



SAN FRANCISCO PLANNING DEPARTMENT

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

Preliminary Project Assessment

Date: May 29, 2012
Case No.: **2012.0443U**
Project Address: 828 Brannan Street
Block/Lot: 3780/004E
Zoning: UMU (Urban Mixed Use) District
Showplace Square Special Sign District
68-X
Area Plan: Showplace Square/Potrero Hill Area Plan
Project Sponsor: John Winder, Winder Gibson Architects
415-318-8634 x 4002
Staff Contact: Debra Dwyer - 415-575-9031
Debra.Dwyer@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The approximately 13,006 square foot project site is located on the north side of Brannan Street on the northwest corner of the intersection of Brannan and Langton Streets between Seventh and Eighth Streets. The proposed project would include the construction of a three-story vertical addition to the existing 12,605 square foot industrial building, which was constructed in 1936. The existing use at the project site is wholesale sales, which would continue on the ground floor following construction of the project. The proposed addition would add approximately 36,037 square feet, including office use on the second floor and restaurant/nightclub/private club or assembly space on the third and fourth floors. The existing structure is approximately 29 feet seven inches tall. With the approximately 32-foot vertical addition, the resulting building would be 61 feet eight inches tall. The proposed project would include a new accessible roof deck on the east side of the new roof. In addition, the proposed project would include a courtyard on the top floor with a 1,386 square foot retractable skylight on the new roof (approximately 33

feet by 42 feet in size). No off-street parking is proposed. Currently, delivery and service vehicles for the existing wholesale glass business enter the building from an existing curb cut on Brannan Street and exit onto Langton Street, a private alley located immediately east of the existing building.

ENVIRONMENTAL REVIEW:

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

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

The proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR*, which was certified in 2008.¹ Because the proposed project is consistent with the development density identified in the area plan, it is eligible for community plan exemption (CPE). Potentially significant project environmental impacts that were identified in and pertinent mitigation measures and CEQA findings from the underlying area plan final EIR may be applicable to the proposed project.

Based on our preliminary review, it appears that the following mitigation measures that were identified in the area plan EIR would apply to the proposed project:

- **Mitigation Measure F-2: Construction Noise.** The area plan EIR noted that where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, 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. Thus, Mitigation Measure F-2 from the area plan EIR may apply to the proposed project. Additional information regarding construction activities and the equipment to be used as well as the proximity of noise sensitive uses will be reviewed as part of the environmental review process. If deemed necessary based upon the proximity of sensitive receptors, this mitigation measure requires the sponsors of the subsequent development projects to 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 feasible noise attenuation will be achieved.
- **Mitigation Measure F-5: Siting of Noise-Generating Uses.** The area plan EIR noted that where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that noise generating-uses may be in proximity to noise

¹ Available for review on the Planning Department's Area Plan EIRs web page: <http://www.sf-planning.org/index.aspx?page=1893>.

sensitive uses, the Mitigation Measure F-5 from the area plan EIR would apply. Mitigation Measure F-5 would reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including 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. Based on the project description provided, the project would include periodic night-time assembly use. Therefore, the Planning Department shall require the preparation of 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 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.

- **Mitigation Measure J-1: Properties With Previous Archeological Studies.** The project site is on a block identified in Mitigation Measure J-1 from the area plan EIR for which a final archeological research design and treatment plan (ARDTP) is on file at the Northwest Information Center and the Planning Department (Archeological Mitigation Zone A as shown in Figure 29 in Chapter IV of the FEIR). This mitigation measure would apply to the proposed project because the project site is in an archeologically sensitive area. This mitigation measure requires any project resulting in soils-disturbance of 2.5 feet or greater below existing grade proposed within the AMM-A shall be required to submit to the Environmental Review Officer (ERO) for review and approval an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology. The Planning Department's list of approved archeological consultants is available at http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf.
- **Mitigation Measure L-1: Hazardous Building Materials.** The existing building on the project site was constructed in 1936. Pursuant to this mitigation measure, development proposals within the Eastern Neighborhoods require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of 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. This mitigation measure would apply to the proposed project, if any interior demolition of the building is proposed
- **Historic Resources:** The project site has been included in the *Showplace Square/Northeast Mission Historic Resource Survey*, which was conducted as a part of the Eastern Neighborhoods Area Plan. 828 Brannan Street was given a rating of 6L ("Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning"), and under the CEQA Guidelines, is not considered to be a historical resource. Therefore, there are no historic resource issues with the subject property.

Based on our preliminary review the following topic areas may require additional study to identify significant impacts not identified in area plan EIR:

1. **Transportation Study.** The Department has preliminarily determined that a transportation study is not required for the proposed project. However, Department staff is unclear on the proposed land

use. The most recent email dated May 2, 2012 from sponsor seems to indicate that this is a multi-purpose event space while the preliminary project assessment plans suggest a 'club.' For the final transportation study determination, more detailed information will be required regarding the proposed use [e.g. when exactly events are expected to occur (PM peak?), how many people (2,500 seems unrealistic), how often (X times per week /month)].

Should a transportation study be required, the transportation study would need to be prepared by a qualified consultant working at the direction of the Planning Department staff. The Planning Department's list of approved transportation consultants is available at http://www.sf-planning.org/ftp/files/MEA/Transportation_consultant_pool.pdf. As project sponsor, the Planning Department would provide you with three firms from this list from which to choose one to prepare the study. Please see "Transportation Impact Analysis Guidelines for Environmental Review" on the Planning Department's website and "Miscellaneous Fees" in the Planning Department's current *Fee Schedule for Applications*. As noted on the *Fee Schedule*, there is a separate fee to SFMTA for review of the transportation report.

2. **Air Quality (AQ) Analysis.** The project proposes construction activities near existing sensitive land uses (residences) along Langton Street. If the proposed project's construction activities require the use of heavy duty diesel equipment, emissions of diesel particulate matter (DPM), a known toxic air contaminate, may affect sensitive receptors (daycare, schools, senior care facilities, hospitals, and dwelling units) 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. The report must be prepared by a qualified firm working under the direction of Planning Department staff.
3. **Geotechnical Investigation.** The project site is located in 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 reduce the potential for impacts related to structural damage and surface settlement to a less-than-significant level. To assist Department staff in their determination, it is recommended that you provide a preliminary geotechnical investigation with boring logs and foundation recommendations for the proposed project.

In the project meeting held April 17, 2012, the property owner indicated that the seismic upgrades to the foundation that would be required to accommodate the proposed three-story addition have already been completed. Documentation to that effect will be required.

4. **Shadow Study.** The proposed project would result in construction of a building greater than 40 feet in height. The proposed project would therefore require a shadow study. A preliminary shadow analysis, attached, indicated that no public space under the jurisdiction of the Recreation and Park Department will be shadowed by the proposal, as represented in the plan set submitted with the Preliminary Project Assessment. In addition, the preliminary shadow analysis prepared by Planning

Department staff has determined that the project could cast no shadows on any recreational resources. Therefore, no further shadow analysis would be required.

5. **Flood hazards.** This lot is in a block that has been identified by the San Francisco Public Utilities Commission (SFPUC) as having the potential to flood during storms. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements shall be referred to the SFPUC at the beginning of the process, for a review to determine whether the project would result in ground level flooding during storms. The side sewer connection permits for such projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Successor Agency to the San Francisco Redevelopment Agency. Please see the attached information and contact Cliff Wong of the SFPUC at 415- 554-8339.
6. **Recycle Water Ordinance:** Pursuant to Ordinances 390-91, 391-91, and 393-94, the proposed project may be subject to requirements to install dual-plumbing systems for recycled water use. Please see the attached SFPUC handout, *SFPUC Recycled Water Installation Procedures for Developers*, and contact the SFPUC for further information about the applicability of this ordinance.

If any of the additional analyses determine that mitigation measures not identified in the area plan EIR are required to address peculiar impacts of the proposed project, the environmental document will be a community plan exemption plus a focused initial study/mitigated negative declaration. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a community plan exemption with a focused EIR. A community plan exemption and a community plan exemption plus a focused initial study/mitigated negative declaration can be prepared by Planning Department staff, but a community plan exemption with a focused EIR would need to be prepared by a consultant on the Planning Department's environmental consultant pool list. If this is necessary, the project sponsor will be provided with three environmental consulting firms from which to choose to have the focused EIR prepared (http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf).

Please see "Studies for Project inside of Adopted Plan Areas - Community Plan Fees" in the Planning Department's current *Fee Schedule for Applications*. Environmental evaluation applications are available at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but would not be granted until after the required environmental review has been completed.

1. **Shadow Study:** Planning Code Section 147 states that any project over 50 feet in height in the Eastern Neighborhoods Plan Area requires a shadow analysis. In addition, Section 295 requires a shadow analysis for any building over 40 feet in height. The proposed project would result in construction of a building approximately 67 feet in height. A preliminary shadow analysis, attached, indicated that

no public space under the jurisdiction of the Recreation and Park Department will be shadowed by the proposal, as represented in the plan set submitted with the Preliminary Project Assessment.

2. **Building Permit:** Once the environmental review has been completed the Department must approve the associated building permit(s) for the project.

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.

There are two required notifications for the proposal at 828 Brannan Street. All projects that expand the exterior dimensions of a building within the Eastern Neighborhood Plan Areas must conduct two notifications: a pre-application notification meeting prior to submittal of a building permit application, and a second, Section 312 notification which requires 30-day mailed notification to owners and occupants within 150 of the property once the project is ready for approval (with a 30 day poster on-site).

All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Publications" tab.

PRELIMINARY PROJECT COMMENTS:

The Department has evaluated the proposal and application materials submitted for 828 Brannan Street. There currently exists legal Production-Distribution-Repair uses in the building (at the ground floor), with an "L" shaped driveway running through the building. There are no off-street parking spaces on site. The project is to retain this use and add three stories to the existing building.

As the Department understands the proposal, the concept for the use of these floors will be for a non-public space that can be rented out for events and business functions. There may be live performances and theater/dance productions on site. In the Urban Mixed Use District ("UMU"), the proposed uses are classified as 'Assembly and Social Service' (843.34), 'Arts Activity' (843.55), and 'Nighttime Entertainment' (843.56). All three uses are permitted as-of-right in the UMU Zoning District. Please note that all Planning Code requirements discussed below are based on the description of the project described above and may be modified if the project changes in scope.

1. **Open Space Requirement:** Section 135.3 requires any addition to a building which will increase the overall gross floor area 20 percent or more within the Eastern Neighborhoods Plan Area must provide and maintain usable open space. For the subject property, the Code requires 1 square foot per 250 square feet of occupied floor area of new square footage. It is unclear whether the project is meeting this Code requirement. Please indicate the total square feet of occupied floor area, the square feet of open space required under Section 135.3, and the square feet of the proposed open space. Be sure to indicate the square footage that is not included in the calculation of the occupied floor area as defined in 102.10 ("Occupied Floor Area"). Lastly, please indicate whether the open spaces are accessible to all tenants of the building or are to be used solely by particular tenants.

2. **Streetscape and Pedestrian Improvements Requirement:** Section 138.1 requires that any addition to a building which will increase the overall gross floor area 20 percent or more meet street tree requirements. One 24-inch tree must be provided for every 20 feet of street frontage on both Brannan and Langton Streets. Please provide street tree improvements in your proposal and drawings. Note that these improvements may require additional approvals from the Department of Public Works.
3. **Tree Disclosure Affidavit:** A Tree Disclosure Affidavit must be filled out and submitted.
4. **Off-Street Loading Spaces:** Section 152.1 states that non-residential uses in the Eastern Neighborhoods areas must provide off-street loading spaces. For nighttime entertainment uses that increase the gross square footage from 30,000 – 50,000 square feet, two off-street loading spaces are required.
5. **Bicycle Parking and Showers:** Section 155.3 and 155.4 states that all projects with an estimated construction cost of \$1,000,000 provide shower and clothes locker facilities for short-term use of the tenants or employees in that building, and provide bicycle parking. The proposal states that the construction cost is over \$3,000,000. Therefore, one shower, four clothes lockers, and three bicycle spaces are required for this project.
6. **Height Exceptions:** The height limit for 828 Brannan Street is 68-X. The addition is proposed to be 66'-8" high. However, there are three features that extend 9'-6" above the addition for mechanical and stairs. The proposal does not state whether these features are meeting any height exceptions under Section 260(b). Please indicate whether the proposed addition is meeting the height requirements.
7. **Transit Impact Development Fee:** The subject property is subject to the Transit Impact Development Fee in Section 411. This fee is calculated on the basis of the number of square feet of new development, multiplied by the square foot rate in effect at the time of building or site permit issuance for each of the applicable economic activity categories within the new development, as provided in Subsection 411.3(e).
8. **Jobs-Housing Linkage Program:** All projects that increase the gross square feet of nighttime entertainment use by more than 25,000 sf must participate in the Jobs-Housing Program as outlined in Section 413. Prior to issuance of a building or site permit for a development project the sponsor shall elect one of the three options: 1) contribute a sum or land of value at least equivalent to the in-lieu fee to one or more housing developers who will use the funds or land to construct housing units; 2) pay an in-lieu fee to the Development Fee Collection Unit at DBI (\$19.96 per gross square feet); or 3) a combination of the two options. Please indicate how this requirement will be met.
9. **Eastern Neighborhood Impact Fee:** Properties located within the Eastern Neighborhoods Plan areas are subject to additional impact fees outlined in Section 423. The subject property is a Tier 1 site. Under the Code, there is no Impact Fee for the addition of non-residential use, and there is a fee of \$6/gross square foot for the addition. This requirement may be met by providing community improvements outlined in Section 423.3(d). Please indicate how the project will meet this requirement.

10. **Good Neighbor Policies:** Section 803.5 (a) and (b) outlines requirements for particular uses in the Eastern Neighborhoods Area Plan. Section (a) outlines the conditions and requirements for the bar use, and Section (b) lists the nine conditions that must be met. Items such as off-street parking, noise, neighborhood safety, and ventilation must be addressed in any proposal for these uses. Please ensure that the project includes these criteria when submitting for approvals.
11. **First Source Hiring Program:** Section 83.4(n) in Chapter 83 of the Administrative Code requires that for any construction that adds 25,000 square feet of floor area and/or requires a Conditional Use Authorization by the Planning Commission must participate in the City's First Source Hiring Program. This program is administrated by the Mayor's Office of Economic and Workforce Development. For more information regarding this Program, please refer to <http://www.sfgov2.org/index.aspx?page=935>. You may also contact First Source by calling James Whelly, the First Source Program Manager, at (415) 401-4960; or by emailing him at james.whelly@sfgov.org.

PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site design, and Orientation:** The massing, as currently designed, creates a three-story façade that is setback from the existing building front. The setback may not be necessary from the standpoint of differentiating the addition, unless it is accentuated by a greater setback and greater disparity in form, materials, and articulation. Care should be taken to either integrate or dematerialize the three-story addition so as to not overpower the existing building base on which it rests.
2. **Architecture:** Although the existing building is not an historical resource, it has some character defining attributes that should inform the design of the addition to respond to its context. The Planning Department encourages making the addition compatible to the existing building and architectural features by using either of the following strategies: reference the scale and proportion of the existing building form and components; or contrast it with a stronger, simpler, and lighter form.

The addition to the existing building appears top heavy. The visual weight of the two corner masses separated by outdoor terraces does not complement the simple and more delicate pattern of the existing building. Refinement and alignment of the corner elements could help to better integrate the new with the old, while maintaining a differentiation between the two.

The horizontality and recesses created by the terraces do not reinforce or relate to the vertical articulation of the building.

The disposition of windows in between structural bays can be read in the existing building. Some reference to the solid to void system would be appropriate to use.

3. **Ground Level Street Front:** The project may 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.
4. **Parking:** Abandon unused curb cuts or driveways.

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 29, 2013**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosures: Citywide and South of Market Neighborhood Group Mailing Lists
Review of Projects in Identified Areas Prone to Flooding
SFPUC Recycled Water Installation Procedures for Developers
Preliminary Shadow Analysis for 828 Brannan Street Proposal

cc: DBA Brannan Street, LLC, Attention: Kenneth Paige
John Winder, Winder Gibson Architects
Tara Sullivan, Current Planning
Debra Dwyer, Environmental Planning
David Winslow, Citywide Planning and Analysis
Kearstin Dischinger, Citywide Planning and Analysis