



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* June 21, 2013  
*Case No.:* **2013.0531U**  
*Project Address:* 2230 3<sup>rd</sup> Street  
*Block/Lot:* 4059/001C  
*Zoning:* UMU/68-X  
Life Science and Medical SUD  
*Area Plan:* Central Waterfront (Eastern Neighborhoods)  
*Project Sponsor:* Marc Dimalanta  
415-252-0888  
*Staff Contact:* Corey Teague – 415-575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### DISCLAIMERS:

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

### PROJECT DESCRIPTION:

The proposal is to demolish the existing 5,600 square foot retail building on the 8,000 square foot subject lot and construct a 7-story, 68-foot tall residential building. The proposed new building would include 40 dwelling units and 31 parking spaces. The two ground floor dwelling units are proposed to have authorization for expanded accessory uses to allow greater flexibility for tenants who want to operate home-based businesses.

### 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:

An **Environmental Evaluation Application** is required for the full scope of the project. 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) under the "Permits & Zoning" tab.

Pursuant to the California Environmental Quality Act (CEQA), this project may qualify for a Community Plan Exemption (CPE) under the Eastern Neighborhoods Rezoning and Area Plan. Section 15183 of the 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.

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 Environmental Impact Report (Eastern Neighborhoods FEIR)<sup>1</sup>, 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 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<sup>2</sup>, are as follows: (a) \$13,004 Environmental Document Determination fee; (b) \$7,216 CPE certificate fee; and (c) \$10,000 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.** In this case, 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 Eastern Neighborhoods 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 is prepared to address all other impacts that were encompassed by the Eastern Neighborhoods FEIR, with all pertinent mitigation measures and CEQA findings from the Eastern Neighborhoods FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, are as follows: (a) \$13,004 Environmental Document Determination fee; (b) the standard environmental evaluation (EE) fee based on the cost of construction<sup>3</sup>; and (c) \$10,000 proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.
3. **CPE and Focused Environmental Impact Report (EIR).** In this case, 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 Eastern Neighborhoods 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 Eastern Neighborhoods FEIR, with all pertinent mitigation measures and CEQA findings from the Eastern

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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>.

<sup>2</sup> Fees schedule effective 8/31/12, available at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>

<sup>3</sup> See page 10 of the current fee schedule.

Neighborhoods FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, are as follows: (a) \$13,004 Environmental Document Determination fee; (b) the standard environmental evaluation (EE) fee based on the cost of construction<sup>4</sup>; (c) one-half of the standard EIR fee<sup>5</sup>; and (d) \$10,000 proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.

Based on the Department's preliminary review, the following topics would be analyzed during the environmental review process and any associated mitigation measures that were identified in the area plan EIR would apply to the proposed project.

- **Archeological Resources.** Archeological studies are generally not required unless the project includes grading or foundation work to a depth of eight feet or more. If the site is found to be sensitive, less ground disturbance may trigger mitigation requirements. The Eastern Neighborhoods FEIR was programmatic and did not analyze specific development projects in the project area; therefore, specific physical project evaluations, such as 2230 3<sup>rd</sup> Street, would undergo individual environmental review in accordance 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 and would not prompt the need for a Negative Declaration or Focused EIR.

**Mitigation Measure J-2** applies to the entirety of the study area outside of Archeological Mitigation Zones A and B. Because the project site is outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The archeological consultant has to be selected from the Planning Department's Archeological Review Consultant Pool and in accordance with the Planning Department's consultant selection procedure. 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 19th or 20th 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.

Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential of the project on archeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Planning Bulletin No. 5.

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<sup>4</sup> See page 10 of the current fee schedule.

<sup>5</sup> See page 11 of the current fee schedule.

- **Noise.** With the implementation of **Noise Mitigation Measures F-2, F-3, F-4, and F-6**, the project is not expected to result in any peculiar impacts not identified in the Eastern Neighborhoods FEIR with respect to noise. In addition, the proposed project would include the demolition of an existing commercial warehouse building and the construction of a new 7-story mixed use building which would add new noise-sensitive uses within the project area. Application of these following mitigation measures would reduce any noise-related impacts to a less-than-significant level.

**Mitigation Measure F-2: Construction Noise.** The area plan EIR noted that where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Thus, Mitigation Measure F-2 from the area plan EIR may apply to the proposed project. Additional information regarding construction activities and the equipment to be used as well as the proximity of noise sensitive uses will be reviewed as part of the environmental review process. If deemed necessary based upon the proximity of sensitive receptors, this mitigation measure requires the sponsors of the subsequent development projects to develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved.

**Mitigation Measure F-3: Interior Noise Levels.** For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum certificate of extent feasible.

**Mitigation Measure F-4: Siting of Noise-Sensitive Uses.** The area plan EIR noted that where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that noise-sensitive uses may be in proximity to noise-generating uses, the Mitigation Measure F-4 from the area plan EIR would apply. Mitigation Measure F-4 would reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. The Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

**Mitigation Measure F-6: Open Space in Noisy Environments.** To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

- **Air Quality (AQ) Analysis.** The proposed project, which includes the construction of a new building at a total of 45,080 square feet and 40 dwelling units, does not exceed the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions would not be required.

The project proposes demolition of an existing commercial building, as well as grading and construction of a new 7-story building across a 0.18-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 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 emits diesel particulate matter (DPM). DPM is a designated toxic air contaminant, which may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site. Additional measures may be required to reduce DPM emissions from construction vehicles and equipment.

The proposed project includes sensitive land uses (40 dwelling units) that may be nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. In addition, Health Code Article 38 applies to the proposed project. Health Code Article 38 requires that new residential development greater than 10 units located within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether PM<sub>2.5</sub> concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m<sup>3</sup>). Sponsors of projects on sites exceeding this level are required to install ventilation systems or otherwise redesign the project to reduce the outdoor PM<sub>2.5</sub> exposure indoors. The proposed project is located within the Potential Roadway Exposure Zone, therefore an analysis of annual exposure to roadway related particulate matter would be required. You may choose to have the air quality assessment prepared by a qualified firm

and forwarded to DPH for review, or you may request that DPH conduct the assessment. For more information on Health Code Article 38 please see: <https://www.sfdph.org/dph/EH/Air/default.asp>.

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

- **Greenhouse Gases.** The 2010 CEQA Air Quality Guidelines provide CEQA thresholds of significance for greenhouse gas (GHG) emissions. On August 12, 2010, the San Francisco Planning Department submitted to the BAAQMD a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions. This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy. The BAAQMD reviewed San Francisco's GHG reduction strategy and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010).<sup>6</sup> Therefore, projects that are consistent with San Francisco's GHG reduction strategy would result in less-than-significant GHG 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 be required to submit a completed checklist as part of the environmental review process.

- **Naturally Occurring Asbestos.** Based upon mapping conducted by the U.S. Geological Survey (USGS) the project site may be underlain by serpentinite rock.<sup>7</sup> Project construction activities could release serpentinite into the atmosphere. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA) or tremolite-actinolite, a fibrous mineral that can be hazardous to human health if airborne emissions are inhaled. In the absence of proper controls, NOA could become airborne during excavation and handling of excavated materials. On-site workers and the public could be exposed to airborne asbestos unless appropriate control measures are implemented. To address health concerns from exposure to NOA, ARB enacted an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations in July 2001. The requirements established by the Asbestos ATCM are contained in California Code of Regulations

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<sup>6</sup> San Francisco's Strategies to Address Greenhouse Gas Emissions and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

<sup>7</sup> Planning Department, GIS Layer, "Areas Affected by Serpentine Rocks." Created February 25, 2010 from United States Geological Survey and San Francisco Department of Public Health data.

(CCR) Title 17, Section 93105.8 and are enforced by the Bay Area Air Quality Management District (BAAQMD). The proposed project would be required to comply with the requirements of the Asbestos ATCM, which include measures to control fugitive dust from construction activities, in addition to the requirements of the Construction Dust Control Ordinance discussed above.

- **Transportation.** The Department has preliminarily determined that a transportation study would not be required for the proposed project. The project includes the construction of 37,600 square feet of residential space and 2,600 square feet of retail space that would generate approximately 705 new daily person trips of which more than 90 would be in the PM Peak Hour. About 59 of the PM peak hour person trips would be automobile trips. This would not noticeably increase existing traffic volumes on streets within the vicinity of the project site and would not substantially cause adverse impacts to nearby intersections already operating at LOS D or worse. In addition, the proposed project would not have the potential to adversely impact transit operations or the carrying capacity of nearby transit services, nor would the project worsen conditions for pedestrian and bicycle facilities.
- **Shadow Study.** Planning Code Section 295 generally prohibits new buildings 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. Staff has prepared a preliminary shadow fan that indicates that there would be no potential shadow impacts on nearby parks. No further analysis of shadow impacts would be required.
- **Historic Resources.** The project site has been included in the *Central Waterfront Survey*, which was conducted as a part of the Eastern Neighborhoods Rezoning and Area Plans. 2230 3<sup>rd</sup> Street was given a rating of "5S3" which is determined to be "Ineligible for the National Register but of local interest. This property is not eligible for separate listing in the National Register or designation under local ordinances but is eligible for special consideration in local planning." As such, the subject property has been classified as a Category "A" building and would be considered a historic resource pursuant to California Environmental Quality Act (CEQA). Therefore, historic resource issues with the subject property would need to be analyzed.

To assist in the analysis of the proposed project, 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.

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<sup>8</sup> California Air Resources Board, Regulatory Advisory, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, July 29, 2002.

- **Stormwater Management.** The project site is located on a block that has been identified by the San Francisco Public Utilities Commission (SFPUC) as having the potential to flood during storms. Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements shall be referred to the SFPUC at the beginning of the process, for a review to determine whether the project would result in ground level flooding during storms. The side sewer connection permits for such projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Successor Agency to the San Francisco Redevelopment Agency. Please see the attached information and contact Cliff Wong of the SFPUC at 415- 554-8339.
- **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 the Tree Disclosure Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.
- **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.

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

Please see "Studies for Project inside of Adopted Plan Areas - Community Plan Fees" in the Planning Department's current *Fee Schedule for Applications*. Environmental evaluation applications are available at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](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. **Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 25,000 gross square feet.
2. **Shadow Analysis.** A Shadow Analysis is required under Planning Code Section 295 because the project proposes a building height in excess of 40 feet, as measured by the Planning Code. A shadow analysis indicated that no public space under the jurisdiction of the Recreation and Parks Department will be shadowed.
3. A **Building Permit Application** is required for the demolition of the existing building on the subject property
4. A **Building Permit Application** is required for the proposed new construction on the subject property.

Large Project Authorization 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. **Rear Yard.** Section 134 requires the project to provide a rear yard of at least 25 percent of the lot depth. The proposed rear yard for this project only represents 22 percent of the lot depth due to the additional five feet of depth added to the northern half of the building at the second floor and above. While you may request that the Planning Commission grant this project a rear yard modification pursuant to Planning Code Section 329, the Department prefers and recommends that the full rear yard be provided as required in Section 134.

2. **Dwelling Unit Exposure.** Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard is not code-complying and does not provide a large enough courtyard to meet the exposure requirement for those units that only have windows fronting the rear yard area.

As with the rear yard requirement discussed in Number 1 above, you may request that the Planning Commission grant this project an exposure modification pursuant to Planning Code Section 329. However, if you provide the full rear yard as requested above, the project will then meet the exposure requirements of Section 140, and no modification will be required.

3. **Bicycle Parking.** Section 155.5 of the Planning Code provides requirements for bicycle parking in residential development. The proposed bike parking shown in the PPA application appears to meet the existing requirements in the Code. However, 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 approved these changes on May 16, 2013 and an adoption date at the Board of Supervisors is pending and is expected by late June 2013. For review of potential changes, please see: <http://commissions.sfplanning.org/cpcpackets/2011.0397M.pdf>. These proposals are currently under review and are subject to change.
4. **Affordable Housing.** This project is subject to the affordable housing requirements and options for the Urban Mixed Use (UMU) zoning district, as described in Section 419 et seq.
5. **Eastern Neighborhoods Impact Fees.** This project is subject to the Eastern Neighborhoods Impact Fee as a Tier 1 project. The tiers for specific lots are based on height increases or decreases received as part of the Eastern Neighborhoods Plan. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area.

The Eastern Neighborhoods Impact Fee shall be paid before the City issues a first construction document. Section 107A.13.3 of the San Francisco Building Code currently allows a project sponsor to defer payment of a large portion of impact fees to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge. However, this impact fee deferral program is currently slated to expire on July 1, 2013.

6. **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, for an equivalent amount to the value of the improvements. 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.

7. **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  
50 Van Ness, San Francisco, CA 94102  
(415)581-2303

8. **Stormwater.** Projects that disturb 5,000 square feet or more of the ground surface must comply with the Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review. To view the Guidelines and download instructions for preparing a Stormwater Control Plan, go to <http://stormwater.sfwater.org/>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

#### PRELIMINARY DESIGN COMMENTS:

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

1. **Site Design, Open Space, and Massing.** The Planning Department recommends that you provide a code complying rear yard area that meets the intent of space, exposure, access and preservation of the mid-block open space. The Planning Department does not see a justification for deviation from the basic rear yard area requirement for the new construction as proposed. Furthermore, the rear yard deck should be designed in such a manner as to provide adequate buffers between private space for the rear-facing units at that level and the remaining common open space.
2. **Vehicle Circulation, Access and Parking.** Unused curb cuts or driveways should be removed. The single 12 foot wide opening for parking ingress and egress should be sufficient for a limited number of parking spaces. Bike parking should be as close as possible to the lobby or garage entrance to minimize the travel distance through the garage and conflict with automobiles.
3. **Street Frontage.** The frontage should provide a consistent and active relationship with the fronting street. The Central Waterfront Area plan calls for a minimum 5 foot setback at the ground floor along 3<sup>rd</sup> Street due to the generally narrow sidewalks. Additionally, per the Draft *Ground Floor Residential Design Guidelines*, The Planning Department recommends the ground floor residential units be raised three to five feet above grade and set back a minimum of 7 feet, providing landscaping to soften the transition between the sidewalk and the ground floor dwellings.

If the ground floor units are provided at grade, the guidelines recommend that the landscaped entries be set back at least 8 to 9 feet and be expressed as a two story volume to provide adequate transition from street to dwelling unit due to the relatively narrow sidewalk and heavy transit along Third Street. "Flex Space" is not a defined use in the Planning Code, but expanded accessory use to a primary residential use may be justified in certain conditions for the ground floor dwelling units if

they are designed appropriately. Please refer to the Draft *Ground Floor Residential Design Guidelines* on the Department website under "Resource Center/Department Publications/Guidelines for Ground Floor Residential Design" for more guidance on the design of ground floor dwelling units.

- 4. Architecture.** At this point the architecture is assumed to be preliminary and the Planning Department would provide further detailed design review on subsequent submissions. It is expected that the architecture and quality of execution will be superior. High quality materials combined with exceptional articulation and detailing on all visible facades will be essential to a successful project.

Exceptions from Planning Code requirements should be matched by a design and configuration of space and architecture that is exceptional. The Planning Department expects a high quality of design that responds to the surrounding context with a consistent composition of building components, materiality, and other architectural features that reference the scale and proportion of the surrounding building forms and components.

#### 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 **December 21, 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

cc: 2230 3<sup>rd</sup> Street, LLC, Property Owner  
Corey Teague, Current Planning  
Chris Espiritu, Environmental Planning  
Scott Edmondson, Citywide Planning and Analysis  
Jerry Robbins, MTA  
Jerry Sanguinetti, DPW