



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* January 28, 2013  
*Case No.:* **2012.1445U**  
*Project Address:* 824 Hyde Street  
*Block/Lot:* 0280/017  
*Zoning:* RC-4 (Residential-Commercial, Combined, High-Density) District  
80-A Height & Bulk District  
*Area Plan:* N/A  
*Project Sponsor:* Brett Gladstone  
(415) 434-9500  
*Staff Contact:* Aaron Hollister – (415) 575-9078  
[aaron.hollister@sfgov.org](mailto:aaron.hollister@sfgov.org)

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### DISCLAIMERS:

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

### PROJECT DESCRIPTION:

The proposal is to construct a five-story over basement residential building on an approximate 2812.5 square-foot vacant lot. The eight-unit residential building that previously occupied the site was destroyed by a fire in 2010. The proposed new residential building would contain approximately 12,431 square feet, 15 dwelling units and no off-street parking spaces.

### 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:

1. An **Environmental Evaluation Application** is required for the project and may include the following:

- a. *Transportation Study.* A Transportation Study would not be required. The proposed 15-unit residential use would add approximately 19 peak hour vehicle trips, 9 more than would occur with the previous 8-unit residential use. The project would not include off-street parking. The project plans do not indicate a new curb cut or the removal of on-street parking spaces; consultation with the San Francisco Municipal Transportation Agency (SFMTA) would be required if the project includes these elements.
- b. *Phase I Environmental Site Assessment (ESA).* A Phase I Environmental Site Assessment (ESA) study is required by the Planning Department. It must be completed prior to environmental clearance and should be submitted with the Environmental Evaluation (EE) application. The Phase I Environmental Site Assessment investigates existing environmental conditions at the project site, including the potential for underground fuel storage tanks; the potential for asbestos-containing building materials (ACBM) and lead-based paint or the presence of other potentially hazardous building materials; the potential for soils contamination, often associated with petroleum products; and documented releases of hazardous substances within 0.5 miles of the proposed project site, if any. The Phase I ESA should include professional recommendations as to whether further investigation (e.g., soil sampling) is warranted. If the Phase I ESA identifies likely soil or groundwater contamination, a Phase II ESA would be required.
- c. *Geotechnical Study.* Given that the San Francisco Bay Area is seismically active, the project is located in a seismic hazard zone. A Geotechnical Study should be conducted for the site to identify site specific geologic conditions and potential hazards and should be submitted with the EE application. The Geotechnical Study should evaluate or make recommendations for the design of the building foundation. If potential geological impacts are identified, design recommendations to ameliorate these issues should be included.
- d. *Archeological Study.* The proposed project would require a Preliminary Archeological Review, which would be conducted in-house by Planning Department Staff. This review requires documentation as to potential project soils disturbance and the range of appropriate foundation types for the proposed structure. Such information is typically contained in the Geotechnical Study described above. The Preliminary Archeological Review will determine whether or not mitigation measures and/or if additional archeological studies will be required as part of the environmental evaluation.
- e. *Historic Resource Evaluation Report (HRER).* The subject property is located within the Lower Nob Hill National Register District, a federally-designated historic district. The building formerly located on site was designated as a historic resource by the City and County of San Francisco; however, the building was completely destroyed in the 2010 fire. Because of the project site's location within a historic district, the project must be assessed for its potential to could have a substantial adverse change on the significance of the overall historic district. The Department requires a Historic Resource Evaluation report prepared by a qualified professional selected from the Department's qualified historic consultant list to be submitted with the EE application. Please contact Tina Tam, Senior Preservation Planner, at (415) 558-

6325 to coordinate the selection of a consultant. A general scope of work for the Historic Resource Evaluation report is included on page 35 of San Francisco Preservation Bulletin No. 16, and it is strongly recommended that the consultant submit a scope of work to the Planning Department's Preservation Division for review prior to drafting the report. San Francisco Preservation Bulletin No. 16 is available at [www.sfplanning.org](http://www.sfplanning.org) under "Historic Preservation."

- f. *Air Quality.* The project proposes construction of a 5-story residential building with 15 residential units. Based on a review of the Bay Area Air Quality Management District's (BAAQMD) Criteria Air Pollutants and Precursors, the project's land use type and intensity would not trigger the need to analyze in any greater detail criteria pollutant emissions related to project operations, because the project's use and intensity is below the screening level thresholds. (BAAQMD, Screening Criteria, Table 3-1, CEQA Guidelines, Updated May 2011).

The proposed project includes the siting of new sensitive receptors near sources of pollutants. The project site is located within the Potential Roadway Exposure Zone (PREZ) as identified by the San Francisco Department of Public Health (DPH), which means that residents of the proposed project could be exposed to concentrations of fine particulate matter (PM<sub>2.5</sub>) from high volume roadways within approximately 500 feet (150 meters) of the project site. Since the proposed project includes more than 10 new residential units, it is subject to 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<sub>2.5</sub> concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m<sup>3</sup>). Sponsors of projects on sites exceeding this level are required to install ventilation systems or otherwise redesign the project to reduce the outdoor PM<sub>2.5</sub> exposure indoors. Coordination with the Department of Public Health regarding analytical and reporting methods is strongly recommended. A letter providing further information on roadway-related air pollution and air quality assessment requirements is attached to this PPA. For more information on Health Code Article 38, see <http://www.sfdph.org/dph/EH/Air/default.asp>.

Project-related excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

- g. *Shadow*. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet, unless the Planning Commission finds the impact to be less than significant. To determine whether the project would conform to Section 295, a shadow fan analysis is typically prepared by the Planning Department.

Given the height of the building at approximately 54 feet (see discussion of allowable height under Preliminary Project Comments, on page 7), a shadow fan analysis is required. Preliminarily, given the location of the project site and the distance to public spaces protected by Section 295, it is not anticipated that the proposed project would have a significant shadow impact.

- h. *Greenhouse Gas Emissions*. In order to facilitate a determination of compliance with San Francisco's GHG reduction strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The project sponsor will need to submit a completed Greenhouse Gas Analysis Compliance Checklist as part of the environmental review process.
- i. *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 environmental review process. Please provide these mailing labels at the time of the Environmental Evaluation Application submittal.
- j. *Tree Disclosure Affidavit*. The Department of Public Works Code Section 8.02-8.11 requires protection of landmark, significant, and street trees located on private and public property. Any tree identified in a Disclosure Statement must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy dripline. Please submit a Tree Disclosure Statement with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.

If the additional analysis outlined above indicates that the project would not have a significant effect on the environment, the project may qualify for a Class 32 Categorical Exemption, in which case the Planning Department would issue a Certificate of Determination of Exemption from Environmental Review.

If the additional analysis performed after submittal of the Environmental Evaluation Application indicates that the project may have a significant effect on the environment, Planning Department staff would prepare an Initial Study to determine whether an Environmental Impact Report (EIR) is needed. If the Department determines that the project would not have a significant effect on the environment, the Department would issue a Preliminary Negative Declaration. If the Department finds that the project would have significant impacts that can be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a Preliminary Mitigated Negative Declaration.

If the Initial Study process indicates that the project would result in a significant impact that cannot be mitigated to a less than significant level, an EIR will be required to be prepared by an environmental consultant from the Planning Department's environmental consultant pool. The Planning Department would provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Environmental Evaluation applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org).

#### 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. **Conditional Use Authorization** from the Planning Commission is required per Planning Code Section 253 for the new construction of a building greater than 50 feet in the RC-4 Zoning District.
2. **Parking Reduction Request.** The project will not provide off-street parking when three spaces are required. See item #2 for further information.

Conditional Use Authorization and Parking Reduction applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit applications are available at the Department of Building Inspections 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) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Resource Center" tab.

#### PRELIMINARY PROJECT COMMENTS:

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

1. **Dwelling Unit Density.** Section 209.1 allows a residential dwelling unit of one dwelling unit per 200 square feet of lot area. With approximately 2812.5 square of lot area, 14 dwelling units could be developed on the lot. Furthermore, Code Section 209.1(l) allows a dwelling unit in the RC-4 District containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom to be counted as equal to  $\frac{3}{4}$  of a dwelling unit. The project would contain 10 dwelling units that would meet these parameters, which would calculate to seven dwelling units per Code Section 209.1(l). For the purposes of the dwelling unit density of provisions of the Code, the project would contain 13 dwelling units, although the project has 15 actual dwelling units. With 13 dwelling units (as defined by the Code), the project would be consistent the dwelling unit density provisions of the Code.
2. **Parking.** Pursuant to Planning Code Section 151.1, off-street parking is required at a rate of one off-street parking space per four dwelling units. With 13 dwelling units, three off-street parking spaces are required by the Code. The project will not provide any off-street parking spaces. Pursuant to Planning Code Section 161 the Zoning Administrator may reduce the off-street parking requirements in RC districts pursuant to the procedures and criteria of Section 307(i) of the Code.
3. **Rear Yard.** Code Section 134 requires the project to provide a rear yard of at least 25 percent of the lot depth at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. The proposed project would provide a rear yard depth of approximately 28.125 to comply with the rear yard requirements of the Code.
4. **Open Space – Residential.** Section 135 requires that a specific amount of usable open space be provided for each dwelling unit. The RC-4 Zoning District requires dwelling units to have 36 square feet of private usable open space per dwelling unit, 48 square feet of common useable open space per dwelling unit, or a combination of the two standards. Both private and common open space must meet specific requirements for dimensions, location, and exposure to light and air. Future submittals must clearly delineate the project's useable open space, and furthermore, clearly demonstrate that the useable open space(s) are free of unpermitted obstructions.
5. **Streetscape Improvements.** Per Planning Code Section 138.1, the Department may require standard streetscape elements and sidewalk widening for the appropriate street type per the Better Streets Plan, including street trees, landscaping and site furnishings. 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.
6. **Street trees.** Planning Code Section 138.1 requires one street tree for every 20 feet of frontage for new construction. No street trees are shown on the plans.
7. **Exposure.** Per Section 140, at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

All of the proposed dwelling units appear to face onto Hyde Street or the Code-complying rear yard. The project is consistent with the dwelling unit exposure requirements of the Code.

8. **Shadow.** Projects over 40 feet in height require a shadow analysis under Planning Code Section 295 to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department. A shadow analysis was completed that examined the project as it is currently proposed. The analysis revealed that no net shadow would be added to any Recreation and Park Department properties and thus the project complies with Section 295.
9. **Bicycle Parking.** Planning Code Section 155.5 requires this project to provide at least 7 bicycle parking spaces. The proposed project contains a bicycle parking area, but does not delineate the bicycle parking spaces. Please see item #1 under the Preliminary Project Comments for further comments.
10. **Inclusionary Affordable Housing.** Pursuant to Section 415, the project must satisfy the requirements of the Inclusionary Affordable Housing Program through the payment of an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20 percent of the total number of units proposed. As an alternative, the project may be eligible to satisfy the requirements of Section 415 through the provision of on-site or off-site affordable units. In order to qualify for this alternative, the sponsor must demonstrate that the units would not be subject to the Costa Hawkins Rental Housing Act.

In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415, to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. In order to be eligible to provide rental units, the Project Sponsor must submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. Please note that not all projects can meet the criteria of having received a "direct financial contribution or other form of assistance" from the City. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Planning Department, the Mayor's Office of Housing, and the City Attorney's Office

11. **First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct 10 dwelling units 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  
50 Van Ness, San Francisco, CA 94102  
(415) 581-2303

**PRELIMINARY PROJECT COMMENTS:**

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

1. **Bicycle Parking.** The proposed project contains no specifics on the quantity of bicycle parking on site. Please provide bicycle parking that meets at least the minimum Planning Code Requirements. Per current Section 155.5 bicycle parking shall be provided in the following amount: Any construction or renovation project (i) for projects up to 50 dwelling units, one Class 1 space for every two dwelling units. Based on this requirement, seven bicycle spaces are required. The basement level bicycle storage facility should be redesigned to allow for a more comfortable access. The existing proposal forces bicycle users to perform multiple sharp turns in order to access the storage facility. This situation can be remedied if the laundry room is moved to the north side of the building allowing for more direct bicycle to elevator access. Additionally, an over-sized elevator would significantly improve bicycle mobility and improve access overall.

Please note that the Planning Commission initiated amendments to the Planning Code in August 2012 to increase bicycle parking requirements. As these requirements will likely be adopted prior to this project approval, the proposed project should meet the proposed requirements. Please refer to Case No. 2011.0387T or contact Kimia Haddadan (575-9068). 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.

2. **Street Frontage.** Per Planning Code Section 145.1, Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses 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, and are consistent with the Ground Floor Residential Design Guidelines. Ground-level residential units are important for activating and offering surveillance to the street environment, but the units should not be so physically proximate as to create an uncomfortable situation for residents within their homes. The ability of pedestrians to look horizontally at eye level directly into the window of a residential unit at sidewalk grade will reduce the privacy of the unit and the usability of the abutting rooms. Three feet is the general minimum height above sidewalk grade of the floor of residential units that keeps pedestrian eye level below the sill of the windows of residential units, which typically are about two feet above the floor.

**PRELIMINARY DESIGN COMMENTS:**

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



- 1. Building Composition.** The District is characterized by a tripartite organization of facades with well-defined bases and tops. In particular, heavy projecting cornices at the roof are prevalent in the district. Greater emphasis needs to be made in the proposed design to provide a stronger base and roof termination to reflect a modern interpretation of the typical tripartite organization of buildings found in the District. Also, all visible elevations need to be designed so they are consistent with the primary façade with high-quality materials. Future submittals must clarify materials and detailing to show compatibility with the District.
- 2. Projecting Bays.** The project site is located in the Lower Nob Hill Apartment-Hotel National Register District (the "District"). In the District, projecting bay windows are prevalent, but typically do not have a horizontal span as large as the bay windows proposed on the front of the project. Any proposed bays need to be compatible with the scale and proportion and form of the District context, and in this case, the proportion of the projecting bay windows needs to be better related to the District. Furthermore, the window detailing needs to be regularized to further reflect typical window patterns found in the District.

#### 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 **July 28, 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.

Enclosure: Neighborhood Group Mailing List  
Shadow Fan Analysis

cc: Tom Conley, Property Owner  
Aaron Hollister, Current Planning  
Elizabeth Purl, Environmental Planning  
Moises Aceves, Citywide Planning and Analysis  
David Winslow, Department Design Review  
Mark Luellen, NE Team Leader  
Tina Tam, Senior Preservation Planner