



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* February 6, 2012  
*Case No.:* 2011.1388U  
*Project Address:* 110 The Embarcadero/115 Steuart Street  
*Block/Lot:* 3715/002  
*Zoning:* C-3-O (Residential-Commercial Combined, High Density)  
84-X Height and Bulk District  
*Project Sponsor:* Dan Phipps, Dan Phipps Architects  
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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 approximately 6,300-square-foot project site is located in downtown San Francisco, on a block bounded by Mission Street to the north, The Embarcadero to the east, Steuart Street to the west, and Howard Street to the south. The 110 The Embarcadero (aka 115 Steuart Street) is a mid-block property that spans from The Embarcadero to Steuart Street. The project site is currently occupied by a 40-foot-tall, two-story, vacant office building over a basement level, comprising approximately 18,000 square feet with no off-street parking. The proposed project would create one new story within the existing two-story building volume and construct two additional floors to create approximately 19,887 square feet of assembly space, 6,302 square feet of office use, and about 236 square feet of retail use for the Commonwealth Club of California. The finished building would be 68 feet in height, five stories over basement, and approximately 32,727 square feet in size. No parking or loading is proposed. The existing building was constructed in 1910.

**ENVIRONMENTAL REVIEW:**

The project initially requires the following environmental review. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted:

An **Environmental Evaluation Application** is required for 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 December 9, 2011:

- a. *Historical Resources.* The proposed project consists of interior alteration and a two-story vertical addition to a building constructed 50 or more years ago that was identified by the Board of Supervisors as an "historical resource" in their action on March 31, 2009 (File No. 090340, Motion No. M09-62). See the enclosed Board of Supervisors Motion No. M09-62.

Based on the age of the building as well as the previous Board action, the project is subject to the Department's Historic Preservation review. Under CEQA, evaluation of the potential for proposed projects to impact "historical resources" is a two-step process: the first is to determine whether the property is an "historical resource" as defined in Section 15064.5(a)(3) of CEQA; and, if it is an "historical resource," the second is to evaluate whether the action or project proposed by the sponsor would cause a "substantial adverse change" to the historical resource. Based on the Board's previous findings, the subject property is presumed to be an "historical resource," so part one of the historic preservation review process is not necessary. To assist in analysis of the proposed project, the Department requires a Historic Resource Evaluation Report (HRER), focused on evaluating impacts of the proposed project on identified historical resource(s), to be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History. The HRER should focus on evaluation of the proposed project for conformance with the *Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards)*, including assessing compatibility of the new design with the existing building and adjacent historical resources (Audiffred Building, Landmark #7, 1 Mission Street), and assess potential impacts to historical resources. The evaluation should also contain demolition calculations based on the benchmarks for demolition outlined in Planning Code Section 1005(f).

In evaluating the proposed project, the architecture, massing, height, materials, and articulation of the existing building and proposed addition should be considered. As noted in the *Secretary's Standards*, design for the new work may be contemporary or may reference design motifs from the historic building. In either case, the addition should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color. Design of the addition should also be of a size and scale that relates to, and does not overwhelm, the historic building. Setbacks from existing facades, particularly the Steuart Street façade, would be appropriate. Additional design

comments will be provided upon submittal of the Environmental Evaluation Application and HRER.

As the proposed project will create six or more dwelling units, and/or, construct an addition of 10,000 square feet or more, use of the Historic Resource consultant pool for identification of a preservation consultant to prepare the HRER shall be required. The Department will provide the project sponsor with a list of three consultants from the Historic Preservation Consultant Pool, which shall be known as the "potential consultant list" or "PCL," upon submittal of the Environmental Evaluation Application.

- b. *Archeological Review.* The proposed project would require a Preliminary Archeological Review (PAR) which would be conducted in-house by the Planning Department archeologist. During the PAR it will be determined what type of soils disturbance/modification will result from the project, such as excavation, installation of foundations, soils improvement, site remediation, etc. Any available geotechnical/soils or phase II hazardous materials report prepared for the project site will be reviewed at this time. Secondly, it will be determined if the project site is in an area that is archeologically sensitive. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project. When it is found that the project has the potential to affect an archeological resource, the PAR memorandum will identify appropriate additional actions to be taken including the appropriate archeological measure and/or if additional archeological studies will be required as part of the environmental evaluation.
- c. *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 public areas pursuant to CEQA. The shadow study application is available online at [www.sfplanning.org](http://www.sfplanning.org).
- d. *Compliance with Bay Area Air Quality Management District Guidelines.* Based on the Department's Preliminary Air Quality Screening, the proposed project may be required to prepare an Air Quality Technical Report (AQTR) if the project includes siting of a new stationary source by a commercial tenant. The Air District defines "stationary source" as a fixed, non-mobile producer of pollution, usually at industrial or commercial facilities. If this is the case, the criteria air pollutant and health risk analysis must include an analysis of both the emissions and health risks from the stationary source and project-generated traffic. Further information regarding the possible types of commercial tenants will be required upon submittal of the Environmental Evaluation Application so that a determination may be made.

Prior to the preparation of an AQTR if required, Environmental Planning must approve a scope of work for the air quality analysis. The scope of work may be submitted to the Environmental Review Coordinator assigned to the project.

- e. *Greenhouse Gas Compliance Checklist for Private Development Projects.* 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.<sup>1</sup> 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, a transportation study is anticipated. Since the proposed use was not covered in the SF Guidelines we would need additional information on existing (595 Market Street) and proposed facilities and attendance of events to determine typical weekday PM attendance. Plans show up to 849 seated capacity (in all meeting rooms). The sponsor should clarify the use of café and whether it would be open to the public. Please note that an official determination will be made subsequent to submittal of the environmental evaluation application.
- g. *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.
- h. *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 an Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.
- i. *Flood Notification.* The project site is on a block that has the potential to flood during storms. Contact Cliff Wong of the San Francisco Public Utilities Commission at (415) 554-8339 regarding the requirements below. Applicants for building permits for either new construction, change of use or change of occupancy, or for major alterations or enlargements shall be referred to the San Francisco Public Utilities Commission (SFPUC) at the beginning of the process, for a review to determine whether the project would result in ground level flooding during storms. The side sewer connection permits for such projects need to be

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<sup>1</sup> San Francisco's *Strategies to Address Greenhouse Gas Emissions* is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency. The SFPUC and/or its delegate (SFPDW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The permit applicant shall refer to PUC requirements for information required for the review of projects in flood prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

- j. *Compliance with Stormwater Management Ordinance.* The City and County of San Francisco Stormwater Management Ordinance became effective on May 22, 2010. This ordinance requires that any project resulting in a ground disturbance of 5,000 square feet or greater prepare a Stormwater Control Plan, consistent with the November 2009 Stormwater Design Guidelines. Responsibility for review and approval of the Stormwater Control Plan is with the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program.

The initial CEQA evaluation of a project will broadly discuss how the Stormwater Management Ordinance will be implemented if the project triggers compliance with the Stormwater Design Guidelines. The project's environmental evaluation would generally evaluate how and where the implementation of required stormwater management and Low Impact Design 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.

Please note that this project is not likely to qualify for a Categorical Exemption under CEQA and an Environmental Evaluation application would be required. Additional analysis will determine if an Initial Study is required. If so, the Initial Study will help determine that either (1) the project may be 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 analyze one or more potentially significant physical environmental impacts.

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](http://www.sfplanning.org). To determine fees for environmental review, please refer to page one of our fee schedules, 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 would need to be redesigned to comply with the Code, or may require the following exceptions:
  - Open Space (see Item #2 under 'Preliminary Project Comments').
  - Ground-Level Wind Currents (see Item #8 under 'Preliminary Project Comments').
2. *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:
  - Street Frontages (see Item #5 under 'Preliminary Project Comments').
3. *Shadow Study.* A Shadow Study Application per Planning Code Section 295 is required for the project, as the proposed building exceeds 40 feet in height. If the project would create new shadow in a manner that substantially affects property under the jurisdiction of the Recreation and Parks Commission, a joint hearing between the Recreation and Parks Commission and Planning Commission would be required.

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](http://www.sfplanning.org).

4. *Building Permit Applications.* Permit application is required for the proposed new vertical addition. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

#### 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. *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 street wall.
2. *Publicly Accessible Open Space.* Per Section 138, within the C-3-O District, one square foot of publicly-accessible open space must be provided for each 50 gross square feet of proposed new addition. Therefore, 400 square feet of open space must be provided. A portion of the area identified as "terrace" could potentially satisfy this requirement, if publicly accessible and designed to meet the standards of Section 138.
3. *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 sidewalk widening (see Better Streets Plan Section 4 for Standard Improvements: [www.sfbetterstreets.org](http://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.
4. *Bird Safety.* The newly adopted standards for providing bird-safe buildings identify location and feature related hazards and treatment requirements. Please refer to the published document on the Planning Department website for details and specific requirements:  
<http://www.sf-planning.org/index.aspx?page=2506>
5. *Street Frontages, Ground Floor Ceiling Height.* Per Section 145.1(c)(4), ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. The proposed project appears to have an approximate floor-to-floor height of 13'6" at ground floor. This floor-to-floor height at ground floor would need to be increased by 6 inches, or a Variance would be required. However, due to the limited nature of the discrepancy, this issue may qualify for an Administrative Variance.
6. *Bicycle Parking.* The City encourages building owners whose buildings are not subject to Section 155.4 to provide bicycle parking spaces.
7. *Reduction of Shadows.* New buildings and additions to existing buildings in C-3 Districts where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: The amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this Section with respect to C-3 Districts shall be made in accordance with the provisions of Section 309 of this Code.

8. *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. As discussed under the “Environmental Review” section, to determine whether the proposed project would conform to Section 295, a shadow fan analysis is required.

Staff has prepared a preliminary shadow fan analysis 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 location of the project in relation to intervening buildings 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 will be necessary to definitively conclude whether there would be potential shadow impacts from the project. See the enclosed PPA Shadow Analysis.

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 location, the proposed project has the potential to cast shadow on 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.

9. *Ground-Level Wind Currents.* 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.
10. *Transit Impact Development Fee.* The Transit Impact Development Fee (TIDF) applies to the project. The TIDF shall be calculated on the basis of the number of square feet of new development,



multiplied by the square foot rate in effect at the time of building or site permit issuance for each of the applicable economic activity categories within the new development. The current rate for Cultural/Institution/Education and for Retail/Entertainment is \$10.00 per square foot. In determining the number of gross square feet of use to which the TIDF applies, the Department shall provide a credit for prior uses eliminated on the site.

11. *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 25,000 square feet of new floor area 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:

**Massing:** The street wall along the Embarcadero steps down from approximately 80' to 40' from South to North. An addition in the range of 30' could be supported that moderates this pattern of stepping down to the corner of Mission Street. In deference to the existing building, the Planning Department recommends that the addition be set back. The Planning Department supports the general massing composition.

**Architectural Character:** The Planning Department would like to see a single strong form and theme emerge. The overall articulation and modulation of the building design should be stronger and contrast between the existing and the new. Additionally, the new building should create some

contrasts between its own form and materials. Incorporation of a rhythm of vertically-articulated modules that pick up cues from the existing building might be a successful strategy to employ.

The roof penthouse form as designed detracts from the strength of the main massing. Its location adjacent to the taller building suggests that it could be a vertical accent visible at the front, or conversely diminished to a more subservient form.

**Street Frontage:** The Planning Department would like to see the Gift Shop expanded and accessed from the Main floor.

#### 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 **August 6, 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: Board of Supervisors Motion No. M09-62  
PPA Shadow Fan Analysis

cc: Dan Phipps, Project Sponsor  
Pilar LaValley, Current Planning  
Jon Swae, Long Range Planning  
David Winslow, Design Review Team