



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: March 6, 2012
TO: Marc Babsin, Emerald Fund Inc.
FROM: Nannie Turrell, Planning Department
RE: PPA Case No. 2011.0032U for 100 Van Ness Avenue

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

Reception:
415.558.6378

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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, Jessica Range, at (415) 575-9018 or Jessica.Range@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, reading "Nannie Turrell", written over a horizontal line.

Nannie Turrell, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Date: March 6, 2012
Case No.: **2012.0032U**
Project Address: 100 Van Ness Avenue
Block/Lot: 0814/020
Zoning: C-3-G, (Downtown General Commercial) District
Van Ness Market Downtown Residential Special Use District
200-R2 Height and Bulk District
Project Sponsor: Marc Babsin, Emerald Fund, Inc.
415-489-1313
Staff Contact: Jessica Range (415) 575-9018
Jessica.Range@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 100 Van Ness Avenue between Hayes and Fell Streets on Assessor's Block 0814, Lot 020. The approximately 15,500 square foot project site is currently developed with a 29-story, 400-foot tall office building. Existing uses include 4,555 gross square feet (gsf) of retail uses, 421,005 gsf of office use, 118 parking spaces and two loading spaces. The existing office building is approximately 96 percent vacant.

The proposal is to renovate the existing building and change the current use from office to multi-family residential. The proposed renovation would result in 399 residential units and would consist of interior renovation and re-skinning of the building's exterior. No soils disturbance will be required. A 19-month construction/renovation schedule is anticipated. The proposal would retain the existing number of parking and loading spaces, would add 134 bicycle spaces, and would result in approximately 2,670 gsf of retail space and 408,350 gsf of residential space within the existing 29 story building.

ENVIRONMENTAL REVIEW:

Environmental evaluation is required for the full scope of the project. Pursuant to the California Environmental Quality Act (CEQA), this project is likely to qualify for a community plan exemption (CPE) under the Market and Octavia Neighborhood Plan. Within the CPE process, there can be three different outcomes as follows:

1. CPE Only

All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Market and Octavia Neighborhood Plan programmatic EIR (Market and Octavia PEIR), and there would be no new "peculiar" significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the Market and Octavia PEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$12,720); (b) the CPE certificate fee (currently \$7,061); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for the Market and Octavia PEIR.

2. CPE and Focused Initial Study/Mitigated Negative Declaration

If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the Market and Octavia PEIR, and if any of these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the Market and Octavia PEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$12,720); (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for the Market and Octavia PEIR.

3. CPE and Focused EIR

If any site- or project-specific impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the Market and Octavia PEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$12,720); (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for the Market and Octavia PEIR.

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 and may include the following:

1. Transportation Impact Study

A Transportation Impact Study is likely to be required. However, provided that the sponsor can provide supporting documentation regarding the degree of occupancy over the last three years, existing office trips may be credited against projected new trips resulting from the proposed project.

2. Air Quality Analysis- CEQA Review

The proposed project would change the use of the existing building from office to residential. Residential uses are considered a sensitive land use for purposes of air quality evaluation. The proposed project would introduce a new sensitive land use in proximity to high volume roadways and potentially other sources of toxic air contaminants. 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.

If the project would generate new sources of toxic air contaminants including, but not limited to: diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors.

The project proposes re-skinning and interior renovation. If the proposed project's demolition/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.

3. Air Quality – Article 38 Compliance

The proposed project is located within a potential roadway exposure zone identified by the Department of Public Health (DPH). Given that the project proposes sensitive land uses in this potential exposure zone, the project requires an air quality assessment to determine if pollutant concentrations are above the threshold level of 0.2 micrograms per cubic meter. You may choose to have the air quality assessment prepared by a qualified firm and forwarded to DPH for review, or you may request that DPH conduct the assessment.

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

Should you choose to have DPH prepare the air quality assessment for your proposed project, please forward a description of the project (including project location and a set of plans) to Tom Rivard at the address listed above and a fee of \$1,560 in the form of a check payable to the Department of Public Health. This fee covers 12 hours of preparation of the air quality assessment and administrative handling. If additional work is necessary, you will be notified by DPH. You will be billed (by DPH) \$130 for each additional hour of work. 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, measures outlined in DPH's guidance document *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*¹, may be required to protect sensitive uses.

4. Greenhouse Gas Compliance Checklist for Private Development Project

Potential environmental effects related to greenhouse gas emissions from the proposed project need to be addressed in a project's environmental evaluation. An electronic version of the Greenhouse Gas Compliance Checklist Table 1 for Private Development Projects is available on the Planning Department's website at <http://www.sfplanning.org/index.aspx?page=1886>. The project sponsor would be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with San Francisco's GHG Reduction Strategy.

5. Wind Studies

The project site is located in an area that experiences high wind speeds. A wind study may be required to ensure that the new façade treatment does not exacerbate wind conditions.

¹ San Francisco Department of Public Health. *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*. May 2008. This document is available online at: <http://www.sfdph.org/dph/EH/Air/default.asp>. Accessed February 16, 2012.

6. Geology and Soils

The project site is located in a liquefaction hazard zone, as identified in the San Francisco General Plan. A geotechnical and/or structural report may be required to determine whether the existing structure meets seismic and structural standards.

7. Acoustical Assessment

The proposed project site is located on Van Ness Avenue between Hyde and Fell Streets. The Planning Department's noise maps indicate that existing ambient noise levels on surrounding streets are at, or exceed 75 decibels. The project involves the siting of new noise-sensitive uses (e.g., residential uses) and therefore requires an acoustical analysis demonstrating that the building will meet Title 24 noise insulation standards. This analysis shall include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes). The analysis must be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 noise insulation standards, where applicable, can be met, and that there are no particular circumstances about the project site that warrant heightened concern about noise levels in the vicinity. To the maximum extent feasible open space provided as per the Planning Code should be protected from existing ambient noise levels that could prove annoying or disruptive to users of the open space.

8. Historic Resources

According to the Planning Department's records, the existing building on the project site was built in 1976, making it 36 years old at the time of this review. Therefore, the existing building is not considered an historic resource for purposes of CEQA. However, the project site is adjacent to the Civic Center Historic District, which is a National Historic Landmark District and local Historic District designated pursuant to Article 10 of the Planning Code. As such, the adjacent Historic District, which includes properties on Van Ness Avenue, opposite the proposed project site, would be considered a historical resource pursuant to CEQA. The environmental analysis will require a *Historic Resource Evaluation Report* (HRER) to determine the compatibility of the proposed new design and façade with the adjacent Civic Center Historic District and to assess potential impacts to the Historic District. In evaluating compatibility with the Civic Center Historic District, the architecture, massing, height, materials, and articulation of the proposed building and its neighboring buildings should be considered. The HRER shall be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History. The qualified professional must be selected from one of three historic resource consultants assigned by the Planning Department during the submittal of the Environmental Evaluation Application. The Planning Department may require a scoping meeting with Preservation Staff prior to the consultant preparing a scope of work for the HRER. The consultant shall contact the environmental review coordinator prior to submittal of an HRER scope of work to determine whether a scoping meeting is required.

9. Bird Safe Design Guidelines

The current design for the building depicts glass railings at the rooftop, which may qualify as a feature related bird strike hazard pursuant to the Department's *Standards for Bird-Safe Buildings* (this document is available on the Planning Department's website). Should design of the project include feature related bird strike hazards, as defined in the City's *Standards for Bird-Safe Guidelines*, the proposed project would be required to treat those surfaces with materials designed to reduce potential bird strikes.

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 drip line. Please submit an Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.

11. 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 at the initiation of the Community Plan Exemption process. Please provide these mailing labels at the time of submittal.

Please submit an **Environmental Evaluation Application**. 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 at the Planning Department's website: 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. Downtown Project Authorization

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 projects 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 1 under 'Preliminary Project Comments').
- Ground-Level Wind Currents (see Item 7 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:

- Open Space (see Item 3 under 'Preliminary Project Comments').
- Obstructions over Streets (see Item 5 under 'Preliminary Project Comments').
- Exposure (see Item 8 under 'Preliminary Project Comments').
- Loading (see Item 9 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.

3. Building Permit Applications

A Building Permit application is required for the proposed building alterations. 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 influence the proposed project:

Planning Code

1. Rear Yard

Per Section 249.33(b)(5), within the Van Ness & Market Downtown Residential Special Use District, lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential uses

where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure, such is the case with the subject proposal. 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 249.33(b)(5).

2. 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.

The project appears that it may have potential to decrease shadow on nearby parks with its decreased massing. Please note that further graphic analysis may be necessary to definitively conclude that there would be no impact to Recreation and Park Department properties. Staff prepared a preliminary shadow fan that indicated potential shadow from the project could potentially reach Civic Center Plaza, Margaret S. Howard Playground and Patricia's Green. However, this shadow fan does not account for the presence of intervening buildings or for the potential that the shadow could be subsumed by shadows cast by other buildings in the area.

3. Residential Open Space

Per Section 135, a minimum of 36 square feet of private open space must be provided per dwelling unit, or 48 square feet of common open space must be provided per dwelling unit within C-3 Districts. Both private and common open space must meet standards for location, dimensions, usability, and access to sunlight. According to the submitted plans, the roof deck would provide enough space to accommodate the open space requirement for 333 dwelling units, while 95 units would utilize private open space in the form of balconies that would be located on the north and south building elevations.

Balconies on the north side of the building appear they would project over another property located directly to the north of the subject property. Balconies are not allowed to project over an adjacent property pursuant to Planning Code Section 136(c). Additionally, balconies are not features that are allowed over the height limit pursuant to Planning Code Section 260 et seq. Therefore, any balcony that is located over 200 feet in height, or would project over an adjacent property line, could not be proposed by the project or be utilized as private open space.

Much of the proposed roof deck would not be eligible to be counted as common useable open space. Pursuant to Planning Code Section 135(c), common open space may only contain obstructions that are listed in Code Section 136(c) in order for it to count as useable common open space for a project. The proposed fireplaces and trellis feature with gas heaters are not permitted open space obstructions pursuant to Planning Code Section 136(c). Additionally, both of these features are not permitted above the height limit pursuant to Planning Code Section 260 et seq. Any feature that does not comply with Section 260, will have to be removed from the project as the structure is already legal, non-complying in terms of height.

As proposed, much of the roof deck is not eligible to be counted as useable open space, as well as numerous proposed balconies; therefore, the project would require an open space Variance. Alternatively, the open space may be redesigned to provide an adequate amount of open space to meet the open space requirement of the Code. Also, please be aware Planning Code Section 249.33(b)(4)(A) allows a project to provide up to 40 percent of usable open space required by Sections 135 and 138 to be provided off-site if it is within the Van Ness & Market Residential SUD or within 900 feet of the project site as set forth in Code Section 249.33(b)(4) et seq.

4. Publicly Accessible Open Space

Per Section 138, within the C-3-G District, one square foot of publicly-accessible open space must be provided for each 50 square feet of the retail uses on-site. Therefore, 53 square feet of open space must be provided. Planning Section 249.33(b)(4) further established standards for the publicly accessible open space such as location and maintenance of the space.

5. Permitted Obstructions over Streets and Alleys

The proposed wind baffling feature that will project over the Van Ness Avenue and Fell Street public rights-of-way is not a feature listed in Planning Code 136(c), and therefore, would require a Variance. Any projection over Van Ness Avenue will require a CalTrans encroachment permit. Please be aware that several past projects with obstructions proposed in the CalTrans right-of-way along Van Ness Avenue were not able to obtain an encroachment permit from CalTrans.

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. Please see the discussion under the Market and Octavia Area Plan and Preliminary Design Comments Sections of the document for further discussion

7. Ground-Level Wind Currents

Planning Code Section 148 states that in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 mph. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The project site is in an area of high winds and modifications to the design may be necessary to comply with this Section. 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. Please be aware that the wind analysis must be performed by a qualified expert wind analyst. Also, please see the discussion under the Market and Octavia Area Plan and Preliminary Design Comments Sections of the document for further discussion.

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. All of the proposed dwelling units that have their only exposure on the northerly and easterly elevations of the project do not appear to meet these standards. The project must either be redesigned to comply with the exposure requirements, or a Variance would be required.

9. Freight Loading

Planning Code Section 152.2 requires that the project maintain two off-street freight loading spaces, which the project will provide. The proposed freight loading spaces do not appear to meet the minimum dimensional requirements established in Planning Code Section 154 and will require a Variance. The first such space required for any structure or use is required to have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet. The second such space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet.

10. Off-Street Parking Access

Van Ness Avenue (from Hayes Street to Mission Street) has been identified as a Protected Pedestrian, Cycling, and Transit-Oriented street frontage as identified in Code Section 155(r). This Code Section does not allow garage entries, driveways or other vehicular access to off-street parking or loading. Such an access area already exists at the project site and appears that it will be re-utilized for off-street parking access with the project. Pursuant to Planning Code Section 155(r)(5) pre-existing access to off-street parking and loading on development lots that violate the restrictions of this Section 155(r) may not be maintained. Therefore, the Van Ness Avenue off-street parking access would have to be abandoned and moved to the Fell Street frontage, where it would preferably share a common access area with the freight loading. Please see the discussion under the Market and Octavia Area Plan and Preliminary Design Comments Sections of the document for further discussion

11. Bicycle Parking

Per Section 155.5, a total of 112 bicycle parking spaces would need to be provided for the project. The plans indicate that the project would provide 134 bicycle parking spaces with 45 spaces located in the basement and 68 spaces located on the fourth floor of the building. While the project complies with the numerical requirement of the Code, staff is concerned that the bicycle

parking area shown within the fourth floor is not conveniently located. The fourth floor bicycle parking does not provide direct access to the exterior, requiring that cyclists walk their bicycles through multiple sets of doors to exit the property. The fourth floor bicycle parking area should be relocated and/or redesigned for greater functionality and convenience.

12. Car Sharing

Planning Code Section 166 requires two car-share parking spaces in the building. The submitted project plans do not include parking for a car-share vehicle and the project does not comply with this requirement. A car share parking space must be provided in the project. Car-share vehicles will need to be provided and should be clearly identified on the plans. Access to these vehicles must be provided to car-share service members at all times. Therefore, the early design of the project should consider access and security issues associated with providing these spaces.

13. Inclusionary Affordable Housing Units

Pursuant to Sections 249.33i(b)(3) and 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.

In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415, to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. In order to be eligible to provide rental units, the Project Sponsor must submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. Please note that not all projects can meet the criteria of having received a "direct financial contribution or other form of assistance" from the City. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Planning Department, the Mayor's Office of Housing, and the City Attorney's Office.

14. Impact Fees

The Market and Octavia Community Improvements Fund (Section 421) is implemented in part through district-specific Market and Octavia Community Improvement Impact Fee, which applies to the Project Area. In this instance, fees shall be assessed on the components of the

project that propose a change in use from non-residential to residential uses according to the gross square feet ("gsf") of area that has changed uses from non-residential to residential. Pursuant to Planning Code Table 421.3B the Market and Octavia Community Improvement Impact Fee for the project would be \$5.60/gsf for the portions of the building that would change in use from a non-residential use to a residential use. The sponsor may wish to pursue in-kind improvements that would offset some or all of the required Market and Octavia Community Improvement Impact Fee, as described in Section 421.3(d).

Pursuant to Section 421.7, the project may also be subject to a Transportation Impact Fee, should such a fee be adopted for the Market and Octavia Area Plan in the future. The project shall also be subject to the Market and Octavia Area Plan Affordable Housing fee (Section 416). Pursuant to Planning Code Table 416.3A, the Market and Octavia Area Plan Affordable Housing fee for the project would be \$7.20/gsf for the portions of the building that would change in use from a non-residential to a residential use. The applicable fees shall be due prior to the issuance by the Department of Building Inspection (DBI) of the first construction document for the project.

15. 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

MARKET AND OCTAVIA AREA PLAN COMMENTS:

The following comments address policy issues that may significantly affect the proposed project:

1. Van Ness curb cut

Market and Octavia Area Plan policy 5.1.2 restricts curb cuts on transit-preferential streets. Van Ness Avenue, a transit-preferential street and one of the most critical links in the City and regional transit system, is often plagued with congestion so severe that the City is proposing massive infrastructure investment in Bus Rapid Transit (BRT). If retained, the existing curb cut on Van Ness Avenue will continue to cause delay to existing transit service. In addition, the curb cut conflicts with some of the BRT options being studied. The Project Sponsor should therefore consider removing this curb cut.

2. Accessory residential parking

Market and Octavia Area Plan Policy 5.2.4 supports the choice to live without a car. This location, within a short walk of major employment and entertainment centers, within one block of the city's premier bicycle route, within two blocks of the rapid transit station on Market Street and directly on several bus routes, is ideal for residents who chose to live without a car. The Project Sponsor should therefore consider supporting this choice by providing more bicycle storage capacity with better access than shown in the plans submitted, and car-sharing parking spots that are easily accessible to both residents and the general public. The accessory residential parking proposed is a new use which does not currently exist on the property. A proposal with no parking would be within the spirit of the Area Plan. If parking is desired, the Project Sponsor should consider moving garage access to the Fell Street frontage.

3. Intensive residential use

Residential uses are in accordance with several objectives and policies of the Market and Octavia Area Plan. It should be stressed however that the very high intensity of the residential use proposed (approximately 1,200 units/net residential acre) can only be countenanced at locations with excellent transit and pedestrian connectivity, as articulated in Market and Octavia Area Plan Policy 1.1.2: "Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot". The Project Sponsor should consider ways to enhance transit and pedestrian connectivity to support the very high level of intensity proposed, including but not limited to removal of the existing curb cut from Van Ness Avenue as discussed above.

4. Wind

Market and Octavia Area Plan Policy 3.1.1 is to provide pedestrian comfort from wind. There are significant winds in the Van Ness Avenue, in part due to the existing building. The project sponsor should therefore consider design treatments that would mitigate wind effects, as outlined in the design comments.

5. Ground floor retail.

Market and Octavia Area Plan Policy 1.1.8 calls for continuous retail activities on Van Ness Avenue. The Project Sponsor should consider increasing the proposed retail frontage.

PRELIMINARY DESIGN COMMENTS:

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

The proposed project may seek exemptions from specific planning code requirements; however, they must be justified with a project of high design quality that conforms to the spirit of policies in both the General Plan and the Market Octavia Area Plan.

1. Site Design, Massing, and Open Space

Massing: Considering that the existing envelope of the building is already above the allowable height limit and contributes to wind impacts, measures should be taken to further reduce and articulate the massing. Except for the roof deck canopy and the ground floor, the form of the building mass is relatively undifferentiated. UDAT recommends refining and articulating the massing by several options: vary the planes and cladding; create more projections and voids; modulate by varying the heights, and/ or make a stronger roof form. The recommendations for varying the massing of the building may also be coincident with strategies for reducing wind impacts.

Open Space: UDAT recommends refining the design of the ground floor to enhance the pedestrian experience with publically accessible open space.

2. Ground Floor and Street Frontage

The Van Ness Bus Rapid Transit will make Van Ness a transit priority corridor that seeks to limit additional auto use and congestion. The street frontage should provide a consistent and active face. UDAT does not support retention of parking access from Van Ness at this location. Instead UDAT recommends relocating the service loading and parking access to Fell Street. This allows additional ground floor space to become an active use. UDAT recommends providing a publicly accessible open space at this location with direct access to bicycle parking.

Consider additional landscaping in the set backs and the Fell Street sidewalk. The vertical and open ground floor with its transparent undulating glass wall is a good gesture to the street.

Bike parking should be located closer to the ground floor lobby.

3. Architecture

UDAT feels the curtain wall is too tight and reflective, unmitigated by the superficial glazing pattern, (which seems to have appeared in recent proposals for nearby projects at 55 9th Street and 101 Polk). UDAT recommends the curtain wall be developed to be less repetitive, more textured and dimensional to reflect residential use by differentiating the materials, texture and form of the

building skin. Consider using a combination of solid and glazed materials along with recesses of varying heights and widths at the façade, or other variation and articulation of materials.

As proposed, little reference to scale can be read: i.e., the spacing between repetitive elements such as the columns or floor slabs. Express the existing structure of columns and floor slabs to order the scale.

The undulating curtain wall is an alluring form that would be desirable to see manifested not just at the base, but integrated vertically the full height of the building, accented by the formal structure of the columns and slabs systems. The existing floor plates could create significant horizontal baffles (as well as providing useable open space), while curved corners could help redirect wind flow horizontally at upper floors. Varying the setbacks and curvature of the recessed façade from floor to floor could further help reduce downward wind flow. We strongly urge the sponsor to explore this wind reduction strategy, which could also produce a building silhouette more commensurate with the building's prominence on the skyline.

Develop the shape the roof structure to provide a distinctive visual cap or 'foil' to the building. This particular roof form was also proposed at 101 Polk.

UDAT recommends the 2nd floor common terrace included within the interior of the building envelope.

UDAT recognizes the need for wind shear mitigation at the ground level, but recommends the elimination of the canopy at the second floor. This neither seems adequate, nor feasible due to restrictions on projections along Van Ness Avenue.

4. Public Realm Improvements

Street improvements: Per Planning Code Section 138.1, the Department will require standard streetscape elements and sidewalk widening for the appropriate street type per the Better Streets Plan, including 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). 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. Standard street improvement would be part of basic project approvals and would not count for as credit towards in-kind contributions. The parking lane at Fell Street is currently used for commercial loading and may conceivably continue to be used as a loading zone.

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 **September 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.

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