



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 16, 2012
TO: Christopher Davenport, Trumark Homes LLC
FROM: Joy Navarrete, Planning Department
RE: PPA Case No. 2012.1218U for 645 Texas Street

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

Reception:
415.558.6378

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415.558.6409

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415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Jessica Range, at (415) 575-9018 or Jessica.Range@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Joy Navarrete, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Date: November 16, 2012
Case No.: **2012.1218U**
Project Address: 645 Texas Street
Block/Lot: 4102/026
Zoning: MUR (Mixed-Use Residential Use) District
40-X
Project Sponsor: Christopher Davenport, Trumark Homes LLC
(925) 309-2503
Staff Contact: Jessica Range (415) 575-9018
Jessica.Range@sfgov.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department (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 Department approvals listed below. The Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the 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, Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The project site is located at 645 Texas Street within the Potrero Hill neighborhood (Assessor's Block 4102, Lot 026). The project site has frontages along Mississippi, 22nd, and Texas Streets. The approximately 32,500 square foot (sf) project site is currently developed with 30,000 sf of office and industrial uses split among two buildings that are about 22 feet in height. Two existing curb cuts along 22nd and Mississippi Streets provide access to 10 off-street parking spaces and three to four off-street loading spaces.

The proposal is to demolish the existing buildings and surface parking on the project site and to construct a new 40-foot-tall residential building. The proposal includes construction of 101 residential units split among 1, 2 and 3-bedroom units. Two of the residential units, totaling 2,600 sf, are proposed as “flex space,” which would allow for residential, commercial, or office space. The proposal includes a below grade parking garage for a total of 101 parking spaces. Rear yard and open space would be provided by an interior 6,735 sf courtyard and a 3,900 sf roof deck at the corner of Mississippi and 22nd Streets.

ENVIRONMENTAL REVIEW:

Environmental evaluation is required for the full scope of the project. Pursuant to the California Environmental Quality Act (CEQA), this project is likely to qualify for a Community Plan Exemption (CPE) under the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods), provided that the project is compliant with the Planning Code zoning and density designations. Within the CPE process, there can be three different outcomes as follows:

- 1. CPE Only.** In this case, all potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the underlying Eastern Neighborhoods Rezoning and Area Plans Final Program Environmental Impact Report (Eastern Neighborhoods FEIR), meaning there would be no new “peculiar” significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the underlying area plan FEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees, based on the current fee schedule, in addition to the Environmental Document Determination of \$13,004 are: (a) the \$7,216 CPE certificate fee; and (b) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR in the amount of \$10,000.
- 2. CPE and Focused Initial Study/Mitigated Negative Declaration.** One or more new significant impacts of the proposed project specific to the site or the project proposal are identified that were not identified in the underlying plan area FEIR. If any new significant impacts of the proposed project can be mitigated, then a focused Mitigated Negative Declaration to address these impacts is prepared and a supporting CPE certificate would be prepared to address all other impacts that were encompassed by the underlying plan area FEIR, with all pertinent mitigation measures and CEQA findings from the underlying area plan FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, in addition to the Environmental Document Determination of \$13,004 are: (a) the standard environmental evaluation (EE) fee based on the cost of

construction; and (b) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Eastern Neighborhoods Rezoning FEIR in the amount of \$10,000.

- 3. CPE and Focused Environmental Impact Report (EIR).** One or more new significant impacts of the proposed project specific to the site or the project proposal are identified that was not identified in the underlying plan area FEIR. If any new significant impacts of the proposed project cannot be mitigated, then a focused EIR to address these impacts is prepared and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the underlying plan area FEIR, with all pertinent mitigation measures and CEQA findings from the underlying area plan FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, in addition to the Environmental Document Determination of \$13,004 are: (a) the standard environmental evaluation (EE) fee based on the cost of construction; (b) one-half of the standard EIR fee; and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR in the amount of \$10,000.

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. The Environmental Evaluation Application should include the following additional information: 1) clear plans showing the existing and proposed means of ingress/egress and curb cuts, 2) dimensions of curb cuts and parking spaces, 3) square footage of office and industrial uses to be demolished, whether the existing buildings are currently occupied and the degree of their occupancy, and 4) additional information as requested in this letter.

An **Environmental Evaluation Application** is required for the full scope of the project. A preliminary review of the proposal indicates that following studies and/or additional information would be required:

- 1. Archeology.** The project includes demolition, excavation, grading, and foundation work to a depth of up to 20 feet below grade. The project site lies within the *Archeological Mitigation Zone J-2: Properties with No Previous Studies*, as identified in the Eastern Neighborhoods FEIR. In compliance with this mitigation measure, a Preliminary Archeological Sensitivity Study would be prepared by the Department upon submittal of an Environmental Evaluation Application. Based on the Sensitivity Study, the Environmental Review Officer (ERO) would determine if an Archeological Research Design/Treatment Plan (ARD/TP) would be required to more definitively identify the potential for archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less than significant level. If an ARD/TP is required, it must be

prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The qualified consultant must be selected from one of three archeology consultants assigned to this project by the Department during the environmental review process.

- 2. Historic Architectural Resources.** The Planning Department does not have an accurate estimate of the age of the existing buildings on the project site. According to the project sponsor, the building at 1300 22nd Street was built in 1948 for use as a paint factory and the building at 645 Texas was constructed in 1984 by the Roy Anderson Paint Company. The 1300 22nd Street building is older than 50 years and is therefore considered a potential historic resource. No known historic resources or historic districts are located in proximity to the project site.

Under CEQA, evaluation of the potential for proposed projects to impact historical resources is a two-step process: the first is to determine whether the property contains historical resource(s) as defined in Section 15064.5(a)(3) of CEQA; and, if it is determined to be an historical resource, the second is to evaluate whether the action or project proposed by the sponsor would cause a substantial adverse change to that resource. In this case, the proposed project would be required to submit a *Supplemental Information for Historic Resource Determination*. Please submit this information with your Environmental Evaluation Application. Based on the information provided in the *Supplementation Information for Historic Resource Determination*, the Planning Department would prepare a Historic Resource Evaluation Response (HREER) to determine whether a Historic Resource Evaluation (HRE) is required. If an HRE is required, the HRE would first determine if the buildings located on the project site are eligible historic resources, and analyze the impacts of the proposed project upon those resources. If an HRE is required, it must be prepared by a qualified consultant chosen from the Department's Historic Resources Consultant List (contact Tina Tam at 415-558-6325 for information about this list).

- 3. Transportation.** At this time, a project-specific transportation study is not anticipated to be required; however, a formal determination of whether a *Transportation Impact Study* is required will be made after submittal of the Environmental Evaluation Application. If such a study is required, the consultant must be selected from one of three transportation consultants assigned to this project by the Department during the environmental review process.
- 4. Noise.** The Eastern Neighborhoods FEIR identified a number of noise mitigation measures applicable to construction as well as siting noise sensitive land uses (such as residential uses) in areas that are substantially affected by existing noise levels. The project site is located in an area where traffic-related noise exceeds 60 Ldn (a day-night averaged sound level). Application of

Noise Mitigation Measures F-1 and F-2 (Construction Noise) are intended to reduce construction-related noise impacts. *Mitigation Measure F-1* applies to pile driving activities and would require that piles be pre-drilled. *Mitigation Measure F-2* would require construction projects near noise sensitive land uses implement noise attenuation measures. Project sponsors would be required to submit a plan that outlines the noise attenuation measures to be implemented during the construction phase. The plan must be submitted to the Department of Building Inspection (DBI), for review and approval, prior to the issuance of any construction or demolition permit. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would apply as the project sponsor is proposing to site residential uses within the MUR Use District in an area that exceeds 60 Ldn. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would require the sponsor to prepare an acoustical study that identifies potential noise-generating uses within 900 feet of, and having 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. The study should include any recommendations regarding building design to ensure that the interior noise environment meets Title 24 Building Code acoustical requirements. This study must be completed during the environmental review process for inclusion in the environmental document. *Mitigation Measure F-6: Open Space in Noisy Environments* would also apply in order to protect the project's common open space from existing ambient noise levels. Compliance with this mitigation measure requires that site design consider elements that would shield on-site open space from the greatest noise sources and/or construction of noise barriers between noise sources and open space.

- 5. Air Quality.** The project proposes demolition of existing structures and construction of a new four-story residential building, with up to 2,600 sf of flex space for either residential or commercial/office use. Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Eastern Neighborhoods FEIR identified a significant impact related to construction air quality and included *Mitigation Measure G-1: Construction Air Quality*. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to 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 DBI. Pursuant to the Construction Dust Ordinance, the proposed project would be required to prepare a *Construction Dust Control Plan* for review and approval by the San Francisco Department of Public Health (DPH).

The proposal would change the use of the existing building from industrial and office to residential. Residential uses are considered a sensitive land use for purposes of air quality evaluation. The Eastern Neighborhoods FEIR identified a significant impact related to air quality for sensitive land uses and included *Mitigation Measure G-2: Air Quality for Sensitive Land Uses*. Subsequently, San Francisco passed Article 38 of the San Francisco Health Code. 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_{2.5} concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m³). The project site is not located within the Potential Roadway Exposure Zone and therefore Health Code Article 38 and *Mitigation Measure G-2* of the Eastern Neighborhoods FEIR are not applicable to the project site.

If the project would generate new sources of toxic air contaminants including, but not limited to: diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. The Eastern Neighborhoods FEIR identified a significant impact related to uses that emit DPM and included *Mitigation Measure G-3: Siting of Uses that Emit DPM* and *Mitigation Measure G-4: Siting of Uses that Emit other TACs* (Toxic Air Contaminants).

During the environmental review process the project will be screened for potential air quality impacts to identify applicable mitigation measures from the Eastern Neighborhoods FEIR.

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

conditions is required to make a determination as to whether the project would result in any environmental impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. 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. This study will also help inform the archeological review.

8. **Hazardous Materials.** Existing environmental hazards in the vicinity of the project site and the potential for hazards and hazardous materials contamination from past historic uses on the site need to be reviewed. The project includes excavation of up to 20 feet below ground to accommodate the below-grade parking garage. The project site is located in an area with known serpentine soils, which may contain asbestos and require proper removal and disposal in compliance with local, state and federal regulations. It is therefore likely that the project will require both a *Phase I and Phase II Environmental Site Assessment*, and other studies as determined necessary by the DPH.

Copies of *Phase I and Phase II Environmental Site Assessments* should be included with the Environmental Evaluation Application package, if available at the time of submittal. These studies would be required prior to completion of environmental review. *Phase I and Phase II Environmental Site Assessments* will be forwarded to DPH for their review and the project sponsor would be required to submit a fee to SFDPH for their review. If site remediation is required, the project sponsor would be required to implement site specific mitigation measures. SFDPH would provide oversight of remediation activities through their Voluntary Remediation Action Program. For more information regarding the Voluntary Remediation Action Plan Program and fees related to SFDPH review and oversight, please see:

<http://www.sfdph.org/dph/EH/HazWaste/hazWasteVoluntaryRemedial.asp>.

Lastly, the Eastern Neighborhoods FEIR identified *Mitigation Measure L-1 Hazardous Building Materials*, which requires subsequent projects to properly dispose of any polychlorinated biphenols (PCB) such as florescent light ballasts or any other hazardous building materials in accordance with applicable local, state and federal laws.

9. **Shadow.** Planning Code Section 295 generally prohibits new buildings above 40 feet 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. Please see Department comments below in the "Preliminary Project Comments" section. It

is possible that the project may exceed 40-feet in height, in which case a shadow fan analysis would be required. The shadow fan analysis would be used to determine if the project could create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas pursuant to CEQA.

10. **Tree Disclosure Affidavit.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any tree identified in this Disclosure Statement must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy drip line. Please submit an Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.
11. **Stormwater Management.** Prior to issuance of a building permit, the project sponsor is required to prepare and submit a *Stormwater Control Plan* (SCP) to the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program. The SCP shall demonstrate compliance with the City's 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. For more information on the SFPUC's stormwater management requirements, see <http://stormwater.sfwater.org>.
12. **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site at the initiation of the Community Plan Exemption process. Please provide these mailing labels at the time of submittal of the Environmental Evaluation Application.

Based on an initial evaluation of the proposed project it is likely that the project would require preparation of a CPE with a focused Initial Study to address environmental effects from the handling and disposal of potentially contaminated soils. However, if based on the analysis conducted as part of the CPE process, it is determined that the project could have a significant effect on the environment that was not addressed in the Eastern Neighborhoods FEIR and cannot be reduced to a level of insignificance through the incorporation of mitigation measures, the Department would then require the preparation of a Focused EIR. If a Focused EIR is required, the applicant may select an environmental consultant to prepare the requisite CEQA documentation. The selection of environmental consultants is subject to the

Planning Department's Consultant Selection Guidelines and this process would be managed by an environmental planner that will be assigned to this case upon receipt of the Environmental Evaluation Application and documentation listed above.

Please submit an **Environmental Evaluation Application**. Environmental Evaluation applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and at the Planning Department's website: www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

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

- 1. Environmental Evaluation Application.** As discussed above, an Environmental Evaluation Application must be filed so that the CEQA-related issues of the project can be evaluated and assessed. For more information on what is required in this application, please refer to the Environmental Review section above.
- 2. Large Project Authorization.** Projects that are located within the Eastern Neighborhoods Mixed Use Districts do not qualify for a Planned Unit Development (PUD).¹ The proposed project does qualify for an Eastern Neighborhoods Large Project Authorization pursuant to Planning Code Section 329. Under Section 329(d), a project may seek specific exceptions to certain Planning Code sections. Based on the materials submitted, the project at 645 Texas Street will need exceptions to the Code provisions outlined in the "Preliminary Project Comments" section below.

Please note however, that the Department encourages a Planning Code-complying project to be proposed at 645 Texas Street, especially for new construction on a site that is approximately 0.75 acres in size. The proposed program for new residential units can be accommodated while complying with the Planning Code and design guidelines. Large Project Authorizations are meant to adjust Planning Code requirements for projects with unusual "locational, environmental, topographical or other relevant factors." It has not been demonstrated that the site at 645 Texas Street meets the criteria that may allow for the deviation from multiple Planning Code requirements for new residential buildings.

¹ Planning Code Section 304. PUDs do not apply to C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR Districts, or the South of Market Districts.

3. **Shadow Analysis.** As per Planning Code Section 295, shadow analyses are required for proposed building heights in excess of 40 feet. Should the proposal for 645 Texas Street exceed 40 feet in height, the proposal would be required to submit a shadow application.
4. **Building Permit.** Once the environmental review has been completed and entitlements have been approved by the Planning Commission, the Department must approve the associated building permit(s) for the project.

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. Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

There are several required notifications for the proposal at 645 Texas Street. The Planning Code Section 329 Large Project Authorization requires a public hearing and requires an associated neighborhood notification (30 day newspaper advertisement, 20-days mailed notice to all owners within 300 feet of the property and on-site posting for 20 days).

Additionally, there are two notification processes for new construction projects within the Eastern Neighborhood Plan Areas: (1) a pre-application notification meeting prior to submittal of a building application, and (2) Planning Code Section 312 notification, which requires a 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). The Pre-application packet, which includes instructions and template forms, is available at www.sfplanning.org under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Resource Center" tab.

Please note that neighborhood notifications may be conducted concurrently and the Zoning Administrator has the authority to modify the notice if overlapping requirements apply; that is, the mailed notice would be sent to all owners within 300 feet of the property and to all tenants within 150 feet of the property. The posted notice would remain 20 days. The pre-application notification meeting must be conducted prior to submitting the Large Project Authorization and any other application(s) (if applicable).

Lastly, as discussed above in the "Environmental Review" section, pursuant to CEQA, notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet

of the project site at the initiation of the Community Plan Exemption process. Please provide these mailing labels at the time of submittal of the Environmental Evaluation Application.

PRELIMINARY PROJECT COMMENTS:

The Department has evaluated the proposal and application materials submitted for 645 Texas Street. The materials submitted are preliminary in nature and are not specific in terms of architectural design, ground floor/street level spaces, and dwelling unit layout. As such, the comments below are preliminary in nature and could be superseded based on the filing of complete project applications during the Planning Department review process.

1. **Uses.** The proposal is to construct 101 new dwelling units with 2 “flex spaces.” The property is zoned MUR (Mixed Use Residential) and Planning Code Section 841 outlines the requirements that must be met in this zoning district. Residential units are permitted as-of-right in the MUR Zoning District.
2. In terms of the two “flex spaces,” Planning Code Section 329(d)(10) states that the accessory use provisions for dwelling units may be modified if: (1) it is on the ground floor and on a street that exceeds 40 feet in width, and (2) the accessory non-residential use is permitted as-of-right under the current zoning (for 645 Texas, those listed in Planning Code Section 841). The Department requires additional information regarding the two units proposed for “flex space.” The layout of the residential and non-residential area must be clearly delineated and the proposed accessory use must be identified. Please note that for purposes of evaluation the residential portion of these units is considered the primary use and the non-residential use is considered the accessory use. If the space will primarily be used for a non-residential purpose, then these units must be reclassified appropriately.
3. **Dwelling Unit Mix.** MUR Districts have dwelling unit mix requirements. Planning Code Section 841.25 states that at least 40 percent of all dwelling units must be two or more bedroom or 30 percent of the units must be three or more bedroom. The proposal submitted does not meet this requirement. For a new building with 101 units, 40 units must be two bedroom or 30 units must be three bedroom. Please revise the proposal to meet this requirement or seek and justify a Planning Code Section 329 exception. Please note however, that the Department would support a dwelling unit mix which provides family-size units and conforms to the unit mix requirements of Planning Code Section 841.25.

4. **Rear Yard.** Planning Code Section 134 outlines rear yard requirements for MUR Zoning Districts. The minimum rear yard shall be 25 percent of the depth of the property, but no less than 15 feet. For properties that are irregularly shaped and with multiple street frontages, such as 645 Texas Street, one frontage must be selected. Based on the submitted materials, the rear yard has been determined from the southern portion of 22nd Street. This space does not qualify as a rear yard under Planning Code Section 134. An exception for a rear yard may be sought through the Section 329 process, but as mentioned above, the Department strongly encourages that a compliant rear yard be provided, especially for new construction on a site that is 0.75 acres in size.

5. **Open Space.** Planning Code Section 135 requires that new residential units in Eastern Neighborhoods Mixed Use Districts (including the MUR Zoning District) provide and maintain usable open space. There must be 80 square feet per dwelling unit, or 8,080 square feet total for 101 residential units. Any private open space must have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof. Private open space located on open ground, a terrace, or the surface on an inner or outer courtyard shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet. Common open space shall be at least 15 feet in every horizontal direction and be at least 300 square feet in size.

645 Texas Street is proposing to meet the open space requirements with a 6,753 square foot interior courtyard and a 3,900 square foot roof deck. The total square footage appears to meet the Planning Code open space requirements; however, Planning Code Section 135(g)(2) includes additional standards for interior courtyards. The height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) must be designed so that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. Based on the materials submitted, the Department requires additional information about the interior courtyard, such as access and amenities for the residents. The Department is concerned that the quality of the interior courtyard space, particularly the southern portion, is not sufficient due to the fact that this area will be excavated and portions of the units will be below grade. Please revise the project to be compliant with the open space criteria or seek and justify a Planning Code Section 329 Exception. The building's massing appears to constrict light and air into this portion of the courtyard. If the open space requirement is waived, an open space fee would be applied to the project.

6. **Obstructions.** Planning Code Section 136 outlines permitted obstructions along the property line into the public right-of-way. The Department requires clarification on whether the project is proposing features which meet the permitted obstructions outlined in the Planning Code. The project, if submitted for Department approval, shall clarify whether any portion of the building extends beyond the property line, and if so, what Planning Code Section is being used to justify the obstruction.
7. **Street Trees.** Section 138.1 requires that new construction of residential units meet street tree requirements. One tree must be provided for every 20 feet of street frontage on all street frontages. There are already a large number of street trees lining the site; therefore the project would be required to fill in any gaps with appropriate street trees. Planting of street trees may require additional approvals from the Department of Public Works.
8. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1(c)(2) requires project improvements pursuant to the Better Streets Plan if certain conditions are met.² The proposed project at 645 Texas Street meets these criteria and the project sponsor would be required to submit a Streetscape Plan illustrating the location and design of streetscape improvements appropriate to the street type, including site furnishings, landscaping, corner curb extensions, and sidewalk widening as appropriate. The Planning Department requires these elements as part of conditions of project approval. For more information on process, guidelines, and requirements for street improvements, refer to www.sfbetterstreets.org. Note that these improvements may require additional approvals from the Department of Public Works.
9. **Bird-Safe Buildings:** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and are required to be addressed. Please refer to Planning Code Section 139 and indicate how the project's building features, such as glass treatments, meet these requirements.

² Section 138.1(c)(2): In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required if all the following conditions are present: (1) the project is on a lot that (a) greater than ½ acre, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; (b) addition of 20 percent or more of gross floor area to an existing building; or (c) alteration to greater than 50 percent of the existing square footage of a building.

10. **Exposure:** Planning Code Section 140 states that all dwelling units are required to meet the minimum exposure requirements. Each dwelling unit must face an open area that is at least 25 feet in every direction or a Planning Code-complying rear yard on the first two floors of dwelling units, with an increase of five feet in every horizontal at each subsequent floor. The project submitted for 645 Texas Street indicates that many units do not meet this requirement, particularly those facing the interior courtyard. Further, the Department is concerned that the quality of the interior courtyard space, particularly the southern portion, is not sufficient to comply with the exposure requirements due to the fact that this area will be excavated and portions of the units will be below grade. Please revise the project to be Planning Code compliant or seek and justify a Planning Code Section 329 Exception. The project sponsor should strive to provide Planning Code compliant exposure for the dwelling units.
11. **Rooftop Screening.** Planning Section 141 mandates that “rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building.” Any mechanical systems must be screened from the public-right-of-way.
12. **Ground Floor Requirements.** Planning Code Section 145.1 outlines requirements for ground floors in mixed use districts. The intent of this Planning Code section is to create visually interesting spaces with active uses along the street level of buildings. New construction of residential buildings must meet these requirements.

Please note: the PPA application submitted did not provide detailed architectural drawings of the proposed new construction. Only massing drawings and floor plans were provided. As such, the requirements for design and program are outlined. Additional comments would be provided if an application is filed with the Department with complete drawings.

Planning Code Section 145.1(b)(2) states that residential uses do qualify as an “active use” at the street level, but only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units which provide direct, individual pedestrian access to a public sidewalk. The proposal calls for several residential units at grade, including the two flex spaces. Please ensure that these units meet the requirements of this Planning Code section.

Planning Code Section 145.1(c)(1) states that any off-street parking at grade must be set back at least 25 feet from the front property line, and 145.1(c)(2) states that the off-street parking opening cannot be wider than one-third of the length of the building or 20 feet, whichever is less. The

proposal calls for a garage opening on Mississippi Street directly adjacent to the entrance of the building. Please explore relocating this opening to the rear portion of the building and ensure that it is Planning Code compliant.

- 13. Off-Street Parking.** Parking is not required for any uses, including residential, in the MUR Zoning District. However, Planning Code Section 151.1 outlines the maximum amount of accessory off-street parking for particular uses. Variances or modifications from the maximum limits are not permitted. For residential units in MUR Zoning Districts, one off-street parking space is permitted for each two-bedroom unit that is over 1,000 square feet in size; for all other units, one off-street space is permitted for every four units, or five spaces for each dwelling unit through a Large Project Authorization.

The application submitted for 645 Texas Street does not comply with the off-street parking provisions in Planning Code Section 151.1. There are approximately 7 two-bedroom units that are not over 1,000 square feet and must be removed from the one-space-per-two-bedroom off-street parking count. Eighteen (18) units do qualify for this provision, resulting in 18 off-street parking spaces permitted. For the remaining 83 dwelling units, the maximum amount of off-street parking allowed is 21 spaces as-of-right or 41 spaces through a Large Project Authorization. These numbers are based on the proposal submitted and do not take into account the required dwelling unit mix or other required revisions to the project. The Department strongly encourages the project to minimize the number of off-street parking spaces because of the site's proximity to public transportation, and in conformance with the General Plan and the recently-enacted Eastern Neighborhoods Area Plan.

Planning Code Section 151.1(g)(B)(i) states that "for projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses." The amount and configuration of off-street parking proposed at 645 Texas Street does not meet these requirements. The number of off-street parking spaces must be reduced and any parking must be provided on stackers or lifts.

- 14. Loading.** Planning Code Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. One loading space is required for residential uses.

15. **Accessible Parking.** Planning Code Section 155 includes new provisions that require one accessible off-street parking space for each 25 spaces provided. Please include this space(s) in the final proposal based on the final number of off-street parking spaces proposed.
16. **Bicycle Parking.** Planning Code Section 155.5 states that new buildings with over fifty dwelling units must install 25 bicycle parking spaces plus one space for each four dwelling units over fifty. For the project at 645 Texas Street, a minimum of 38 bicycle spaces must be provided. Further, bicycle parking must be located next to residential entrances and be easily accessible for users. The bicycle parking proposed at 645 Texas Street is located at the northernmost portion of the parking garage. This storage space must be relocated closer to the off street parking entrance to meet the Planning Code requirements.
17. **Car Sharing:** Section 166 requires all newly constructed buildings to provide car-share spaces which are available to the general public. For residential buildings, the number of car-share spaces is determined by the total number of dwelling units. One space is required at 645 Texas Street, and should be located near the off-street parking entrance and easily accessible to the general public.
18. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units. This requirement applies to all off-street parking at 645 Texas Street.
19. **Height.** Planning Code Section 260 outlines the method to measure height for sites that have a change in grade. Further, Section 329 permits certain modifications to a project which are allowed under a Planned Unit Development (“PUD”). Section 304, which regulates PUDs, allows slight deviations in the measurement of height as long as the height of a structure does not exceed the next increase in height district. Any increase beyond this constitutes a reclassification of height and must go through a formal Zoning Map amendment.³ 645 Texas Street is zoned for 40 feet in height, and the next height district is 45 feet. Therefore, the new building at 645 Texas Street may allow minor deviations but may not exceed a height of 45 feet. Note that this is exclusive of permitted obstructions allowed under Planning Code Section 260(b). The materials submitted for 645 Texas Street do not provide sufficient information for the Department to understand whether it is complying with these requirements. However, based on a preliminary analysis, portions of the building along Texas, 22nd, and Mississippi Streets exceed the 45 foot

height limit (it is shown as 50 feet). The project must be revised to meet the 40 foot height limit or seek and justify a Planning Code Section 329 exception for a height modification allowed under Section 304, with no portion over 45 feet in height.

20. **Shadow Analysis.** Section 295 generally prohibits new buildings and additions to existing buildings over 40 feet in height 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. As discussed above under "Planning Department Approvals," the 645 Texas Street Project, if greater than 40 feet in height would be required to submit a shadow application. If the Department determines that the proposed project could shadow parks under the jurisdiction of the San Francisco Recreation and Parks Commissions, a detailed shadow study would be required.
21. **Transit Impact Development Fee.** The property is subject to the Transit Impact Development Fee in Planning Code 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 Planning Code Section 411.3(e).
22. **Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more dwelling units. Please provide information, including the Department's *Inclusionary Housing Program: Affidavit for Compliance*, about how the project will meet the requirements of this program.
23. **Eastern Neighborhood Impact Fee.** Properties located within the Eastern Neighborhoods Plan Areas are subject to additional impact fees outlined in Planning Code Section 423. The subject property is a Tier 1 site. As of the date of this letter, the fee for new construction of residential units in Tier 1 areas is \$8.51 per square foot of new space. This requirement may also be met by providing community improvements outlined in Planning Code Section 423.3(d). In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fee from the Planning Commission. This process is further explained in Section 412.3(d) of the Planning Code. More information on in-kind

³ Any height reclassification would result in the disqualification of the project for a CPE.

agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website. Please indicate how the project will meet this requirement.

GENERAL PLAN COMMENTS:

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

The purpose of the MUR Zoning District is to act as a buffer between residential development and mixed-use, service/industrial uses. The ground-floor frontage should be pedestrian oriented, with a level of detailing, articulation and material choice to ensure an engaging environment for pedestrians.

There is no density limit for residential development in the MUR Zoning District, but unit-mix requirements do apply. Specifically, at least 40 percent of all units must contain two or more bedrooms, or 30 percent of all dwelling units must contain three or more bedrooms.

Based on plans submitted, it is not possible to comment on the degree to which the proposed development meets these guidelines. Detailed guidance can be found in the "Preliminary Design Comments" section (below), but in general, the Department recommends breaking up the massing of the building and the design to be more responsive to the changes in elevation within the site. Finer grain building massing will help the proposed development fit within the context of the smaller scale residential development to the north.

PRELIMINARY DESIGN COMMENTS:

The site occupies a transition zone between production, distribution and repair (PDR), four-story multiple-unit housing, and a two-story residential neighborhood of individual buildings on 25- to 50-foot wide lots. The building is organized around a courtyard above a podium parking structure. The street frontage includes a garage entry, a residential lobby entry, and individual ground floor residential units. The following comments address design issues that may significantly affect the proposed project:

- 1. Massing.** The Department recommends stepping the massing with the topography along Mississippi and 22nd Streets. This could be accomplished by stepping the podium. The Department encourages the design to explore the measurement of height on sloping lots that might enable adding flexibility in massing options.

The project should consider a strategy of massing composed of physically separated buildings. Small breaks in the building massing may have the added benefit of allowing ground floor levels to be more responsive to changes in street grade.

The Department recommends vertical articulation at segments of 50 feet or less, a modulation that is more in keeping with the existing finer-grained neighborhood pattern.

The proposed building should transition in height to the lower scale buildings to the north. Additionally, the building footprint should be reduced to allow the courtyard to continue the mid-block open space.

- 2. Open Space.** The courtyard is relatively small and should respond to the existing mid-block open space. The proposed courtyard has the feel of leftover space. If the project seeks exceptions from specific rear yard, exposure, and open space requirements, the design and configuration of both open space and architecture should be exceptional. The Department emphasizes the importance of preserving light and air in the midblock open spaces.

The Department suggests entrance passageways/portals that provide direct accesses to the courtyard from the street at multiple points and creates multiple massing breaks. The possibility of creating units accessed directly from the courtyard should be explored.

- 3. Street Frontage.** The frontage should provide a consistent and active relationship with the fronting streets, per the *Draft Ground Floor Residential Design Guidelines*. The Department expects ground floor residential units with setback and raised landscaped entries that range from three to five feet above grade, and providing direct access from the street.
- 4. Vehicle Circulation and Parking.** The Department is concerned by the large amount of space that is devoted to parking in the current proposal. The proposed project provides one parking space per dwelling unit, above what is permitted by right in Section 151.1 of the Planning Code. This quantity of parking limits the possibility for the building to adapt to the site sensitively. The Department recommends reducing the parking ratio and the parking footprint. The garage entrance should be a maximum of 12 feet wide. Bicycle parking should be located as close as possible to the residential lobby or garage entrance to minimize the travel distance through the garage and to minimize potential conflicts with automobiles.
- 5. Public Realm Improvements.** As per Planning Code Section 138.1, the Department may require standard streetscape elements and sidewalk widening for the appropriate street type in compliance with 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 City departments to determine an appropriate streetscape design. Standard street improvements would be part of basic project approvals and would not count as credit towards in-kind contributions.

In addition, the project is located on what the Better Streets Plan classifies as a Neighborhood Residential Street. Intended for quieter and lower traffic volumes and speeds, this street type should feel safe, comfortable and cared for. Adjacent development, by extension, do maximize opportunities to embrace the public realm and provide opportunities for residents to interact with, and contribute to, the attractiveness and sense of identity of the street, such as by including front stoops and small planting spaces adjacent to front doors. See <http://www.sfbetterstreets.org/design-guidelines/street-types/> for a more detailed discussion of the desired street design elements.

The Department recommends a corner bulb-out extending the depth of the perpendicular parking on Mississippi Street.

In addition to the required street improvements, this project would be subject to the Stormwater Design Guidelines, administered by the (SFPUC). For general stormwater management information, refer to <http://www.sfbetterstreets.org/find-project-types/greening-and-stormwater-management/stormwater-overview/>.

For more detailed information about the requirements for private development, refer to <http://www.sfbetterstreets.org/learn-the-process/developer-requirements/#stormwater>.

- 6. Architecture.** The architecture is assumed to be preliminary and the Department will provide further detailed design review during the project review and approval process. Exceptions to the Planning Code should be responded to by exceptional design. The proposed architectural design, while preliminary, needs clarity of form. The massing is expected to be refined and articulated. High quality materials are expected to be developed as the building design progresses.

A high quality of design that responds to its context with a consistent composition of building components is expected. Consider the design of separate buildings that are related but individual. Townhomes with direct access from the streets and the courtyard may shift the building type and design strategy.

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 **April 16, 2014**. 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: Kim Diamond, Trumark Homes LLC
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Neil Hrushowy, Long Range Planning
Joy Navarrete, Environmental Planning
Tina Tam, Historic Preservation