



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* February 15, 2013  
*Case No.:* **2012.1410U**  
*Project Address:* 77 - 85 Federal Street  
*Block/Lot:* 3774/071 & 072  
*Zoning:* MUO (Mixed-Use Office) Zoning District  
South End Historic District  
65-X  
*Area Plan:* Eastern Neighborhoods, East SoMa  
*Project Sponsor:* Bruce D. Baumann  
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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 merge Lots 071 and 072 on Assessor's Block 3774, demolish the two existing office buildings, and construct a five-story-over-basement, 65-foot tall commercial building with retail (fitness) use at the ground floor and basement level. The existing buildings totaling 17,116 square feet on the 16,047 square foot project site were constructed circa 1950. The proposed new 80,235 square foot office building would include office space and fitness space fronting onto Federal Street. A basement-level garage accessible from De Boom Street would provide 29 parking spaces, two off-street loading spaces, bicycle parking spaces and secondary access to the fitness space. The existing curb cut on De Boom Street would be reduced in size and relocated to the western edge of the southern property line. The project site is located in the East SoMa neighborhood and within the South End Historic District.

**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 the *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR* certified in 2008.<sup>1</sup> Since the proposed project is consistent with the development density identified in the area plan, it is eligible for community plan exemption (CPE). 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 *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR* (“*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 Eastern Neighborhoods 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*.
2. **CPE and Focused Initial Study/Mitigated Negative Declaration.** One or more new peculiar 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 EIR. If any new significant impacts of the proposed project can be mitigated, then a focused Mitigated Negative Declaration to address these impacts is prepared together with a supporting CPE certificate to address all other impacts that were encompassed by the underlying plan area EIR, with all pertinent mitigation measures and CEQA findings from the underlying plan area EIR 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 FEIR*.
3. **CPE and Focused Environmental Impact Report (EIR).** One or more new peculiar significant impacts of the proposed project specific to the site or the project proposal are identified that was

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

not identified in the underlying plan area EIR. If any new significant impacts of the proposed project cannot be mitigated, then a focused EIR to address these impacts is prepared together with a supporting CPE certificate to address all other impacts that were encompassed by the underlying plan area EIR, with all pertinent mitigation measures and CEQA findings from the underlying area plan EIR 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 of costs incurred by the Planning Department for preparation of the *Eastern Neighborhoods FEIR*.

In order to begin formal environmental review, please submit an *Environmental Evaluation Application*. See “Studies for Project inside of Adopted Plan Areas – Community Plan Fees” on page 2 of the current *Fee Schedule* for calculation of environmental application fees.

Potentially significant project environmental impacts that were identified in and pertinent mitigation measures and CEQA findings from the underlying *Eastern Neighborhoods FEIR* may be applicable to the proposed project. It appears that several mitigation measures that were identified in the *Eastern Neighborhoods FEIR* would apply to the proposed project as described in the preliminary review below. In addition, the following topic areas would require additional study to identify potentially significant impacts not identified in the *Eastern Neighborhoods FEIR*:

- *Transportation*. The project site is within the vicinity of the Second Street Improvement Project, which is a joint project between the San Francisco Municipal Transportation Agency (SFMTA), the Department of Public Works (DPW), and the Planning Department. The project’s goals are to improve Second Street, from Market to King streets, for pedestrians, bicycles, and transit. The project includes repaving, Americans with Disabilities Act (ADA) curb ramp upgrades, and other streetscape improvements. While it does not appear that a transportation study would be necessary for the proposed 77-85 Federal Street project, further coordination will be required with City staff regarding site access and circulation, particularly as it relates to consistency between this project and the Second Street Improvement Project. This coordination will occur upon submittal of the Environmental Evaluation Application and will include Ellen Robinson of SFMTA, Project Manager of the Second Street Improvement Project, and the Planning Department’s Transportation Planning staff.

Additionally, SFMTA has conducted an initial review of the proposed site circulation plan and offers the following preliminary comments:

*Driveways*. The current plan shows vehicle access via a driveway located off De Boom Street. SFMTA prefers garage access be relocated to Federal Street. Staff also encourages a raised crosswalk at the alley intersection of Second Street and Federal Street. Further comments regarding circulation will be provided during environmental review.

- *Historic Architectural Resources*. According to Planning Department records, the two existing buildings on the project site that are proposed for demolition were constructed circa 1950, making them over 50 years old at the time of this review. The buildings were evaluated in an area-wide

historical resources survey and found to be located within the boundaries of the South End Historic District. The buildings were found to be non-contributing resources to this historic district, which is designated in Article 10 of the San Francisco Planning Code and also recognized as a historic district within the National Register of Historic Places. As such, new construction would need to be evaluated for its compatibility with the surrounding historic district. To assist in the analysis of the proposed project, which includes demolition of the non-contributing resources and new construction, the Planning Department requires a Historic Resource Evaluation Report to be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History. The qualified professional must be selected from one of three historic resource consultants assigned by the Planning Department during the submittal of the Environmental Evaluation Application.

Instructions on completing this report are included in "San Francisco Preservation Bulletin No. 16: City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources." The preservation bulletin is available at [www.sfplanning.org](http://www.sfplanning.org) under: "Plans & Programs" "Historic Preservation" "Preservation Bulletins." Prior to initiating this report, please consult with Department Preservation Staff on the scope of work for this report.

- *Hazardous Materials.* The project site is located within a Maher area as mapped by the Department of Public Health (DPH). The Maher Area encompasses the area of San Francisco bayward of a historic, pre-1906 Earthquake high tide line. This area of San Francisco was largely created by fill consisting primarily of debris associated with the 1906 Earthquake and Bay reclamation. The Maher Ordinance applies to that portion of the City bayward of the original high tide line, where past industrial uses and fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in soils and groundwater. The ordinance requires that soils must be analyzed for hazardous wastes if more than 50 cubic yards of soil are to be disturbed. The City adopted Ordinance 253-86 (signed by the Mayor on June 27, 1986), which requires analyzing soil for hazardous wastes within specified areas, known as the Maher area, when over 50 cubic yards of soil are to be disturbed and on sites specifically designated by the Director of Public Works.

A Phase I Environmental Site Assessment should be prepared to determine the potential for site contamination and the level of exposure risk associated with the project, and one electronic and two hard copies submitted with the Environmental Evaluation Application. The Phase I will determine whether any additional analysis (e.g., a Phase II soil sampling) will be necessary. Review of the Phase I and any additional studies recommended by the Phase I would require oversight from the San Francisco Department of Public Health (DPH), which may recommend that the project sponsor enroll in its Voluntary Remedial Action Program. Such recommendations would likely be required site-specific mitigation measures of "peculiar," site-specific impacts and a Focused Initial Study could be required. If so, the Initial Study will help determine that either: (1) the project is issued a Negative Declaration stating that the project would not have a significant effect on the environment, or (2) an Environmental Impact Report (EIR) is required to analyze the project's significance on the environment. DPH can assist the project sponsor in identifying measures to reduce any significant impacts to a less-than-significant impact. Please note that the DPH charges a fee for their review. More information on DPH's Voluntary Remedial Action Program may be found at <http://www.sfdph.org/dph/EH/HazWaste/hazWasteVoluntaryRemedial.asp>.

A copy of the studies, if available, should be included with the Environmental Evaluation Application package. Please note that the studies must be completed and submitted to the Department as part of the project's administrative files before environmental clearance is issued.

Hazardous Materials **Mitigation Measure L-1: Hazardous Building Materials** would be applicable to the proposed project. This mitigation measure 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. Application of this mitigation measures would reduce any disposal of construction materials impacts to a less-than-significant level.

- *Archeological Resources.* Archeological studies are dependent on many circumstances. If the site is found to be sensitive, less ground disturbance may trigger mitigation requirements prescribed in the *Eastern Neighborhoods FEIR*. The proposed project would likely include excavation for foundation work to a depth of 15 feet which requires an archeological study per the *Eastern Neighborhoods FEIR*. The *Eastern Neighborhoods FEIR* was programmatic and did not analyze specific development projects in the project area; therefore, specific physical project evaluations would undergo individual environmental review in accord with **Mitigation Measure J-2: Properties with No Previous Studies**. Implementation of this prescribed mitigation measure would reduce the potential adverse effect on archeological resources of the project area to a less-than-significant level. **Mitigation Measure J-2** requires preparation of a Preliminary Archeological Sensitivity Study prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The Sensitivity Study should: 1) determine the historical use of the project site based on any previous archeological documentation and Sanborn maps; 2) determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR); 3) determine if 19<sup>th</sup> or 20<sup>th</sup> century soils-disturbing activities may have adversely affected the identified potential archeological resources; 4) assess potential project effects in relation to the depth of any identified potential archeological resource; and 5) assess whether any CRHR-eligible archeological resources could be adversely affected by the proposed project and recommend appropriate further action.

This mitigation measure requires the project sponsor to retain the services of a qualified archeological consultant to undertake a preliminary archeological sensitivity study under the direction of Planning Department staff prior to project construction. 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](http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf). The qualified professional must be selected from one of three qualified consultants assigned by the Planning Department after the submittal of the Environmental Evaluation Application. Prior to initiating this report, please consult with Department's Staff Archeologist on the scope of work.

- *Air Quality (AQ) Analysis.* The proposed project involves construction of a 82,783 square-foot building, which does not exceed the Bay Area Air Quality Management District's (BAAQMD) construction or operational screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions is not likely to be required.

The project proposes demolition and construction across a 0.4 acre project site. Project-related demolition, 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 Control 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) or 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. As a result, if the construction of the proposed project requires the use of off-road construction equipment, implementation of Construction Emissions Minimization measures would be required in compliance to **Mitigation Measure G-1: Construction Air Quality** as identified in the *Eastern Neighborhoods FEIR*.

Further, if the proposed project includes a new operational source of toxic air contaminants such as a diesel back-up generator, the proposed project would be required to implement Best Available Control Technology (BACT) measures in addition to **Mitigation Measure G-3: Siting of Uses that Emit DPM** as identified in the *Eastern Neighborhoods FEIR*.

- **Noise.** The project is not expected to result in any peculiar impacts not identified in the *Eastern Neighborhoods FEIR*, especially if Noise **Mitigation Measures F-1, F-2: Construction Noise and F-5: Siting of Noise-Generating Uses, and F-6: Open Space in Noisy Environments** are applied. Application of these mitigation measures would reduce any construction-related impacts to a less-than-significant level. **Mitigation Measure F-1: Construction Noise** applies to development projects within proximity to noise-sensitive uses that would include pile-driving. As currently proposed, the project would likely include a mat slab foundation design which would not involve pile driving. Should the foundation design evolve to include pile driving, **Mitigation Measure F-1** would apply. This mitigation measure requires: 1) individual project sponsors to take measures to reduce construction-related noise and vibration. Project sponsors shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration; 2) no impact pile drivers shall be used unless absolutely necessary; 3) contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices; 4) the use of sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed; and, 5) individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

**Mitigation Measure F-2: Construction Noise** applies to development projects where a determination has been made that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses. If a determination is made, the Planning

Department shall require that the project sponsors develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. This may be the case given the residential land uses within 400 feet of the project site to the west. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that the maximum feasible noise attenuation will be achieved. The Plan should include as many of the following control strategies as feasible: 1) erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; 2) utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; 3) evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; 4) monitor the effectiveness of noise attenuation measures by taking noise measurements; and 5) post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Mitigation Measure F-5: Siting of Noise-Generating Uses** applies to new developments 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. Given that the proposed project submitted for review consists of a commercial building which may contain noise generating uses (for example rooftop equipment) and residential development exists within 400 feet of the project site, this measure may apply. If it is determined that the potential for noise impacts could exist; **Mitigation Measure F-5: Siting of Noise-Generating Uses would be required.** To reduce potential conflicts between existing sensitive receptors and new noise-generating uses the project sponsor is required to prepare an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and /or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the general plan and San Francisco Noise Ordinance (Article 29 of the Police Code), would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should concerns be present, the Department may require the completion of a detailed noise assessment by a qualified acoustical analyst or engineer prior to the first project approval action.

**Mitigation Measure F-6: Open Space in Noisy Environments** 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.

- *Flood Notification.* This lot is on a block that has the potential to flood during storms. Contact Cliff Wong at the San Francisco Public Utilities Commission (SFPUC) at (415) 554-8339 regarding the following requirements. Applicants for building permits for either new construction, change of use or change of occupancy, 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 Redevelopment Agency. The SFPUC and/or its delegate (SFPDW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The permit applicant shall refer to PUC requirements for information required for the review of projects in flood prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.

- *Shadow Study.* The proposed project would result in construction of a building 40 feet or greater in height. The project, therefore, would require the preparation of a shadow fan analysis. If the shadow fan analysis prepared by Planning Department staff determines that the project could cast shadows on recreational resources, a detailed shadow study (prepared by a qualified consultant) would be required. The consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planning case manager prior to preparing the analysis.
- *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.
- *Geotechnical.* Per the Planning Department GIS database, the project site is not located in a liquefaction or landslide hazard zone, and is likely underlain by Pleistocene alluvium. 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 sediment. To assist our staff in their determination, it is recommended that you provide a copy of the geotechnical investigation with boring logs for the proposed project. This study will also help inform the archeological review.
- *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>.



- *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 the 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.
- *Wind.* Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. Typically, buildings that are less than 80 feet tall do not result in substantial changes to ground-level wind. The proposed project would be up to 65 feet in height, therefore no additional analysis of wind impacts will be required.
- *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.

If any of the additional analyses determine that mitigation measures not identified in the area plan EIR are required to address peculiar impacts, 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 initial study/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 initial study/EIR would need to be prepared by a consultant on the Planning Department's environmental consultant pool ([http://www.sf-planning.org/ftp/files/MEA/Environmental\\_consultant\\_pool.pdf](http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf)). You will be provided with a list of three consulting firms from which to choose.

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](http://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. A **Certificate of Appropriateness** from the Historic Preservation Commission is required per Planning Code Section 1006. Since the subject property is located within the South End Historic District, the Historic Preservation Commission will review and approve the demolition of the existing non-contributing property and the new construction.
2. A **Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for new construction over 25,000 gross square feet.

3. An **Office Allocation** from the Planning Commission is required per Planning Code Section 321, since the project would seek to authorize more than 25,000 gross square feet of office space.
4. **Building Permit Application(s)** are required for the demolition and new construction.

All applications are available in the lobby of Planning Department at 1650 Mission Street Suite 400; at the Planning Information Center at 1660 Mission Street; and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

#### NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

This project is required to conduct a pre-application meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The pre-application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org). All registered neighborhood group mailing lists may also be found at the Planning Department's website.

#### PRELIMINARY PROJECT COMMENTS:

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

1. **Eastern Neighborhoods: East SoMa Area Plan:** The proposed project is located within the boundaries of the East SoMa Area Plan of the Eastern Neighborhoods, and will be reviewed against the objectives and policies contained therein. Overall, the proposed project appears consistent with the objectives and policies of the East SoMa Area Plan.
2. **The Eastern Neighborhoods Infrastructure Impact Fee applies to the Project:** These fees shall be charged on a Tier basis. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The Eastern Neighborhoods Infrastructure Impact Fee shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.
3. **Option for In-Kind Provision of Community Improvements and Fee Credits:** Project sponsors may propose to directly provide community improvements to the City. 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) and Section 423.3(d) of the Planning Code, as well as in the following Department resource:

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8601>

4. **Gross Floor Area:** Planning Code Section 102.9 provides a definition of gross floor area. Please provide the gross floor area calculations for the proposed project according to the Planning Code definition.
5. **Floor Area Ratio:** Planning Code Section 124 outlines the requirements for floor area ratio (FAR). The project site would be subject to an FAR of 5.0 to 1. Based upon available information, the existing site measures 16,046 square feet, and the proposed project would construct a total of 82,783 square feet. Currently, the proposed project appears to exceed the permitted floor area ratio. Please refine the project to meet this requirement.
6. **Open Space:** Planning Code Section 135.3 outlines an open space requirement for non-residential uses within Eastern Neighborhoods Mixed Use Zoning Districts. For office use, 1 square foot of usable open space is required for 50 square feet of occupied floor area of new, converted or added square footage. For retail use, 1 square foot of useable open space is required for 250 square feet of occupied floor area of new, converted or added square footage. The project appears to meet the open space requirement with the new proposed fifth floor roof deck. The Project Sponsor will need to provide the square footage for this roof deck.
7. **San Francisco Green Landscaping Ordinance:** The proposed project is subject to the San Francisco Green Landscaping Ordinance, which assists in articulating Planning Code Sections 138.1. This code section outlines a provision for adding street trees for new construction. A 24-inch box size street tree would be required for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Based on the street frontage, it appears that five street trees would be required along Federal Street and four street trees would be required along De Boom Street. Existing trees on the project site would apply towards the street tree requirement. Please ensure that the proposed project is in compliance with this code section by providing an updated site plan showing landscaping and street trees. If DPW determines that new street trees would not be permitted along De Boom or Federal Street, the Project Sponsor may pay an in-lieu fee, as specified in Planning Code Section 428.
8. **Street Frontage:** Planning Code Section 145.1 outlines requirements for street frontages to ensure that they are pedestrian-oriented, fine-grained, and are appropriate and compatible with the surrounding buildings. Please ensure that the ground floor street frontage meets these requirements as related to use, height, transparency, fenestration, gates, railings and grillwork.

Specifically, the project currently meets the requirements for parking and loading entrances, active uses, ground floor ceiling height, transparency and fenestration, and street-facing ground-level spaces.

9. **Shadow:** Planning Code Section 147 states that a shadow analysis is required for any project over 50 feet in height in the Eastern Neighborhoods Plan Area. The preliminary analysis for the proposed project indicates that it would not cast shadow on any nearby park. Therefore, further shadow analysis is not required.
10. **Parking:** Planning Code Section 151.1 outlines the requirement for parking within the MUO Zoning District. For office use, parking is limited to seven percent of the square footage dedicated to office use. For retail use, parking is limited to 1 off-street parking space for every 1,500 square feet of retail space. Currently, the Project provides 26 off-street parking spaces contained within a below grade garage. Please specify how this amount of parking meets the requirements of Planning Code Section 151.1. Based on the current plans, the off-street parking spaces appear to be appropriately located below-ground and within a series of stackers.
11. **Off-Street Freight Loading:** Planning Code Section 152.1 outlines the requirements for off-street freight loading parking space within the MUO Zoning District. For retail use between 10,001 square feet and 30,000 square feet, the proposed project is required to provide one off-street freight loading parking space.
12. **Bicycle Parking:** Planning Code Section 155.4 provides requirements for bicycle parking in new commercial development. A total of six bicycle parking spaces would be required for the new office use. Please identify the amount of bicycle parking spaces provided within the proposed project. The current plans do not specify the amount of bicycle parking.

Please note that currently the bicycle parking requirements in the Code are under review for significant changes that would likely affect the requirements for this project. The Planning Commission initiated these changes in August 2012 and an adoption date is pending. For review of potential changes, please see: <http://commissions.sfplanning.org/cpcpackets/2011.0397T.pdf>. These proposals are currently under review and are subject to change. The minimum amount and type of bicycle parking will be required to be provided.

13. **Transportation Management Program:** Planning Code Section 163 outlines requirements for an on-site transportation brokerage service for projects involving new, converted or added floor area of office use for properties within the MUO Zoning District with at least 25,000 square feet. Prior to the Certificate of Occupancy, the Applicant must execute an agreement with the Planning Department for on-site transportation brokerage services and a transportation management program. This agreement will be approved by the Planning Director.
14. **Car Sharing:** Planning Code Section 166 outlines a car-sharing parking space requirement for newly constructed commercial buildings. Based upon the number of provided parking spaces, the project would be required to provide one car-sharing parking space. Please specify how the proposed project meets this requirement.
15. **Unbundled Parking:** Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street

parking spaces accessory to residential uses shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

16. **Diaper-Changing Stations:** Planning Code Section 168 outlines the requirement for diaper-changing stations for new construction proposing more than 5,000 square feet of retail use. Please ensure that the project meets this Planning Code requirement.
17. **Narrow Street Height Provisions:** For projects within an Eastern Neighborhoods Mixed Use Zoning District along a Narrow Street (a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width), Planning Code Section 261.1 specifies that all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street. No part or feature of a building may penetrate the required setback plane. Please ensure that the project is in compliance with this requirement. This requirement is not variable.
18. **Office Allocation:** Per Planning Code Section 321, the proposed project would need to obtain an Office Allocation Authorization from the Planning Commission. Please file an Office Allocation Application, which may be downloaded from the Planning Department's website.
19. **Certificate of Appropriateness:** Since the subject property is located within the boundaries of the South End Historic District, which is a locally designated historic district listed in Article 10 of the San Francisco Planning Code, the proposed project is required to obtain a Certificate of Appropriateness (COA) from the Historic Preservation Commission (HPC) for the demolition of the existing building and the new construction.

Please refer to Article 10, Appendix I, Section 6 for the Standards for New Construction and Alterations within the South End Historic District. In particular, the proposed design should be refined to better relate to the proportion of mass to void and deeply recessed openings contained within the surrounding historic district. At the ground floor, the Project should introduce more solid materials to offset the amount of glazing, and better relate to the district's masonry character.

20. **Large Project Authorization:** Planning Code Section 329 outlines the requirements for a Large Project Authorization in Eastern Neighborhoods Mixed Use Zoning Districts. A Large Project Authorization is required for new construction of more than 25,000 gross square feet. All large projects within the MUO Zoning District are subject to review by the Planning Commission in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines and the Planning Code.
21. **Eastern Neighborhoods Impact Fees:** The Eastern Neighborhoods Impact Fee applies to the Project. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project.

The Eastern Neighborhoods Impact Fee shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

*Option for In-Kind Provision of Community Improvements and Fee Credits.* Project Sponsors may propose to directly provide community improvements to the City. 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 Agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website.

22. **Jobs-Housing Linkage Program:** Pursuant to Planning Code Section 413 et seq., the Jobs-Housing Linkage Program fee will apply to this project.
23. **Transit Impact Development Fee:** Pursuant to Planning Code Section 411 et seq., the Transit Impact Development Fee will apply to this project. Please be aware that an ongoing process (the Transportation Sustainability Program) may eventually replace the Transit Impact Development Fee. You can find more information about this program here:  
<http://www.sf-planning.org/index.aspx?page=3035>
24. **Public Art:** Pursuant to Planning Code Section 429 et seq., this project will be subject to the public art requirements, since it involves new construction in excess of 25,000 square feet within the MUO Zoning District.
25. **First Source Hiring Agreement:** A First Source Hiring Agreement is required for any project proposing to construct 25,000 gross square feet or more. For more information, please contact:

Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
1 South Van Ness, San Francisco, CA 94102  
Direct: 415.701.4853, Email: ken.nim@sfgov.org  
Fax: 415.701.4897  
Website: <http://oewd.org/Workforce-Development.aspx>

26. **SFPUC Urban Watershed Management Program (UWMP):** Projects disturbing 5,000 square feet or more of ground surface are subject to the Stormwater Management Ordinance and must meet the performance measures set within the *Stormwater Design Guidelines and Appendixes*. For more information, please refer to: <http://www.sfwater.org/sdg>. Please cite how the proposed project will meet this requirement.

27. **Recycled Water Ordinance:** For new construction of 40,000 square feet or more or the addition of 10,000 square feet or more of irrigated space, plumbing systems must recycled water. For more information, please contact the Department of Building Inspection.

#### PRELIMINARY DESIGN COMMENTS:

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

1. **Site Design, Massing, and Open Space:** The building mass and form is sufficiently differentiated by the incorporation of setbacks on the upper floors, which assist in meeting the narrow street requirements.

As described in the "Environmental Review" section on page 2, SFMTA has conducted an initial review of the proposed site circulation plan and prefers garage access be relocated to Federal Street. Further comments regarding circulation will be provided during environmental review.

2. **Architecture:** The project must comply with the requirements for new construction within the South End Landmark District, as outlined within Article 10 of the San Francisco Planning Code. To strengthen the project's compatibility with the surrounding district, the project should accentuate a tripartite organization, including strengthening the base, and vertically modulating the façades with a rhythm of solid columns, in order to emphasize the solid-to-void ratio. This rhythm should be introduced on all levels. Overall the building façade exhibits a strong horizontality. There appears to be several different approaches to the treatment of the glass. The Planning Department suggests that the glazing system be developed to be more unified and balanced with solid columnar elements.

Additionally, the module of the building where the entrance is located could be differentiated to a highlight the entry, using glazing to indicate a greater height at the entry, and/or reducing or eliminating the balcony at the third floor.

The Planning Department recommends articulating or projecting the top to make a stronger roof form.

3. **Public Realm Improvements:** Per Planning Code Section 138.1, the Planning Department may require standard streetscape elements and sidewalk widening for the appropriate street type per the Better Streets Plan, including landscaping, site furnishings, and/or corner curb extensions (bulb-outs) at intersections (See Better Streets Plan Section 4 for Standard Improvements and Section 5.3 for bulb-out guidelines). The project sponsor is required to submit a Streetscape Plan illustrating these features, and the Department will work with the project sponsor and other relevant departments to determine an appropriate streetscape design. Standard street improvement would be part of basic project approvals and would not count for as credit towards in-kind contributions.

Please consider street improvements on Federal and DeBoom that include widening the sidewalks and providing landscape and amenities, such as bike racks and seating. Per SFMTA request, as



described on page 2 of this letter, please consider a raised crosswalk at the alley intersection of Second Street and Federal Street. Further comments regarding public realm improvements will be provided during environmental review.

**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 **August 15, 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: TMA LLC, Property Owner  
Rich Sucre, Current Planning  
Andrea Contreras, Environmental Planning  
Kate McGee, Citywide Planning and Analysis