1400 Mission Street development was revised again due to building envelope modifications; this project proposal included up to 50 fewer residential units (150). In both Addenda, the Planning Department determined that none of the project changes would result in new significant impacts that were not already identified and analyzed in the 2004 FEIR.

Since the development proposal at 1400 Mission Street has again changed, additional analysis (see below) would be required to determine whether the previously certified FEIR and Addenda adequately describe the current project's setting, impacts, alternatives, and mitigation measures. If it is determined that the previous EIR and Addenda adequately addressed these issues, an Addendum to the 2004 FEIR would be issued. If it is determined these issues were not adequately addressed in the 2004 FEIR or the 2007 and 2009 Addenda, a consultant-prepared supplemental or subsequent EIR would be required. Both must be circulated for public review following the requirements of EIRs. An Initial Study would be used to determine the scope of the EIR. In either case (an Addendum is issued or a Subsequent or Supplemental EIR is prepared), the proposed project would be required to incorporate mitigation measures identified in the 2004 FEIR. These mitigation measures address project impacts related to transportation, noise, air quality, water quality, hazards, and archeological resources.

An **Environmental Evaluation Application** must be filed that describes the full scope of the project. Below is a list of studies that would be required based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated September 7, 2011. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted.

- a. *Shadow Fan Analysis*. Planning Code Section 295 generally prohibits new buildings 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 would conform to Section 295, a shadow fan analysis is required. 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

¹ San Francisco Planning Department. 2004. *Tenth/Market/Mission Mixed-Use Projects, Final EIR*, October 14. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

² San Francisco Planning Department. 2007. *Tenth/Market/Mission Mixed-Use Projects, EIR Addendum*, March 8. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

³ San Francisco Planning Department. 2009. *Tenth/Market/Mission Mixed-Use Projects, Final EIR*, February 18. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2003.0262E.

- public areas pursuant to CEQA. The shadow study application is available online at www.sfplanning.org.
- b. *Wind Analysis.* Planning Code Section 148, Reduction of Ground-Level Wind Currents in C-3 (Downtown Commercial) Districts, establishes two comfort criteria, and a hazard criterion used in analysis of wind impacts in San Francisco. The 7-miles-per-hour (mph) and 11-mph comfort criteria for seating and pedestrian areas, respectively, are based on pedestrian-level wind speeds that include the effects of turbulence; these are referred to as “equivalent wind speeds,” and are reported as the wind speed that is exceeded 10 percent of the time. The hazard criterion is an equivalent wind speed of 26 mph for a full hour, or approximately 0.0114 percent of the time, not to be exceeded more than once during the year. Project compliance with the wind comfort and wind hazard criteria of Section 148 are used as significance criteria to determine potential wind impacts of the project. To determine whether the proposed project would alter wind in a manner that substantially affects public areas pursuant to CEQA and to determine compliance with Section 148, a wind-tunnel analysis is required.
- c. *Department of Public Health (DPH) Air Quality Assessment.* The proposed project is located within a potential roadway exposure zone identified by 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 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.

- d. *Compliance with Bay Area Air Quality Management District (BAAQMD) Guidelines.* As discussed above, the Planning Department certified a 2004 FEIR and issued two subsequent Addenda in 2007 and 2009 for similar development proposals at 1400 Mission Street. In light of recent changes in BAAQMD Guidelines, environmental review would need to determine if project air quality impacts of the proposed development have the potential to be considerably greater than project impacts of previous development proposals. After this determination, Planning would determine if further air quality analysis would be required. Information required to make this determination includes providing construction information for the proposed project as well as for past project proposals.⁴
- e. *Greenhouse Gas Analyses.* BAAQMD's *San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's qualified greenhouse gas (GHG) reduction strategy.⁵ Projects that are consistent with San Francisco's GHG reduction strategy would result in less-than-significant GHG emissions.

In order to facilitate a determination of compliance with San Francisco's GHG reduction strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The planner or CEQA consultant in coordination with the project sponsor would prepare this checklist.

- f. *Transportation Impact Study.* Based on the PPA submittal and past transportation studies and environmental review conducted for past development proposals at 1400 Mission Street, a transportation impact study is not anticipated. However, an official determination will be made subsequent to submittal of the environmental evaluation application.
- g. *Noise.* The proposed development is located at an intersection (Mission Street and 10th Street) with noise levels above 75 dBA Ldn. Pursuant to the San Francisco 2004 and 2009 Housing Element Final EIR⁶, the Planning Department shall require the following:
1. The Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to completion of the environmental review. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s)

⁴ The required construction information sheet is attached.

⁵ San Francisco's *Strategies to Address Greenhouse Gas Emissions* is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

⁶ The San Francisco 2004 and 2009 Housing Element Draft EIR, Case No. 2007.1275E, is available online at http://sfmea.sfplanning.org/2007.1275E_DEIR.pdf.

- qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained; and
2. To minimize effects on development in noisy areas, for new residential uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required above, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. 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, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings. Implementation would be undertaken consistent with other principles of urban design.
- h. Notification of a Project Receiving Environmental Review.* Notice is required to be sent to on-site occupants, occupants of properties adjacent to the project site, and owners of properties within 300 feet of the project site. Mailing labels for this notice must be provided at the time of submittal of the Environmental Evaluation Application.
- i. Tree Disclosure Affidavit.* The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any tree identified in this Disclosure Statement must be shown on the site plans with size of the trunk diameter, tree height, and accurate canopy dripline. Please submit the Tree Disclosure Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.
- j. Stormwater Management Ordinance.* The City and County of San Francisco Stormwater Management Ordinance (SMO) requires that any project resulting in a ground disturbance of 5,000 square feet or greater prepare a Stormwater Control Plan (SCP), consistent with the November 2009 Stormwater Design Guidelines (SDG). Responsibility for review and approval of the SCP is with the San Francisco Public Utilities Commission Wastewater Enterprise, Urban Watershed Management Program (UWMP). The initial CEQA evaluation of a project will broadly discuss how the SMO will be implemented. The project's environmental evaluation would generally evaluate how and where the implementation of required stormwater management and Low Impact Design (LID) approaches would reduce potential negative effects of stormwater runoff. This may include environmental factors such as the natural hydrologic system, city sewer collection system, and receiving body water quality.

The Environmental Evaluation Application is 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. To determine fees for environmental review, please refer to page one of our fee schedule, under "Studies for Projects outside of Adopted Plan Areas."

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.

1. *Section 309 Review.* In order for the project to proceed, the Planning Commission would need to determine that the project complies with Planning Code Section 309. This Section establishes a framework for review of project within C-3 Districts to ensure conformity with the Planning Code and the General Plan, and modifications may be imposed on various aspects of the project to achieve this conformity. These aspects include overall building form, impacts to public views, shadows and wind levels on sidewalks and open spaces, traffic circulation, relationship of the project to the streetscape, design of open space features, improvements to adjacent sidewalks (including street trees, landscaping, paving material, and street furniture), quality of residential units, preservation of on-site and off-site historic resources, and minimizing significant adverse environmental effects. Through the Section 309 Review process, the project sponsor may also request exceptions from certain requirements of the Planning Code. As proposed, it appears that the project may require the following exceptions:
 - Rear Yard (see Item #3 under 'Preliminary Project Comments').
 - Ground-Level Wind Currents (see Item #4 under 'Preliminary Project Comments').

The application form for a "Downtown Project Authorization" 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.

1. *Variances.* As currently proposed, and as discussed under 'Preliminary Project Comments' below, several aspects of the project do not comply with the requirements of the Planning Code. These aspects are not eligible for an exception under Planning Code Section 309. Therefore, the project must be revised to comply with the Planning Code, or Variances must be sought for these aspects of the project:
 - Exposure (see Item #2 under 'Preliminary Project Comments').
 - Street Frontages (see Item #5 under 'Preliminary Project Comments').
 - Bicycle Parking (see Item #10 under 'Preliminary Project Comments').

The application form for a Variance 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.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public

hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

This project is required to conduct a pre-application meeting 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 "Publications" tab.

PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may significantly impact the proposed project:

1. *Gross Floor Area.* It should be noted that, in 2008, the developable gross floor area on the subject property was transferred to the adjacent "Crescent Heights" development site located to the north of the subject property. The dwelling units proposed as part of the Project may be exempt from the calculation of gross floor area, provided that the units comply with the affordability restrictions specified in Section 124(f).
2. *Exposure.* Per Section 140, at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 70 feet in all horizontal dimensions at the 12th floor, 75 feet at the 13th floor, 80 feet at the 14th floor, and 85 feet at the 15th floor of the Project. Numerous units have exposure only on the courtyards, and the majority of the courtyard area does not meet the dimensional requirements above the twelfth story.
3. *Rear Yard.* Per Section 134, a minimum rear yard equal to 25 percent of the total depth of the lot must be provided at the lowest story containing a dwelling unit, and at each succeeding level. The Planning Code makes no provision for the proposed courtyard configurations as a method of complying with rear yard requirements. However, Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas.
4. *Ground-Level Wind Currents.* As discussed in Item (b) under 'Environmental Review', Section 148 includes specific comfort- and hazard-level criteria for ground-level wind currents. If the project creates new exceedances of the comfort-level criteria, or if the project fails to ameliorate existing exceedances, an exception may be sought through the Section 309 review process. No exception may be sought, however, if the project creates new exceedances of the hazard-level criteria.
5. *Street Frontages.* Pursuant to Section 145.1, all ground floor frontage that is not used for parking and loading access, building egress, and mechanical systems must be occupied by active uses. The bicycle

frontage that is located along the Mission Street frontage does not meet the definition of an "active use", as stated in Section 145.1(b)(2). In addition, Section 145.1(c)(2) limits the width of parking and loading access along a given frontage to no more than one-third the width of the abutting street. Based on this standard, the aggregate width of the parking and loading access along Jessie Street should not exceed 12 feet. However, a total of 27 feet of parking and loading access is proposed along this frontage.

6. *Streetscape Improvements.* Per Planning Code Section 138.1, the department may require standard streetscape elements and sidewalk widening for the appropriate street type per the Better Streets Plan, including street trees, landscaping, site furnishings, and/or corner curb extensions (bulb-outs) at intersections (see Better Streets Plan Section 4 for Standard Improvements and Section 5.3 for bulb-out guidelines: www.sfbetterstreets.org). The project sponsor is required to submit a Streetscape Plan illustrating these features, and the department will work with the project sponsor and other relevant departments to determine an appropriate streetscape design.
7. *Usable Open Space - Residential.* Section 135 requires the provision of a specific amount of usable open space for each dwelling unit. Each dwelling unit within the C-3-G District must be provided with 36 square feet of private open space, or 47.88 square feet of common open space. Both private and common open space must meet specific requirements for dimensions, location, and exposure to light and air. The project proposes the common rear courtyard, as well as a number of private balconies. As the project evolves and more specific plans are submitted, staff will need to specifically analyze these proposed open spaces to determine whether they qualify toward fulfilling the requirements of Section 135. If sufficient usable open space is not provided for residents, then a Variance would be required.
8. *Usable Open Space - Public.* Section 138 requires the provision of one square foot of publicly-accessible open space for each 50 square feet of retail space. As currently proposed, the project would require an area of approximately 98 square feet. This area would need to include seating and other amenities. As the project evolves and more specific plans are submitted, the project will need to include an area meeting this requirement. If no such area is provided, than a Variance would be required.
9. *Shadow Analysis.* As discussed in Item (a) under 'Environmental Review' above, Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. In addition, Sections 146 and 147 require that buildings in C-3 Districts be designed in a manner that minimizes additional shadows on public sidewalks, and other open spaces that are not subject to Section 295. The sponsor should evaluate the shadow impacts on sidewalks and open spaces in the vicinity, specifically considering the area, timing, and duration of the shadow, and the nature of the use of the area being shadowed.
10. *Bicycle Parking.* Pursuant to Sections 155.2 and 155.5, a total of 91 bicycle parking spaces would need to be provided for the project. However, the plans indicate that only 60 bicycle parking spaces are provided.
11. *Public Art.* Pursuant to Section 429, the Project will be required to include works of art costing an amount equal to one percent of the construction cost of the building. The art will need to be installed in a location that is physically and/or visually accessible to the public. In certain circumstances, upon approval from relevant agencies, the art could be installed on public property (such as an adjacent right-of-way).

12. *Inclusionary Affordable Housing.* Based on previous discussions with the project sponsor, staff understands that a portion of the dwelling units in the Project are intended to serve as off-site affordable units that would satisfy the requirements of Section 415 (the Inclusionary Affordable Housing Program) for a separate market-rate development. The additional dwelling units proposed for the Project (beyond those being used as off-site affordable units for the market-rate development) will be subject to the requirements of Section 415. The Project must satisfy the requirements of the Inclusionary Affordable Housing Program through the payment of an Affordable Housing Fee that is equivalent to 20% percent of the number of these additional units in the principal project. As an alternative, the project may be eligible to satisfy the requirements of Section 415 through the provision of on-site or off-site affordable units. In order to qualify for this alternative, the sponsor must demonstrate that the units would not be subject to the Costa Hawkins Rental Housing Act.

For further information, please refer to the publication "Affidavit for Compliance with the Inclusionary Affordable Housing Program", which 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.

13. *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

PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site Design and Open Space.** The building, as arranged around an open court at the second level facing the north, will be shaded much of the time during the day. The Planning Department would like to see the open space have more solar access. While positioning the building massing along Mission Street is appreciated, consider flipping the massing so that the massing of the 100' bar abuts Jessie and the 148' wing along Market Street to allow the court to open to the southern exposure along Mission, while retaining a significant street wall.
2. **Street Front.** Locating retail on the corner is a good gesture and would be more appropriate if it extended along Mission Street instead of 10th. Provide multiple entrances along the frontage. Consider articulating and setting the entries of the storefront back. Scale the storefront design vertically or horizontally. Allow sidewalk space to be usable – perhaps by setting storefront back a couple feet to allow for seating.

The potential for bike parking visible along the street frontage is an interesting feature that the Planning Department would like to see succeed, but it is not by itself considered an active ground floor use. The Planning Department recommends that you try to integrate it more fully into the Lobby.

3. **Architecture.** The proposed architectural design is not yet developed. The Planning Department will be looking for how the building massing is moderated by façade elements, such as bays, that vary in depth and height.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **May 7, 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.

Enclosures: Construction Information for a Criteria Air Pollutant Analysis in URBEMIS

cc: Steve Perry, Project Sponsor
Kevin Guy, Current Planning
David Winslow, Design Review Team
Kate McGee, Long Range Planning