



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* June 13, 2012  
*Case No.:* **2012.0506U**  
*Project Address:* 950 Gough Street  
*Block/Lot:* 0744/010  
*Zoning:* RM-4  
80-B  
*Project Sponsor:* Brad Dickason  
Maracor Development Inc.  
415-295-4501x2  
*Staff Contact:* Elizabeth Watty – 415-558-6620  
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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 proposal is to construct a new mixed-use building, containing a 9,701sf church with a community space on the basement and ground floors, with 100 dwelling units and a 73-car parking garage. The property is currently vacant, due to a fire that destroyed the St. Paulus Evangelical Lutheran Church on November 5, 1995.

### ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. The project sponsor must submit an Environmental Evaluation Application (EEA).<sup>1</sup> The following issues will be investigated as part of the environmental review process.

1. **Archeology.** The project is subject to preliminary archeological review by Planning Department staff. This review will commence after submittal of an EEA identifying the depth of proposed

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<sup>1</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8253>.

ground disturbance and submittal of the geotechnical study. At that time, the Planning Department will determine whether additional reporting and research will be required to determine whether the project has the potential to adversely affect known or potential archeological resources.

2. **Transportation.** The proposed project would add 100 residential units and 9,701sf of church/community space to the project site. Based on the Department's *Transportation Impact Analysis Guidelines* (Table C-1), a transportation study is likely to be required for this project.<sup>2</sup> This determination is preliminary in nature, and the determination will be revisited upon submittal of the EEA. The Planning Department will provide additional guidance to the project sponsor related to the process for selecting a transportation consultant and assist in the development of the scope of work for the analysis. Please see the Planning Department's Environmental Planning webpage "Resources for Consultants" for further information on administration of the consultant pool.<sup>3</sup> Additionally, the site plans need to clearly show the existing and proposed curb cuts, dimensions for the proposed garage curb cut, garage aisle dimensions, and an example parking space dimension/lift dimensions.
3. **Air Quality (AQ) Analysis.** The project includes construction of an 80-foot tall building with 100 residential units and a 9,70sf of church/community space. Project-related excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

In addition to construction dust, demolition and construction activities would require the use of heavy-duty diesel equipment, which emit diesel particulate matter (DPM). DPM is a designated toxic air contaminant, which may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site. Additional measures may be required to reduce DPM emissions from construction vehicles and equipment.

The proposed project also includes sensitive land uses (100 residential dwelling units) that may be affected by nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. In addition, Health Code Article 38 applies to the proposed project. Health Code Article 38 requires that new residential development greater than 10 units located within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether PM<sub>2.5</sub> concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m<sup>3</sup>). Sponsors of projects on sites exceeding this level are required to install ventilation

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<sup>2</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=6753>.

<sup>3</sup> <http://www.sf-planning.org/index.aspx?page=1886>.

systems or otherwise redesign the project to reduce the outdoor PM<sub>2.5</sub> exposure indoors. The proposed project is located within the Potential Roadway Exposure Zone, therefore an analysis of annual exposure to roadway related particulate matter would be required. 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. For more information on Health Code Article 38 please see: <http://www.sfdph.org/dph/EH/Air/default.asp>

Lastly, the proposed project is likely to require a diesel back-up generator which would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors.

During the environmental review process the proposed project will be reviewed to determine whether mitigation measures in the form of either construction emissions minimization measures or air filtration and ventilation mitigation measures will be required. Should the project include stationary sources of air pollutants including, but not limited to, diesel boilers or back-up generators, an Air Quality Technical Report may be required for additional air pollutant modeling. If an Air Quality Technical Report is required, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any required analysis and/or modeling determined necessary.

4. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy.<sup>4</sup> Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The environmental planner assigned or CEQA consultant in coordination with the project sponsor will prepare this checklist in coordination with the project sponsor.
5. **Geology, Soils, and Seismicity.** The project involves excavation beyond 10 feet below grade. A geotechnical study prepared by a qualified consultant should be submitted with the EEA. The study should address whether the site is subject to liquefaction and landslides, and should provide recommendations for addressing any geotechnical concerns identified in the study.
6. **Shadow.** Planning Code Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet, unless the Planning Commission finds the impact to be less than significant. The proposed project includes buildings over 40 feet in height; thus, submittal of a Shadow Analysis Application is required.<sup>5</sup> Please submit this application in coordination with the EEA, as shadow impacts will be considered and discussed as appropriate in the CEQA document.

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<sup>4</sup> San Francisco's *Strategies to Address Greenhouse Gas Emissions* and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=1570>

<sup>5</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8442>

7. **Wind.** As discussed under item six in “Preliminary Planning Code” project comments section below, the height of the proposed residential building would trigger a wind analysis study in order to ensure that the project will not exceed the comfort criteria (ground level wind levels not to exceed 11mph in areas of substantial pedestrian use or 7mph in public seating areas) established in Section 148 of the Planning Code. Section 148 specifically outlines these criteria for the Downtown Commercial (C-3) Districts, but the Department, as lead agency, for the implementation of CEQA, uses the Planning Code’s wind hazard criterion and pedestrian-comfort criteria for evaluating the wind impacts of a proposed building located anywhere in the city, including the project site. The comfort criteria are based on pedestrian-level wind speeds that include the effects of turbulence; these are referred to as “equivalent wind speeds” (defined in the Planning Code as “an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians”). If existing wind speeds exceed the comfort level, or when a project would result in exceedances of the comfort criteria, an exception may be granted, pursuant to Planning Code Section 309, if the building or addition cannot be designed to meet the criteria “without creating an unattractive and ungainly building form and without unduly restricting the development potential” of the site, and it is concluded that the exceedance(s) of the criteria would be insubstantial “because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded.” Section 148 also establishes a hazard criterion, which is a 26 mph equivalent wind speed for a single full hour. No exception shall be granted for exceeding a hazardous level.
8. **Noise.** The proposed project site is located on Gough Street between Turk and Eddy 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.
9. **Tree Planting and Protection Checklist.** The project site contains mature trees along its perimeter. 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. Please submit a Tree Planting and Protection Checklist with the EEA.<sup>6</sup> Any tree identified in the Tree Planting and Protection Checklist must be shown on the project site plans with size of the trunk diameter, tree height, and accurate canopy dripline.

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<sup>6</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8321>

10. **Stormwater and Flooding.** The City and County of San Francisco Stormwater Management Ordinance became effective May 22, 2010. As addressed in Public Works Code Section 147.2, stormwater design guidelines have been instituted to minimize the disruption of natural hydrology. The ordinance requires preparation of a Stormwater Control Plan (SCP) for any project resulting in a ground disturbance of 5,000 square feet or greater prior to issuance of a building permit. Responsibility for review and approval of the SCP is with the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program (UWMP). 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. Low impact design approaches may include a reduction of impervious cover, stormwater reuse, and increased infiltration. More information is available at <http://sfwater.org/index.aspx?page=446>.

Please note that this project is not likely to qualify for a Categorical Exemption under CEQA. If the additional analysis performed after submittal of the EEA indicates that the project may have a significant effect on the environment, an Initial Study would be prepared to determine whether an Environmental Impact Report (EIR) is needed. The initial study may be prepared either by an environmental consultant from the Planning Department's environmental consultant pool or by Department staff. If the Department determines that the project would not have a significant effect on the environment, the Department would issue a Preliminary Negative Declaration (PND). If the Department finds that the project would have significant impacts that can be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a Preliminary Mitigated Negative Declaration (PMND). The PND or PMND would be circulated for public review for a period of 20 calendar days, during which time concerned parties may appeal the determination. If an appeal is filed, the Planning Commission would hold a hearing to decide the appeal. If no appeal is filed, the Planning Department would issue a final negative declaration (FND) or final mitigated negative declaration (FMND), and CEQA review is complete.

If the initial study indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool. For example, if the transportation study determines that the project would result in a significant impact to roadway level of service, the Planning Department would require the preparation of an EIR. The Planning Department would provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

To determine fees for environmental review, please refer to page 2 of the current fee schedule, "Environmental Applications – Studies for Projects outside of Adopted Plan Area."<sup>7</sup>

## **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.

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<sup>7</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>.

1. **Conditional Use Authorization (“CU”).** Planning Code Sections 209.3(j) requires that a CU be granted by the Planning Commission for 1) the new construction of a church and 2) construction of a building greater than 40 feet in height with a frontage greater than 50 feet.
2. **Variance.** The project as proposed may need several variances. These include variances from rear yard requirements pursuant to Planning Code Section 134, off-street parking requirements pursuant to Planning Code Section 151, exposure requirements pursuant to Planning Code Section 140, and usable open space requirements pursuant to Planning Code Section 135 (note: based on the preliminary level of plans, a concrete determination could not be made as to the Code compliance of the exposure and usable open space requirements).
3. **Shadow Analysis.** Due to potential shadow impacts on nearby property owned by the San Francisco Recreation and Park Department (see “Preliminary Project Comments” below), the project may need to be reviewed by the Recreation and Park Commission.
4. A **Building Permit Application** is required for the proposed new construction on the subject property. Neighborhood Notification pursuant to Planning Code Section 311 will be required; however, since a CU will also be required, the Planning Department will run a concurrent notice to cover the CU and the Neighborhood Notification. You need to submit mailing materials for the CU, **plus** mailing materials for building tenants who live within 150 feet of the subject property.

#### **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.

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 Neighborhood Notification – Pre-Application Packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the “Permits & Zoning” tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the “Resource Center” tab, “Map Library”. Since this project falls on the border of two neighborhoods, you are required to invite all groups/individuals on the Western Addition and the Downtown/Civic Center Neighborhood Lists.

#### **PRELIMINARY PROJECT COMMENTS:**

The following comments address specific Planning Code and other general issues that may significantly impact the proposed project. For the purpose of providing these comments, the ground floor units along Clara Street are considered non-residential. Designation of these units as residential may alter some of the comments below.

1. **Variations.** The proposed project would require variances from the following Planning Code Sections. Please note that there are five variance criteria outlined in Planning Code Section 305, that must be met for each requested variance:
  - a. **Rear Yard.** Section 134 requires the project to provide a rear yard of at least 25 percent of the lot depth at all levels of the building. Because this project is located on a corner site, one of the street frontages (Gough or Eddy Street) must be designated as the front of the property, and the rear yard would then be provided based on that determination. If such a rear yard is not provided, you must seek a variance.
  - b. **Open Space – Residential.** Section 135 requires 36 square feet of private open space (or 48 square feet of common open space) for each dwelling unit, with certain minimum dimensional requirements. Additionally, it does not appear that the proposed common space on level 2 meets the “Inner Court” minimum dimensions, and it is unclear whether the total area of open space provided above the podium would suffice. The Department generally would recommend providing a Code-complying amount of open space. If this is not feasible, you must seek a variance.
  - c. **Exposure – Residential.** Section 140 requires all dwelling units to face an open area. This open area may either be a street, a Code-complying rear yard, or a court measuring no less than 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 of five feet in every horizontal dimension at each subsequent floor. It is unclear whether all of the proposed dwelling units comply with this section, specifically as it relates to the dwelling units facing directly onto the court. If this is not feasible to meet this Code section, you must seek a variance.
  - d. **Off-Street Parking.** Section 151 requires every dwelling-unit in an RM-4 District to have one off-street parking space, and requires a church to have one off-street parking space for each 20 seats over 200 seats in the main auditorium (e.g. 220 seats = 1 off-street parking space). It does not appear that the project will satisfy this Code requirement. If you do not wish to provide the required quantity of parking, you must seek a variance.
    - i. Planning Code Section 155, requires that for each 25 off-street parking spaces, one such space must be designated for persons with disabilities.
    - ii. Planning Code Section 167 requires parking to be “unbundled”, meaning it must be leased or sold separately from the rental or purchase fees for the dwelling units. Since there are fewer parking spaces than dwelling units proposed, parking must be offered first to the potential owners or renters of the three-bedroom or more units (if there are any), second to the owners or renters of two bedroom units, and lastly to the owners or renters of other units.
2. **Street Trees.** Planning Code Section 138.1 requires one street tree for every 20 feet of frontage for new construction. No street trees are shown on the plans. It appears that 14 street trees will be required for the project.

3. **Bird Safe Design Guidelines.** The Subject Property is located inside of, or within a clear flight path of less than 300 feet from an Urban Bird Refuge. As such, the building must be treated according to the standards established in Planning Code Section 139 and the Department's adopted *Standards for Bird Safe Buildings*. Bird-Safe Glazing Treatment is required such that the Bird Collision Zone – meaning the portion of building facade beginning at grade and extending upwards for 60 feet, or (ii) glass facades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof – facing the Urban Bird Refuge consists of no more than 10% untreated glazing. Building owners are encouraged to concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians.
4. **Street Frontages.** Planning Code Section 144 limits requires that 1/3 of the frontages be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage. Please incorporate such features to comply with this section into your revised design.
5. **Car Sharing.** Planning Code Section 166 requires that this project provide at least one car share space.
6. **Accessory Uses.** The proposed community space is permitted to be up to ¼ the floor area of the church, as an accessory use. It is unclear whether the proposed project meets this requirement.
7. **Shadow Studies.** Planning Code Section 295 requires a shadow analysis be conducted for any project greater than 40 feet in height. The analysis for the proposed building indicated that it would cast shadow on Jefferson Square. The project can only be approved by the Planning Commission if the shadow is determined to be insignificant or not adverse to the use of the park. A recommendation from the Recreation and Parks Commission is required prior to the Planning Commission hearing. Since the Department's initial shadow fan determined that a shadow would most likely be cast on Jefferson Square, you will need to submit a Section 295 Shadow Application. Once submitted, Planning staff will determine whether the previously existing building can be used to exempt you from this hearing.
8. **Transit Impact Development Fee.** This project is subject to the applicable fees outlined in Planning Code Section 411, et seq.
9. **Inclusionary Affordable Housing Program (Section 415).** All projects with five (5) or more dwelling units must participate in the Inclusionary Affordable Housing Program. This program requires the project sponsor to select one of the following options to satisfy the requirement of this program: (1) payment of the Affordable Housing Fee at a rate equivalent to an off-site requirement of 20% of the total number of units; (2) inclusion of 15% of the total number of units as on-site affordable units; (3) construction of 20% of the total number of units off-site affordable units. If on-site units are selected for compliance with this Section, the units must be designated as owner-occupied units, not rental units (unless the project has a Costa Hawkins Exception), and 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.

10. **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 a CU; or (3) any permit application for a residential development of **ten units or more involving new construction**, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please see contact information below:

Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
50 Van Ness, San Francisco, CA 94102  
Direct: 415.581.2303  
Fax: 415.581.2368

## PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site Design, and Open Space.** Overall, the massing and the open space seem well disposed and located.
2. **Vehicle Circulation and Parking.**
  - a. *Garage entrance:* the Department recommends reducing the width of the garage entrance to a maximum of twelve feet wide. A garage entrance design could use perpendicular parking / bulb out and an interior bay to accommodate cars that may come and go at the same time.
  - b. *Loading and trash areas:* the Department recommends consolidating and reducing the size of the loading and trash area by locating it behind a single garage entrance so to free up more “active space” along the Eddy Street frontage.

3. **Public Realm Improvements.** Streetscape Plan (Section 138.1(c)(2)). The Project includes more than 250 feet of total lot frontage, and as such, requires the submittal of a Streetscape Plan to the Planning Department to ensure that the new streetscape and pedestrian elements are in conformance with the Department's Better Street Plan. This Streetscape Plan shall be submitted to the Planning Department no later than 60 days prior to any Planning Commission action, and shall be considered for approval at the time of other project approval actions. The Streetscape Plan should show the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, curb extensions (bulb-outs), and curb lines (see Better Streets Plan Section 4 for Standard Improvements and Section 5.3 for bulb-out guidelines, as well as Section 138.1(c)(2)(ii) for the additional elements that may be required as part of the project's streetscape plan).
4. **Architecture.** At this point, the architecture is assumed to be preliminary and UDAT would provide further detailed design review on the subsequent submission.
  - a. *Scale, proportion, and building logic.* The Department expects a high quality of design that responds to its context with a consistent composition of building components. The Department encourages variation or separation of horizontal and vertical building masses, and would like to see crisp contemporary architecture as the design develops.
  - b. *Active ground floor.* Please minimize the frontage dedicated to utilities, loading and trash at the ground level of Eddy Street. Locate the electrical transformer underground.
  - c. *Building Entrances.* Consider separating the sanctuary and residential lobby entrances. Recess the residential lobby by at least three feet.

#### PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, CU, or Building Permit Application, as listed above, must be submitted no later than **December 13, 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.

cc: Saint Paulus Evangelical Lutheran Church, Property Owner  
Elizabeth Watty, Current Planning  
Chelsea Fordham, Environmental Planning  
David Winslow, Citywide Planning and Analysis