



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 9, 2011
TO: Jim Abrams, Gibson Dunn & Crutcher, LLP
FROM: Sarah Jones, Planning Department
RE: PPA Case No. 2011.1122U for 75 Howard Street

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, Brett Bollinger, at (415) 575-9024 or brett.bollinger@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, appearing to read "Sarah Jones", written over a horizontal line.

Sarah Jones, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: December 9, 2011
Case No.: **2011.1122U**
Project Address: 75 Howard Street
Block/Lot: 3741/031
Zoning: C-3-O(SD) – Downtown Office (Special Development)
200-S
Project Sponsor: Jim Abrams, Gibson Dunn & Crutcher, LLP
(415) 393-8370
Staff Contact: Brett Bollinger – (415) 575-9024
brett.bollinger@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 project site is located at the southeast corner of Howard and Stuart Streets on a block bounded by Folsom and Spear Streets in the Financial District. An eight-story commercial parking garage containing approximately 550 parking spaces presently occupies the 20,595-square-foot parcel. The proposed project consists of demolition of the existing parking garage and construction of an approximately 398,940 square-foot residential building. The proposed building would be approximately 282 feet tall (25 stories) including approximately 354,840 square feet of market rate housing space (160 units), approximately 4,700 square feet of ground floor commercial/retail space, and approximately 39,400 square feet of below-grade parking (260 spaces) in a single building. Access to the parking garage would be from Howard Street while pedestrian access to the building would be from Stuart Street.

ENVIRONMENTAL REVIEW:

On September 28, 2011, a Draft Environmental Impact Report (DEIR)¹ was published for the Transit Center District Plan (TCDP), a comprehensive plan for the southern portion of San Francisco's downtown Financial District, encompassing approximately 145 acres roughly bounded by Market Street, the Embarcadero, Folsom Street, and Third Street. The TCDP would result in new planning policies and

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.

controls for land use; urban form, including building height and design; street network modifications/public realm improvements; historic preservation; and district sustainability, including the potential creation of a district-wide combined heat and power (cogeneration) system, the enhancement of green building standards in the district, and reductions in potable water use and stormwater runoff. It would allow for height limit increases in subareas composed of multiple parcels or blocks within the area.

The 75 Howard Street property is located within TCDP boundaries. However, the subject property was not proposed for a height increase in the TCDP and was not analyzed for a height increase within the TCDP EIR. Therefore, the proposed 75 Howard Street project would not be consistent with the proposed height limits and zoning controls of the TCDP.

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Because the project proposes a height greater than the proposed TCDP height limit on the project site the project would not qualify for the Community Plan Exemption under CEQA

The project is subject to environmental review under CEQA. An **Environmental Evaluation Application** must be filed that describes the full scope of the project (demolition and new construction). Based on the proposed project description above, an Environmental Impact Report (EIR) would be required in order for the project to receive environmental clearance under CEQA. 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 28, 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.

1. *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. Staff has prepared a preliminary shadow fan that indicates potential shadow impacts from the project to the southerly portion of Justin Herman Plaza. However, this shadow fan does not account for the presence of intervening buildings. The preliminary shadow analysis information submitted for the project depicts shadows cast by existing buildings, as well as the proposed project. This information would suggest that any potential shadow on Justin Herman Plaza would be blocked by intervening buildings, or subsumed by shadows cast by other buildings in the area. Please note that further graphic analysis may be necessary to definitively conclude that there would be no impact to this property.

Shadow on public sidewalks within C-3 Districts, as well as, publicly-accessible open spaces that are not protected under Section 295 (Rincon Park) would also be considered in the environmental review and reflected in the shadow study. Given the request to rezone the property to allow additional developable height, the proposed project has the potential to cast substantial new shadow on Rincon Park, as well as the sidewalks and pathways along the Embarcadero. These spaces are heavily

utilized and enjoy extensive access to sunlight throughout the year. The shadow study should provide detailed graphic, quantitative, and qualitative analysis of shadow impacts to these spaces, as well as other publicly-accessible open spaces in the vicinity. This information will allow staff to assess whether the project would result in a significant impact under CEQA.

2. *Wind Analysis.* As discussed under the “Planning Department Approvals” section below, the height of the proposed residential building would trigger a wind analysis study in order to identify changes in ground-level wind speeds resulting from project. Exceedance of the wind hazard criterion outlined under Section 148 of the Planning Code is considered a significant impact.

A wind impact is considered significant if it results in a new exceedance of the wind hazard criterion. The TCDP wind analysis found that the northeast portion of the Plan area, east of Beale Street, could experience increased wind speeds, compared to existing conditions, as a result of development north of the new Transit Center, between Fremont and Second Streets. However, the more detailed results of the wind-tunnel test undertaken for this analysis, as well as detailed project-specific wind-tunnel testing for the approved 350 Mission Street project, reveal a less-than-significant overall anticipated increase in wind speeds proximate to the anticipated new development, including the Transit Tower. Farther east, along Main and Spear Streets, the Plan area is largely built out, and no new towers exceeding prevailing building heights are anticipated. Therefore, no significant wind impacts are expected, although the wind study will be necessary to reach any conclusions regarding this topic.

3. *Air Quality.* The proposed 75 Howard Street project includes sensitive land uses in proximity to high volume roadways. Public health research consistently demonstrates that children and other sensitive receptors (daycare, schools, senior care facilities, hospitals, and dwelling units) within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to roadway-related toxic air contaminants. The proposed project is also likely to require an emergency generator that will result in toxic air contaminants that may affect on-site and off-site sensitive receptors. If the proposed project’s demolition and construction activities require the use of heavy duty diesel equipment, emissions of diesel particulate matter (DPM), a known toxic air contaminant, may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site.

During the environmental review process an Air Quality Screening Analysis will be conducted for the proposed project. The results of the screening analysis will indicate whether an Air Quality Technical Report is required for additional air pollutant modeling. If an Air Quality Technical Report is required, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any required analysis and/or modeling determined necessary.

4. *Greenhouse Gas Analyses.* The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. On August 12, 2010, the San Francisco Planning Department submitted to the BAAQMD a draft of the City and County of San Francisco’s *Strategies to Address Greenhouse Gas Emissions*. This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco’s Qualified Greenhouse Gas Reduction Strategy. The BAAQMD reviewed San Francisco’s GHG reduction strategy and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in

BAAQMD's CEQA Guidelines (2010).² Therefore, 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. Projects that are seeking a determination of CEQA GHG significance based on compliance with San Francisco's GHG reduction strategy must complete the Greenhouse Gas Analysis Compliance Checklist. The planner or CEQA consultant in coordination with the project sponsor can prepare this checklist.

5. *Transportation Impact Study*. Based on the size of the proposed project, a separate Transportation Impact Study (TIS) would be required as part of the project, in accordance with the Planning Department's *Transportation Impact Analysis Guidelines*, as background for the EIR. TIS reports shall be prepared by qualified consultants selected under Department procedures, working at the direction of the Planning Department staff. The purpose of the transportation study is to provide comprehensive information necessary to identify the transportation issues and impacts of the project (including those of importance and significance), and provide potential solutions or mitigations to problems and significant impacts of the proposed project, in the context of the overall policies and objectives of the City. As part of the TIS, a parking assessment/study in the vicinity of the proposed project would be required.
6. *Archaeological Resources*. Proposed changes in Planning Code (zoning) controls for the TCDP area would create a regulatory context for new private land improvements that would likely result in an increased potential for disturbance of soils below the existing surface. Greater development height often increases the minimum level of geotechnical support required for the development, with an associated increase in the depth and magnitude of sediment disturbance/modification. The proposed 75 Howard Street project and TCDP area are within Liquefaction Hazards Zones in which tall buildings would frequently require geotechnical support in the form of pilings or soils improvement techniques. The potential to increase the amount and depth of soils disturbance resulting from the proposed new building height would increase the potential to affect California Register eligible archeological resources.

Development of the proposed 75 Howard Street project within the TCDP area would be subject to preliminary archeological review by the Planning Department archeologist. This in-house review will assess whether there are gaps in the necessary background information needed to make an informed archaeological sensitivity assessment. This assessment will be based upon the information presented in the TCDP Archeological Research Design and Treatment Plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, February 2010), as well as any more recent investigations that may be relevant.

Based on proposed excavation for the project, the project would be subject to archeological review for potential impacts archeological resources. This process of archeological review can be divided into three phases: 1) an evaluation that the project will not have the types of effects (soils

² San Francisco's *Strategies to Address Greenhouse Gas Emissions* and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

disturbance/modification) that could affect archeological resources; 2) an evaluation that the project, although having soils disturbing/modifying effects, is within a site not likely to contain archeological resources; and 3) a more definitive evaluation of project archeological resource impacts for those projects in which Phases 1 and 2 have determined that there is the potential for effect and for an archeological resource to be present. Phase 3 evaluation would require the reviewer to have qualifications conforming to the Secretary of the Interior's Professional Standards for archeology. Phase 3 evaluation may determine that additional information/expertise is needed to complete the assessment of archeological effect and will require the project sponsor to retain an appropriate archeological consultant to prepare a technical archeological assessment report.

7. *Geotechnical Investigation.* The project site is located in an area of potential geological hazard zone as identified in the San Francisco General Plan. The project site and the area around the project site are within a designated Seismic Hazard Zone identified as an area potentially prone to subsidence. The investigation of geotechnical and soil conditions and the application of the building codes for new development based on these conditions would reduce the potential for project impacts related to structural damage; ground subsidence, liquefaction, and landslides; and surface settlement to a less-than-significant level. To assist Planning Department staff in their determination, it is recommended that you provide a copy of a geotechnical investigation with boring logs for the proposed project. This study will also help inform the archeological review.

As with other projects within the TCDP area, implementation of the proposed 75 Howard Street project could result in ground settlement from excavation for construction of subsurface parking or basement levels, from construction dewatering, from heave during installation of piles, and from long-term dewatering. However, these potential effects would be less than significant with implementation of DBI procedures, including preparation of a detailed geotechnical report and site specific reports as needed to address the potential settlement and subsidence impacts of excavation, dewatering, and pile driving; implementation of a lateral movement and settlement survey to monitor any movement or settlement of surrounding buildings and adjacent streets during construction and monitoring by a Special Inspector, if needed; and implementation of corrective actions, as necessary.

8. *Phase I Environmental Site Assessment.* The context of existing environmental hazards in the immediate setting of the project site must be reviewed and the potential of hazards and hazardous materials contamination of the site from past historic uses on the site need to be reviewed. Accordingly, a Phase I ESA needs to be provided as part of the Environmental Evaluation Application. 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 completion of environmental review. If project construction has the potential to disturb existing toxins, specific mitigation measures may be required.

The majority of TCDP area, including the proposed 75 Howard Street project site, is underlain by 1906 earthquake fill which commonly contains polynuclear aromatic hydrocarbons, heavy metals, oil and grease, and volatile organic compounds. In addition, many of the historical uses of properties in the area would have involved the use of hazardous materials, including foundries, lumber yards, metal working facilities, printing shops, gasoline service stations, auto repair shops, that are commonly associated with the use of petroleum products, metals, solvents, creosote, and PCBs. There

are also historic coal yards and coal storage warehouses that are a potential source of metals and polycyclic nuclear hydrocarbons, and a former manufactured gas plant sites that is a potential source of crude oil, manufactured gas, ammonia, cyanide, and hydrogen.

Based on the number of historic and current land uses in the area that involved hazardous materials, the presence of earthquake fill throughout most of the area, the documented presence of coal tar wastes throughout portions of the area, and the number of environmental cases within the area, there is a high potential to encounter soil and groundwater contamination during construction activities associated with the proposed 75 Howard Street project. The existence of hazardous materials in the earthquake fill is one of the reasons for enactment of Article 22A of the *San Francisco Health Code* (previously referred to as the Maher Ordinance). Article 22A requires site assessments at specified sites located eastward of the historic high tide line where the land has been filled, unless a waiver is granted by the Director of the Department of Public Health (or designee). Depending on the results of the site assessments, mitigation can be required to clean up hazardous materials identified in the soil.

9. *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.
10. *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.

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.

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. *Height District Reclassification/General Plan Amendment:* The height of the project would exceed the height limit of the existing 200-S Height and Bulk District, as well as the 200-foot height limit

specified on Map 5 ("Proposed Height and Bulk Districts") within the Downtown Plan of the General Plan. In order for the project to proceed, the Board of Supervisors would need to approve a Height District Reclassification, per Section 302, as well as a General Plan Amendment, per Section 340. The Planning Commission would first make a recommendation to the Board of Supervisors regarding these actions.

2. *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 would need to be redesigned to comply with the Code, or may require the following exceptions:
 - Rear Yard (see Item #2 under 'Preliminary Project Comments').
 - Bulk (see Item #3 under Preliminary Project Comments').
 - Ground-Level Wind Currents (see Item #14 under 'Preliminary Project Comments').
3. *Conditional Use Authorization.* In order for the project to proceed, the Planning Commission would need to grant Conditional Use authorization, pursuant to Sections 158 and 303, for the non-accessory parking garage use proposed as part of the project. Please note that the Commission would consider the specific criteria of Sections 157 and 158, in addition to the Conditional Use authorization criteria of Section 303. See further discussion regarding the overall quantity of parking for the project under "Citywide Policy and Analysis Comments".
4. *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 #9 under 'Preliminary Project Comments').
 - Street Frontages (see Item #10 under 'Preliminary Project Comments').
 - Bicycle Parking (see Item #13 under 'Preliminary Project Comments').

Applications for the actions listed above 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.

5. *Building Permit Applications.* Permit application is required for the demolition of the existing garage, preparation of the site, and for the proposed new construction. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

6. *General Plan Referral.* The project appears to indicate reduction of the width or and/or changes to the alignment (street vacation) of Steuart Street along the project frontage. Please be aware that the Department of Public Works would request a General Plan Referral from the Planning Department for this activity.

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.

PRELIMINARY PROJECT COMMENTS:

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

Planning Code

1. *Floor Area Ratio.* Per Section 124, buildings within the C-3-O(SD) District may reach a Floor Area Ratio of 6.0 to 1, or up to a maximum of 18.0 to 1 with the acquisition of Transferable Development Rights (TDR). Therefore, a maximum of 354,840 gross square feet may be developed on the project site, with the acquisition of TDR. Future submittals should provide a detailed calculation of the gross floor area of the project, including floor plans which clearly indicate those areas included within the calculation of "gross floor area" pursuant to the definition in Section 102.9. Upon approval of the TCDP, the floor area ratio criteria would change for all buildings located within the TCDP area.
2. *Rear Yard.* Per Section 134, within C-3 Districts, a rear yard must be provided that is equal to 25 percent of the depth of the lot, at the lowest level story containing a dwelling unit and at each succeeding level. Utilizing Howard Street as the frontage of the property, a rear yard measuring approximately 34 feet in depth would need to be located along the southerly portion of the property. However, the project shows a rear yard of approximately 26 feet in depth. The project must either be redesigned to provide a compliant rear yard, or will require an exception to these requirements, demonstrating compliance with the criteria specified in Section 134(d).
3. *Bulk.* Per Section Buildings within "-S" bulk districts are subject to specified bulk controls for the "lower tower" and "upper tower" portion of the building. Based on the proposed height reclassification to the 275-S Height and Bulk District, the lower tower controls would apply above a height of approximately 103 feet, and the upper tower controls would apply above a height of approximately 175 feet. The project complies with the dimensional bulk controls for the lower tower, but exceeds the following dimensional controls for the upper tower:

Upper Tower Bulk Control	Maximum Permitted (Per Section 270, Chart B)	Proposed (est.)
Maximum Length	130 ft.	149 ft.
Maximum Diagonal	160 ft.	184 ft.

The project, as proposed, must either be redesigned to comply with the bulk limitations, or would require an exception to these bulk controls pursuant to Section 309, demonstrating compliance with the criteria specified in Section 272. Section 270 also includes limitations for maximum and average floor sizes in the lower and upper towers. Future submittals should include calculations of gross floor area at each floor, so that staff may determine compliance with these floor size limitations.

4. *Upper-Level Setbacks/Separation of Towers.* Per Section 132.1(a), setbacks of upper parts of a building may be required through the Section 309 process, in order to preserve the openness of the street to the sky, reduce unrelieved massing of adjacent tall buildings, and maintain the continuity of a predominant streetwall. Please see discussion under "Citywide Policy Analysis and Comments" regarding concerns over the streetwall height and massing along as viewed along the Embarcadero.

Per Section 132.1(c), buildings within "-S" bulk districts must provide a minimum setback of 15 feet from the interior property lines that do not abut a public street and from the centerlines of abutting streets. This setback increases along a sloping line to a maximum of 35 feet at building heights between 300 feet and 550 feet, and this setback is maintained for all building heights above 550 feet. The portion of the building along the westerly property line does not comply with this requirement; therefore an exception must be requested pursuant to Section 309. The project must be redesigned to comply with the "Separation of Towers" requirements, or future submittals should discuss how the project meets the criteria for this exception under Section 132.1(2).

5. *Shadow Impacts.* 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.

Staff has prepared a preliminary shadow fan to indicate potential shadow impacts from the project to the southerly portion of Justin Herman Plaza. However, this shadow fan does not account for the presence of intervening buildings. The preliminary shadow analysis information submitted for the project depicts shadows cast by existing buildings, as well as the proposed project. This information would suggest that any potential shadow on Justin Herman Plaza would be blocked by intervening buildings, or subsumed by shadows cast by other buildings in the area. Please note that further graphic analysis may be necessary to definitively conclude that there would be no impact to this property.

Sections 146 and 147 specify that buildings should generally be shaped to reduce substantial shadow impacts to public sidewalks within C-3 Districts, as well as publicly-accessible open spaces that are not protected under Section 295. Given the request to rezone the property to allow additional developable height, the proposed project has the potential to cast substantial new shadow on Rincon Park, as well as the sidewalks and pathways along the Embarcadero. These spaces are heavily utilized and enjoy extensive access to sunlight throughout the year. Future submittals should provide detailed graphic, quantitative, and qualitative analysis of shadow impacts to these spaces, as well as other publicly-accessible open spaces in the vicinity. This information will allow staff to assess whether the project complies with Sections 146 and 147, and to conclude whether the additional shadow would result in a significant impact under CEQA.

5. *Residential Open Space.* Per Section 135, within C-3 Districts, a minimum of 36 square feet of private open space must be provided per dwelling unit, or 47.9 square feet of common open space must be provided per dwelling unit. Both private and common open space must meet standards for location, dimensions, usability, and access to sunlight. Approximately 2,700 square feet of common open space is proposed at the southerly portion of the property. In addition, numerous private balconies are proposed for individual units. Staff would need to evaluate whether the balconies proposed for the project meet the standards of Section 135 and satisfy the balance of the required open space. If the project does not comply with Section 135, a Variance would be required.
6. *Publicly Accessible Open Space.* Per Section 138, within the C-3-O(SD) District, one square foot of publicly-accessible open space must be provided for each 50 square feet of the retail uses on-site. Therefore, 94 square feet of open space must be provided. A portion of the area identified as "cafe terrace" could potentially satisfy this requirement, if publicly accessible and designed to meet the standards of Section 138.
7. *Streetscape Improvements.* Per Planning Code Section 138.1 and the TCDP, 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.
8. *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. Several units at each floor have exposure only on the open area at the southerly portion of the property, which does not satisfy these required dimensions. The project must either be redesigned to comply with the exposure requirements, or a Variance would be required.
9. *Street Frontages.* Per Section 145.1, all ground floor frontages that is not used for parking and loading access, building egress and mechanical systems must be occupied by active uses. Section 145.1(c)(2) limits the width of parking and loading access for the project to no more than 20 feet. However, the driveway along Howard Street appears to measure approximately 23 feet. Therefore, this driveway width would need to be reduced, or a Variance would be required. In addition, the plans appear to depict curb returns for this access, where a typical curb-cut and driveway apron should be used.
10. *Off-Street Parking.* Per Section 151.1, off-street parking within C-3 Districts is principally permitted at a ratio of one space for each four dwelling units. Subject to the criteria of Section 151.1(e), up to .75 cars per dwelling unit may be permitted, or up to 1 car per dwelling unit for units with at least two bedrooms and 1,000 square feet of floor area. Future submittals should demonstrate how the project complies with the criteria of Section 151.1(f), and should provide a specific schedule of the number of dwelling units with at least two bedrooms and 1,000 square feet of floor area. Please see discussion

under "Citywide Policy Analysis and Comment" below, regarding concerns over excessive residential parking, as well as pending legislation affecting permitted parking within C-3 Districts. Off-street parking requirements may be reduced upon approval of the TCDP.

11. *Carshare Parking.* Per Section 166, one parking space dedicated to carshare vehicles will need to be provided and should be clearly identified on the plans. Access to these vehicles must be provided to carshare service members at all times. Therefore, the early design of the project should consider access and security issues associated with providing these spaces.
12. *Bicycle Parking.* Per Sections 155.2 and 155.5, a total of 66 bicycle parking spaces would need to be provided for the project. However, the plans indicate that only 48 bicycle parking spaces are provided. Therefore, additional bicycle parking spaces must be added, or a Variance would be required.
13. *Ground-Level Wind Currents.* As discussed under the "Environmental Review" section (2), the height of the proposed residential building would trigger a wind analysis study in order to identify changes in ground-level wind speeds resulting from project. Section 148 of the Planning Code comfort criteria (ground level wind levels not to exceed 11 mph in areas of substantial pedestrian use or 7 mph in public seating areas) specifically outlines these criteria for the Downtown Commercial (C-3) Districts, including the project site. The comfort criteria are based on pedestrian-level wind speeds that include the effects of turbulence; these are referred to as "equivalent wind speeds" (defined in the Planning Code as "an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians"). If existing wind speeds exceed the comfort level, or when a project would result in exceedances of the comfort criteria, an exception may be granted, pursuant to Planning Code Section 309, if the building or addition cannot be designed to meet the criteria "without creating an unattractive and ungainly building form and without unduly restricting the development potential" of the site, and it is concluded that the exceedance(s) of the criteria would be insubstantial "because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded." Section 148 also establishes a hazard criterion, which is a 26 mph equivalent wind speed for a single full hour. 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.
14. *Public Art.* Per 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).
15. *Inclusionary Affordable Housing.* Per 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 the applicable percentage of the number of units in the principal project, which is 20 percent of the total number of units proposed. 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.

16. *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:

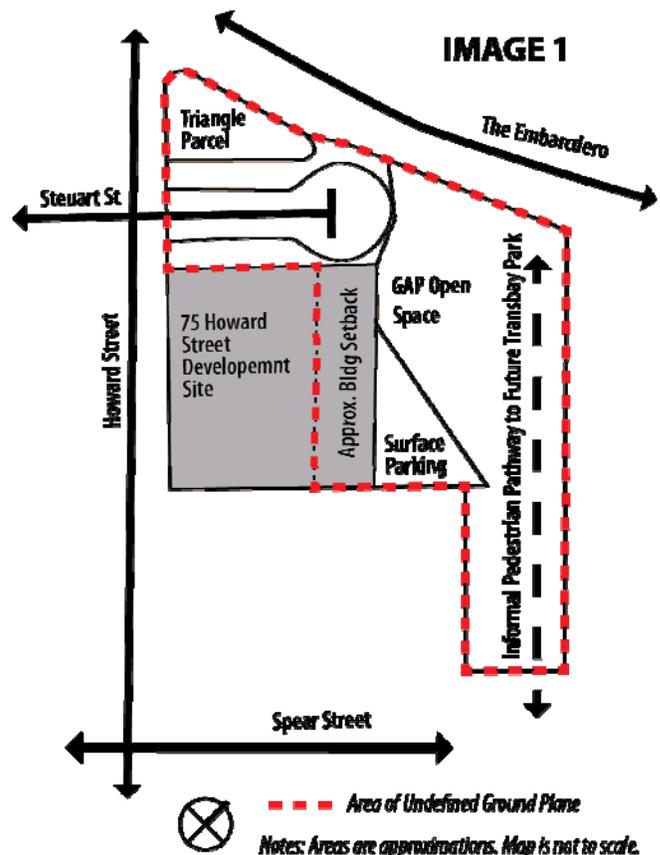
1. *Massing*: The predominant urban form along Steuart Street and the Embarcadero is an approximately 85'-100' high street wall, with towers, where they exist, set back from this base. Furthermore, the massing of towers has a strong pattern of stepping down to the waterfront. Moreover, as designed, the proposed height and bulk of this building will contribute to the shading of publicly accessible open space. Therefore, the Planning Department recommends that the building be massed to respect these conditions, by setting the tower back at least 38' from the Steuart Street façade, and 20' along

the southern side above a base that reinforces the existing context. The opportunity to better define the streets and open space using the flatiron site across Steuart Street should be explored.

2. *Architectural Character:* The overall articulation and modulation of the building design are successful. The Planning Department supports the general composition of the facades with a rhythm of vertically-articulated modules, and alterations to the glazing patterns. The Planning Department would like to see the recesses between the vertical modules to be more substantial and continuous.
3. *Public Realm:* The Planning Department expects a concerted effort to improve and unify the publicly accessible open spaces with neighboring properties and the end of Steuart Street. This should be further developed in the proposal. Additionally, because the project will be subject to the Better Streets Plan, it will be obligated to make improvements to the public realm on Howard and Steuart Streets. The intent of providing ground level open space to connect the informal paseo network is, while admirable, somewhat redundant, and not recommended.
4. Please be aware that more detailed design comments may follow a more in-depth review of the project as part of the required approvals previously listed.

CITYWIDE POLICY & ANALYSIS COMMENTS:

1. *Stepback, Streetwall & Podium:* The Draft Transit Center District Plan (Policy 2.5), The NE Waterfront Area Plan (Objective 10, Policy’s 10.1 and 10.2) and the Urban Design Element of the General Plan (Objective 3, Principal 1) all articulate the city’s urban design strategy of stepping buildings down to the water and creating a continuous streetwall fronting The Embarcadero. The existing streetwall pattern along Steuart Street and fronting The Embarcadero has a well-established pattern of buildings that step back from a 6-7 story podium. Where there are towers above the streetwall, the stepbacks vary but are generally 30 feet or greater. The proposed design does not include a stepback from the along the street wall fronting Steuart street, and thus departs from both the City’s policy framework as well as the surrounding building pattern. The building massing should relate more strongly to the built form in the area.



2. *Open Space:* There are two open space issues raised by the proposed development at 75 Howard Street: [1] an undefined ground plane surrounding the project site (see Image 1) and [2] a network of privately owned public open spaces (POPOs) running mid-block between Howard Street and Folsom Street. This pedestrian axis called

out in the TCDP connects Steuart Street to a future Transbay Park on Beale Street. The Northeast façade of 75 Howard Street will front this important pedestrian link. (see map on page 56 of the [Draft Transit Center District Plan](#))

Undefined Ground Plane: The public realm adjacent to the development site consists of a series of informal spaces which could better relate to one-another. As currently configured, these spaces are undefined and ambiguous for pedestrians to navigate. The 75 Howard Street project represents an opportunity to rethink these spaces and improve them by increasing the legibility of and relationships between these spaces and integrate them into the broader urban context.

Transbay Park Mid-block Pedestrian Connection: Currently, this opens space pathway is ill defined and uninviting to pedestrians. The axis consists of a hodgepodge of undifferentiated poorly connected spaces that terminate just past the 75 Howard Street project in awkward city-owned triangular parcel bounded by Steuart Street, Howard Street and The Embarcadero that is currently paved with asphalt. This triangular parcel makes an ideal opportunity site to anchor the mid-block pedestrian connection with landscaping, a retail use or a publicly accessible pavilion or building.

Open Space Strategy Conclusions: As currently designed, the 75 Howard Street project does little to improve this open space network. The project should seek to improve the pedestrian experience, wayfinding and pedestrian connectivity between the future Transbay Park and The Embarcadero; perhaps considering capitalizing on the opportunity provided by the vacant triangular parcel northeast of their development.

3. *Height and Shadow:* The development site at 75 Howard Street is zoned C-3-O(SD) with an allowed height of 200 feet. Many of the neighboring buildings adjacent to the project appear to achieve heights exceeding 200 feet. For the Department to decide if greater height would be appropriate at this site, more analysis would be needed. In addition, proposed height increases will need to be balanced against potential impacts like shadow on nearby open spaces as well as potential project benefits such as the removal of off-street parking in the area, improving the urban form near the waterfront, increasing residential land uses in the neighborhood well served by transit activating the site to contribute to the creation of a vibrant urban neighborhood.
4. *Parking:* There are two issues related to parking raised by the development proposal at 75 Howard Street: the proposal by the developer to provide 100 public parking stalls to act as replacement parking to mitigate the loss of the existing public parking garage that the site development would replace, and a request by the developer to provide a ratio of one parking stall per residential unit in the building.

Garage Replacement Parking Stalls: The development proposes to replace an existing 550-stall public parking garage with a residential tower. As a community benefit, the developers are offering to make available 100 short-term parking spaces to the general public to mitigate the neighborhood's loss of the garage spaces.

Off-street parking in particular has the potential of interfering with various aspects of livability. For example, the desire to maximize off-street parking may add significant traffic that crosses the sidewalk to access the garage, which could degrade livability and the quality of the pedestrian

experience. Rather, General Plan policies suggest that development of larger project sites present an opportunity to further reduce parking through a coordinated Transportation Demand Management strategy involving measures such as car-sharing, transit passes, and walkability improvements. These strategies are particularly appropriate for a project in a central location which typically has low automobile ownership and demand.

The project proposes residential parking that far exceeds the principally permitted amount of accessory parking for the C-3-O(SD) District. The site is extremely well-served by transit, within walking distance of ferries, the BART and Muni rail trunk lines under Market Street and on The Embarcadero, numerous local and express Muni bus lines, the historic F-Line streetcar. In addition, the site is less than a quarter mile from the future Transbay Terminal, which is planned to provide regional bus service and statewide high-speed rail service.

Further, recent changes to parking requirements in the downtown and in adjacent high-density residential neighborhoods like Rincon Hill have removed parking requirements, greatly restricted allowable parking, and encouraged other parking arrangements that reduce the use of the private automobile.

The Planning Department would like more information about the use patterns within the existing garage and surrounding neighborhood before it determines whether or not the replacement of 100 spaces constitutes a community benefit.

- How many of the 550 spaces in the existing garage are available for short-term parking and how many are leased out on a monthly basis?
- How much short-term parking is available in the area?
- What are the short-term parking needs of the nearby Ferry Building, especially during the weekly Saturday farmer's market?

Rather than replacing the lost garage parking in-kind, the project sponsor is encouraged to consider a district-wide approach incorporating transportation demand management strategies and shared use of existing nearby parking facilities.

While the department acknowledges the desire for visitor-serving parking to replace that provided by the existing garage parking spaces that are removed for development, the overall quantity of parking proposed for the project needs to be considered in light of the policy considerations outlined above. The prospective scale of this development, its proximity to transit, and its location adjacent to downtown should be viewed as an opportunity to minimize parking to the greatest extent possible rather than to maximize it.

Residential Parking Stalls: The development site at 75 Howard Street is currently zoned as C-3-O(SD). The Draft Transit Center District Plan proposes no changes to the site's zoning but would be subject to any general changes in code requirements under the TCDP. Under the existing planning code, C-3 districts are permitted:

- No minimum off-street parking requirements
- "As of right" maximum of 0.25 spaces per dwelling unit with additional parking allowed as a discretionary exception by the Planning Commission.

- Absolute maximum off-street parking limits of 0.75 spaces per dwelling, or one space per dwelling units with two or more bedrooms.

The development proposal includes a mix of one, two and three bedroom units for a total of 160 proposed units. Under the current zoning and the zoning proposed under the Draft Transit Center District Plan, one-bedroom units would be limited to 0.25 parking spaces for each dwelling unit. The two-bedroom and three-bedroom units would be limited to 0.75 parking spaces per dwelling unit. The developer's request for a 1:1 parking ratio (one parking space for each dwelling unit in the building) would require a discretionary exemption by the Planning Commission.

The General Plan sets a clear policy goal of reducing off-street parking in neighborhoods well served by transit and close to the downtown core. (See San Francisco General Plan [Transportation Element](#) Objective 16, Policy 16.5; Objective 17, Policies 17.1 and 17.2; Objective 30, policies 30.1 and 30.5; Objective 34, Policies 34.1 and 34.3; Objective 34, Policies 34.1 and 34.3)

Potential Impending Changes to Parking Policy in C-3 Districts: Pending legislation slated to go before the Planning Commission on December 15, 2011 proposes to modify existing parking regulations in the C-3 districts. The proposed code changes would relax maximum parking requirements for one-bedroom units from a maximum of 0.25 parking spaces per dwelling unit to a maximum of 0.5 spaces per dwelling unit allowed by right; create disincentives for increasing the amount of residential parking spaces above the maximum allowed under the code by counting additional parking towards FAR and requiring a conditional use authorization before the Planning Commission.

5. Impact Fees: The proposed building at 75 Howard Street would be subject to existing impact fees such as fees for transit, affordable housing, childcare and water capacity. The TCDP proposes additional fees for development in the plan area. The development at 75 Howard Street would be subject to any fees proposed in the Draft TCDP. (See Chapter 7 of the [Draft Transit Center District Plan](#)).

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **June 9, 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.

Enclosure: Neighborhood Group Mailing List

cc: Jim Abrams, Project Sponsor
Kevin Guy, Current Planning
Brett Bollinger, Environmental Planning
Paul Chasan, Citywide Policy & Analysis