



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* May 3, 2012  
*Case No.:* **2012.0276U**  
*Project Address:* 300 De Haro Street  
*Block/Lot:* 3956/008  
*Zoning:* Urban Mixed Use (UMU)  
Showplace Square/Potrero Hill Area Plan  
68-X Height and Bulk District  
*Project Sponsor:* Epstein Properties LLC, Ralph Epstein  
415-672-4059  
*Staff Contact:* Monica Cristina Pereira [415-575-9107]  
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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 a 26,907-square-foot (sf) lot located in San Francisco, on the southwest corner of 16th Street and De Haro Street and within the Showplace Square/Potrero Hill Area Plan. The property was built circa 1984 and contains a 17,950-sf corrugated metal structure and approximately 20 on-site surface lot parking spaces. The project sponsor proposes to demolish the existing structure and parking lot and construct a new 6-story residential and commercial building with approximately 138,000 gross square feet including: 19,000 gsf of ground-floor commercial space, 88,000 gsf of residential space, and 6,200 gsf of open space. Above the ground floor, there would be 5 stories of residential uses with a total of 77 dwelling units. Of the 77 units, 31 units (40.3%) would be two bedroom. The building would contain approximately 65 parking spaces predominately located in a subterranean parking garage. The project would provide 32 class 1 bicycle spaces for the residential units. There would be no other off-street parking or freight loading spaces.

## ENVIRONMENTAL REVIEW:

An **Environmental Evaluation Application** is required for the full scope of the project. 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](http://www.sfplanning.org) under the "Publications" tab.

Pursuant to the California Environmental Quality Act (CEQA), this project may qualify for a Community Plan Exemption (CPE) under the Eastern Neighborhoods Rezoning and Area Plan. However, to the extent that new impacts and/or mitigation measures are identified that were not included in the Eastern Neighborhoods Final Environmental Impact Report ("Eastern Neighborhoods FEIR"), and are "peculiar" to the project, the CPE would require an attached Focused Initial Study and Negative Declaration, or a Focused Environmental Impact Report (EIR) depending on whether or not the peculiar impacts can be fully mitigated. To determine fees for environmental review, please refer to page one of the Planning Department's Fee Schedule, under "Studies for Project inside of Adopted Plan Areas – Community Plan Fees." If a Focused Initial Study and a Negative Declaration or Focused EIR is required, additional fees would be assessed based on construction cost. Results of the required technical studies discussed below, will determine whether a Focused Initial Study and a Negative Declaration or Focused EIR is required.

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:

1. *Archeological Resources:* Archeological studies are generally not required unless the project includes grading or foundation work to a depth of five feet or more. If the site is found to be sensitive, less ground disturbance may trigger mitigation requirements. The Eastern Neighborhoods FEIR was programmatic and did not analyze specific development projects in the project area; therefore, specific physical project evaluations, such as 300 De Haro Street, undergo individual environmental review in accordance with **Mitigation Measure J-2: Properties with No Previous Studies**. Implementation of this prescribed mitigation measure would reduce the potential adverse effect on archeological resources of the project area to a less-than-significant level.

**Mitigation Measure J-2** applies to the entirety of the study area outside of Archeological Mitigation Zones A and B. Because the project site is outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The archeological consultant has to be selected from the Planning Department's Archeological Review Consultant Pool and in accordance with the Planning Department's consultant selection procedure. The Sensitivity Study should: 1) determine the historical use of the project site based on any previous archeological documentation and Sanborn maps; 2) determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR); 3) determine if 19<sup>th</sup> or 20<sup>th</sup> century soils-disturbing activities may have adversely affected the identified potential archeological resources; 4) assess potential project effects in relation to the depth of any

identified potential archeological resource; and 5) assess whether any CRHR-eligible archeological resources could be adversely affected by the proposed project and recommend appropriate further action.

2. *Noise*: The project is not expected to result in any peculiar impacts not identified in the Eastern Neighborhoods FEIR, provided if Noise **Mitigation Measures F-1 through F-6**, as applicable, are implemented. Application of these mitigation measures would reduce any noise-related impacts to a less-than-significant level.

**Mitigation Measure F-1: Construction Noise** applies to development projects within proximity to noise-sensitive uses that would include pile-driving. This mitigation measure requires: 1) individual project sponsors to take measures to reduce construction-related noise and vibration. Project sponsors shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration; 2) no impact pile drivers shall be used unless absolutely necessary; 3) contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices; 4) the use of sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed; and 5) individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

**Mitigation Measure F-2: Construction Noise** applies to development projects where a determination has been made that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses. If a determination is made, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasibility noise attenuation will be achieved. The plan should include as many of the following control strategies as feasible: 1) erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; 2) utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; 3) evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; 4) monitor the effectiveness of noise attenuation measures by taking noise measurements; and 5) post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Mitigation Measure F-3: Interior Noise Levels** applies to new developments that include noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). In order to reduce noise-related impacts, of developments that are not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the *San Francisco General Plan Land Use Compatibility Guidelines for Community Noise* to reduce potential interior noise levels to the maximum extent feasible.

**Mitigation Measure F-4: Siting of Noise-Sensitive Uses** applies to new developments that include noise-sensitive uses. In order to reduce potential conflicts between existing noise-generating uses and new sensitive receptors, the Planning Department requires the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

**Mitigation Measure F-5: Siting of Noise-Generating Uses** applies to new developments that include commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity. In order to reduce potential conflicts between existing sensitive receptors and new noise-generating uses, the proposed project sponsor is required to prepare an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and /or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the general plan and Police Code 2909, would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should concerns be present, the Department may require the completion of a detailed noise assessment by a qualified acoustical analyst or engineer prior to the first project approval action.

**Mitigation Measure F-6: Open Space in Noisy Environments** applies to new developments that include noise-sensitive uses. Mitigation Measure F-6 is applied in order to minimize effects of new development in noisy areas; for such projects, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

3. *Air Quality:* The proposed project is within an area that experiences elevated levels of roadway-related pollutants and is subject to an Air Quality Assessment pursuant to Article 38 of the San Francisco Health Code. Also, if the proposed project's **construction and/or demolition** activities require the use of heavy duty diesel equipment, emissions of diesel particulate matter (DPM), a known toxic air contaminant, that may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site.

During the environmental review process, Planning Department staff will conduct an Air Quality Screening Analysis for the proposed project. The results of the Air Quality 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.

In the event that the Air Quality Analysis Report identifies new impacts and/or mitigation measures which were not included in the Eastern Neighborhoods FEIR, and are "peculiar" to the project, the CPE would require an attached Focused Initial Study and Negative Declaration, or a Focused EIR depending on whether or not the peculiar impacts can be fully mitigated.

4. *Transportation:* Given the proposed project size, a Transportation Impact Study (TIS) is likely to be required. During the environmental review process, Planning Department staff will conduct a Transportation Screening Analysis for the proposed project. The results of the Transportation Screening Analysis will confirm whether a TIS is required to assess the project's potential impacts to the transportation network system. If a TIS is required, it should be prepared by a consultant selected from the Planning Department's Transportation Review Consultant Pool and in accordance with the Planning Department's consultant selection. Additionally, the project sponsor should pay the Department an additional transportation study fee for the amount of \$21,758. In the event that the TIS identifies new impacts and/or mitigation measures which were not included in the Eastern Neighborhoods FEIR, and are "peculiar" to the project, the CPE would require an attached Focused Initial Study and Negative Declaration, or a Focused EIR depending on whether or not the peculiar impacts can be fully mitigated.
5. *Hazardous Materials:* Given the proposed project scope of work, the project is not expected to result in any peculiar impacts not identified in the Eastern Neighborhoods FEIR, provided **Hazardous Materials Mitigation Measure L-1 Hazardous Building Materials** is applied. Application of this mitigation measure would reduce hazardous materials-related impacts to less-than-significant levels.

**Hazardous Materials Mitigation Measure L-1 Hazardous Building Materials** requires that project sponsors ensure that any equipment containing polychlorinated biphenyls or diethylhexyl phthalates, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to start or renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable

federal, state, and local laws. Application of this mitigation measures would reduce any disposal of construction materials impacts to a less-than-significant level.

6. *Geology*: The project site is located near or within an area subject to liquefaction potential, a Seismic Hazards Study Zone designated by the California Division of Mines and Geology. The investigation of geotechnical and soil conditions and the application of the building codes for new development based on these conditions could ensure that impacts related to structural damage and surface settlement would be less than significant. To assist our staff in their determination, it is recommended that you provide a copy of a geotechnical investigation with boring logs for the proposed project.
7. *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.

8. *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.
9. *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. If the project's height is over 40 feet, a shadow fan analysis would be required.

Based upon a preliminary shadow analysis, the proposed project would cast shadows on Jackson Playground, a property under the jurisdiction of the Recreation and Park Department. Therefore, a Shadow Analysis Application must be filed and a consultant, with experience in preparing shadow analyses, should be retained. The shadow analysis should be prepared in accordance with the Planning Department's guidelines.

10. *Notification of a Project Receiving Environmental Review*: Notice is required to be sent to occupants of properties on and adjacent to the project site and owners of properties within 300 feet of the project

site at the initiation of the CPE process. Please provide these mailing labels at the time of application submittal.

As previously stated, 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](http://www.sfplanning.org) under the "Publications" tab.

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

The project meets Criteria 1b above with a total of approximately 136,000 gross square feet of area. Therefore, a Large Project Authorization, or X case, is required. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org).

2. *Exceptions*. As a component of the review process under Section 329, projects may seek specific exceptions to the provisions of the Planning Code. Exceptions from rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140), and street frontage (Planning Code Section 145) must be justified in order for the project to be approved. The proposed rear yard does not meet the minimum requirements. Approximately ten percent of the 77 proposed units, or eight units, do not meet the exposure requirement. Please consider revising the project design and program to provide code-complying exposure to the units. The proposal also does not comply with the 25-foot parking setback on the ground floor. To the extent possible, the Department recommends that you limit the exceptions being sought. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org).
3. *Building Permit Applications*. Permit application and notification are required for the proposed demolition, new construction and the Large Project Authorization. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

### **NEIGHBORHOOD NOTIFICATION 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 neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

This project is required to conduct a Pre-application meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the "Applications" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Publications" tab.

### PRELIMINARY PROJECT COMMENTS:

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

1. *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  
City Build, Office of Economic and Workforce Development  
City and County of San Francisco  
50 Van Ness, San Francisco, CA 94102  
Direct: 415.581.2303 / Fax: 415.581.2368

2. *Tree Disclosure Affidavit*. A Tree Disclosure Affidavit must be filled out and submitted with the Large Project Authorization application.
3. *Stormwater Design Guidelines*. Projects that disturb 5,000 square feet or more of the ground surface must comply with the Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review. To view the Guidelines and download instructions for preparing a Stormwater



Control Plan, go to <http://stormwater.sfwater.org/>. Please contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance or additional information.

4. *Commercial Open Space.* Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable square footage not provided pursuant to this Code section.

The project proposes approximately 15,500 square feet of retail space. Therefore, 62 square feet of usable open space is required for the proposed non-residential use.

5. *Streetscape and Pedestrian Improvements.* Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological storm water management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section 98.1). The building will be subject to the "Better Streets" streetscape improvements per Planning Code Section 138.1. A streetscape plan will be required to illustrate proposed public realm improvements.
6. *The Green Landscape Ordinance.* Planning Code Section 138.1 require permeable paving and street trees to be installed by the property owner or developer in the case of the construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of the existing building. The minimum installation shall be one **24-inch box** tree for each 20 feet of frontage of the property along each street or alley, with each remaining 10 feet requiring one additional tree.

The proposed project triggers a requirement for 15 street trees for frontages on De Haro Street and nine trees for the frontage on 16<sup>th</sup> Street. Please review the Ordinance for additional requirements and indicate project compliance.

7. *Dwelling Unit Exposure.* Every dwelling unit in every use district is required per Planning Code Section 140 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

Although the proposed inner court on the Project Site would provide all units with access to light and air, the open areas do not meet the minimum dimensions. The required rear yard is 25 percent of the lot depth, which calculates to approximately 6,160 square feet for the project. The inner court is required to be 25 feet in width, clear of any obstructions. The project proposes an inner court of approximately 2,800 square feet. Units on the southwest side do not comply with Section 140. Specifically, approximately ten percent of the 77 proposed units, or eight units, do not meet the

exposure requirement. For new construction on a sizable lot, open areas that comply with dimensional requirements should be accommodated.

8. *Screening and Greening of Parking and Vehicle Use Areas.* Planning Code Section 142 requires a combination of permeable landscaping compliant with the applicable water use requirements of Administrative Code Chapter 63 and ornamental fencing where the permeable surface and landscaping is the equivalent area of a five-foot deep average perimeter landscaping that has been otherwise configured to result in either: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce storm water runoff. Please indicate compliance on the plans.
9. *Above-Grade Parking Setback.* Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. The project proposes parking spaces within the first 20 feet facing De Haro Street.
10. *Car Share Spaces.* Planning Code Section 166 requires one car share space for a project proposing 50 to 200 dwelling units. The project proposes a total of 77 dwelling units. Therefore, one car share space is required. Please illustrate on plans the location of the proposed car share spaces.
11. *Bulk: Horizontal Mass.* Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet. The proposed break at the De Haro Street frontage does not meet the required separation.
12. *Shadow Analysis.* As discussed in the Environmental Review section of this document, projects over 40 feet in height require a Shadow Analysis Application per Section 295 to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department. A preliminary shadow analysis was conducted based on the plans submitted as part of the PPA Application. The analysis indicated there would be new shadows cast on Jackson Playground, a property under the jurisdiction of the Recreation and Park Department. Therefore, a Shadow Analysis Application must be filed.
13. *Standards for Bird Safe Buildings.* Adopted on July 14, 2011, the Standards for Bird Safe Buildings specify requirements for a bird safe building. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
14. *Impact Fees.* The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service;

Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1 for residential and Tier 2 for non-residential uses. Tier 1 requires \$8 per gross square-foot of residential space, and Tier 2 requires \$10 per gross square-foot of non-residential space.

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

15. *Inclusionary Housing.* Affordable housing is required for a project proposing five or more dwelling units. The project sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419,' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

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

- Direct financial construction from a public entity; or
- Development bonus or other form of public assistance.

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

#### **PRELIMINARY ENVIRONMENTAL PLANNING COMMENTS:**

The project proposes changes to parking configuration along De Haro Street from parallel parking to 90 degree angle parking. The project sponsor should work with the San Francisco Municipal Transit Agency to address the proposed parking reconfiguration changes. The project sponsor also proposes to remove two curb cuts along 16<sup>th</sup> Street. The project sponsor should work with the Department of Public Works and the Planning Department to address the curb cuts removal and identify opportunities for enhancement of the surrounding streetscape.

#### **PRELIMINARY GENERAL PLAN AND RELEVANT CITYWIDE AND POLICY COMMENTS:**

The following comments address specific issues related to the Eastern Neighborhoods Area Plans and the General Plan:

1. *Eastern Neighborhoods - Showplace Square / Potrero Hill Area Plan (Plan)*: The proposed project is located within the boundary of the recently adopted Showplace Square / Potrero Hill (SS/PH) Area Plan of the Eastern Neighborhoods. Showplace Square and Potrero Hill are diverse neighborhoods with a rich mixture of housing, commercial and Production, Distribution & Repair (PDR) uses. New development should add to the rich mixture of uses in the area, and provide more housing, especially affordable units. New development should improve livability and be well designed, compatible with the scale of surrounding development, and consistent with neighborhood character. The project, as submitted is generally consistent with the goals and vision of the plan, specifically with the goals below:
  - Build on the existing character of Showplace Square – Potrero Hill and stabilize it as a place for living and working.
  - Strengthen and expand Showplace Square – Potrero Hill as a residential, mixed-use neighborhood.

The area of Showplace Square where the proposed project is located, the “16-17<sup>th</sup> Street Corridor,” is particularly called out in the Plan as an area to “encourage development of new housing, mixed with remaining PDR uses. Acknowledge this transit corridor with somewhat increased residential density along the south side of 16th Street, while 17th Street remains lower in scale. Control retail use sizes to foster neighborhood-serving character.” The proposed project is generally consistent with what is envisioned for the area, especially the development of new housing. While the industrial/PDR uses of this location were lost at some point, on balance the provision of housing, if consistent with the affordable housing requirements of the district, is a supported use by the Department. While it is not required, the project sponsor could consider providing one or more of its retail spaces with generous floor-to-ceiling heights, spacious floor plates, and other features that could accommodate a PDR tenant (such as a catering, contractor shops, artist space, light food processing or other use compatible with the residential uses) should one wish to rent a space there in the future.

As currently drafted, the proposed project is in line with the land uses encouraged in the SS/PH particularly:

- Objective 1.1 Encourage the transition of portions of Showplace / Potrero to a more mixed use and neighborhood-serving character, while protecting the core of design-related PDR uses.
- Objective 1.2 in areas of Showplace/Potrero where housing and mixed use is encouraged, maximize development potential in keeping with neighborhood character.

The proposed project is also generally consistent with the following related policies in the Plan: encouraging mixed-uses (1.1.2, 1.1.3, 1.1.4, 1.2.2, and 1.2.3); providing family housing along transit corridors (2.3.2 and 2.3.3); reducing curb cuts, efficient use of parking space and providing car-sharing (4.1.4, 4.3.4, 4.8.1); and providing on-site private open space for residents (5.2.1).

Please refer to the SS/PH Area Plan in particular the Housing, Built Form, and Open Space chapters, where relevant, and others not specifically stated but applicable, for more guidance and to ensure general conformity with the policies of the Plan. Information on the SS/PH Plan can be found on the Planning Department's website at: <http://easternneighborhoods.sfplanning.org>

2. *Urban Mixed Use District*: The project is in the Urban Mixed Use (UMU) District. This District is intended to promote a vibrant mix of uses. Parking is not required in this District. Given its location along 16<sup>th</sup> Street, a key transit street per the Transit Effectiveness Project, the proposed project includes parking at a ratio not exceeding the requirements of the UMU District and uses consistent with the stated objectives and policies of both the UMU District and the SS/PH Area Plan.
3. *Option for In-Kind Provision of Community Improvements and Fee Credits*: Project sponsors may propose to directly provide community improvements to the City and satisfy relevant Area Plan Development Impact fees through such improvements. In such a case, the City may enter into an In-Kind Improvements Agreement with the project sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fees and the Public Benefit Fund. The project sponsor, City, and Citizen Advisory Committee (CAC) coordinate the design, valuation, and terms of the agreements. This is not a required process; however an in-kind improvement must be determined to be eligible, be prioritized, and recommended by the Planning Department and (when applicable) the relevant CAC. This process is further explained in Section 423.3(d) of the Planning Code and in the following Department resource:  
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8601>

As part of the Eastern Neighborhoods public benefits program, 16<sup>th</sup> Street streetscape improvements were identified as a community and capital priority project for impact fee funding. If an in-kind agreement is feasible and pursued, improvements should be directed towards improving pedestrian and transit connections and may include any of the following: cross-walk improvements, street tree plantings, tree grates, curb bulb-outs, pedestrian lighting, and transit shelters (above what the project would be required to provide without an in-kind agreement).

4. *EN Trips*: The EN Trips project is the transportation implementation plan for the Eastern Neighborhoods Plans. EN Trips identifies 16<sup>th</sup> Street as a priority corridor for transit and pedestrian improvements. The proposed designs are currently undergoing environmental review. To ensure there are no major conflicts with regards to curb-cuts or public transit operations on 16<sup>th</sup> Street, the project sponsor should be aware of the proposed transit improvements on that street. Additionally, should the sponsor wish to explore an in-kind agreement with the City, the project sponsor should consider the EN Trips proposed streetscape improvements. The EN Trips final report can be found on the Planning Department's website at: <http://easternneighborhoods.sfplanning.org>
5. *General Plan & Other Relevant City Policy*: The project does not require amendment of the General Plan or a General Plan referral as currently proposed. A residential, mixed-use project would be consistent with the objectives and policies of San Francisco General Plan.

6. *Housing Affordability*: The General Plan incorporates Objectives and Policies that focus on providing additional housing and call for the City to ensure availability of permanently affordable housing (Housing Element, Policy 4.5). The project would provide 77 units but it is not clear how the affordable housing requirements will be met. The UMU district also has specific requirements for affordable housing, before filing for appropriate permits please see the affordable requirements per the Code mentioned in item #15 above, under Preliminary Project Comments.
7. *Transportation – Increasing Trips by Transit, Bicycle and Foot*: The General Plan calls for sustainable development integrating housing with transportation in ways that increases travel by foot, bicycle and transit (Housing Element Policy 13.3, Transportation Element Pol. 28.1). The General Plan and Code also call for new residential development to provide safe and secure bicycle storage. The residential project, located along the transit preferential street 16th Street and within blocks of several MUNI lines, proposes to provide 65 off-street parking spaces and 32 bicycle spaces. The provision of only the maximum allowed off-street parking and of Class 1 bicycle parking is consistent with encouraging more trips by transit, bike and foot and with the referenced policies.
8. *Curb Cuts*: vehicular access to the first floor garage would require one curb cut on De Haro Street (there are two existing curb cuts on De Haro). The project proposes to get rid of at least two and as many as three of the existing curb cuts (two along 16<sup>th</sup> street per the code and one along De Haro), which would restore some on-street parking and the department would support.

## PRELIMINARY DESIGN COMMENTS:

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

1. *Building Massing, Site Design, and Open Space*: Overall the proposed massing is appropriate for this use, context, and location. The building massing responds to the street and the adjacent neighbor's light wells.
2. *Ground Level Street Front*: The street frontages are appropriate. The Planning Department has concerns about the treatment of the ground floor spaces at the acute angled corners. They provide opportunity for additional active space with landscaping. They may also present challenging space for unintended consequences and may need to be secured. If they are intended to be gated subsequent review will look at how that is proposed.
3. *Architecture*: At this point the architecture is assumed to be preliminary and the Planning Department would provide further detailed design review on the subsequent submission with the formal Application. While supportive of the gesture to opening a transition from the street to the entry and the break in the street wall, The Planning Department has reservations about the current location and design of the entry forecourt.

The stair, while assumed to provide an active element, may need to be considered in relation to security and unintended use: will it necessitate the forecourt being gated? The Planning Department

feels that the ceremonial stair should be substantial in design, materials, and size to pull of the intent. Care should also be taken so that the stair does not muddle the clarity of the entry court.

Also, consider locating the entry forecourt / portal to the south end of the De Haro frontage. Potentially this could help aggregate the retail space, create a stronger corner form, and eliminate a pinch point between the entry portal and the courtyard to present a more open courtyard to the neighboring side yard.

4. *Garage and Parking:* The Planning Department recommends consolidating the service doors reducing the parking garage entrance and curb cut to a maximum of 12' wide.
5. *Public Realm Improvements:* Street 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 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 not count for as credit towards in-kind contributions.

EN Trips will result in incremental removal of parking from 16<sup>th</sup> street and transit and streetscape improvements. A loading zone might be requested along this frontage. The project proposes elimination of three curb cuts, and reorientation of perpendicular street parking along De Haro. The Planning Department supports this parking change, if coupled with some additional streetscape improvements, such as bulb-outs, that also extend the depth of the parking 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 **November 3, 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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