



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* July 29, 2013  
*Case No.:* **2013.0673U**  
*Project Address:* 2420 3<sup>rd</sup> Street  
*Block/Lot:* 4108 / 003F  
*Zoning:* UMU  
45-X  
*Area Plan:* Eastern Neighborhoods  
*Project Sponsor:* Reza Khoshnevisan  
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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 3-story with mezzanine mixed use building on a vacant lot. The proposed new building would be approximately 4,459 square feet and would include 9 dwelling units, 6 bicycle parking spaces, and 418 square feet of commercial space along 3<sup>rd</sup> Street.

### 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, Central Waterfront District, which was evaluated in *Eastern Neighborhoods Rezoning and Area Plans programmatic Final Environmental Impact Report (Eastern Neighborhoods Plan FEIR)*, which was certified in 2008.<sup>1</sup> Because the proposed project is consistent with the development density identified in the area plan, it is eligible for community plan exemption (CPE). Potentially significant project environmental impacts that were identified in and pertinent mitigation measures and CEQA findings from the underlying area plan final EIR may be applicable to the proposed project.

Environmental evaluation is required for the full scope of the project. Pursuant to CEQA, this project is likely to qualify for a community plan exemption (CPE) under the Eastern Neighborhoods Plan 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 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 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 all 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 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 were not identified in 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. 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 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.

Please submit an *Environmental Evaluation Application*. See Pages 2, 10 and 11 of the current *Fee Schedule* for calculation of environmental fees inside adopted plan areas.<sup>6</sup>

Based on our preliminary review the following topic areas would require additional study to identify potential significant impacts not identified in the Eastern Neighborhoods FEIR:

1. **Transportation:** Based on the Planning Department's transportation impact analysis guidelines, the proposed 9 new residential units would add approximately 34 PM peak hour person trips and thus would not require additional transportation analysis. A preliminary review of the proposed project determined that additional transportation analysis will not be required because the person trips are less than 50 PM peak hour trips. If the scope of the project were to change, then additional review and analysis would be required to determine the need for further transportation analysis.
2. **Hazardous Materials:** The project site is located less than a ¼ mile from known leaky underground fuel tank (LUFT), which indicates that hazardous materials may be associated with the site. In addition, existing environmental hazards in the vicinity of the project site and the potential for hazards and hazardous materials contamination from past industrial uses on the site would need to be reviewed. The project includes some ground disturbance for a new foundation. It is therefore likely that the project will require a Phase I Environmental Site Assessment and other studies as determined necessary by the San Francisco Department of Public Health (DPH).

A copy of the Phase I Environmental Site Assessment (ESA) should be included with the project's Environmental Evaluation Application package, if available at the time of submittal. This study would be required prior to the completion of environmental review. The Phase I Environmental Site Assessment will be forwarded to DPH for their review and the project sponsor would be required to submit a fee to DPH for their review. If site remediation is required, the project sponsor would be required to implement site specific mitigation measures. DPH would provide oversight of remediation activities through their Voluntary Remediation Action Program. For more information regarding the Voluntary Remediation Action Plan Program and fees related to DPH review and oversight, please see: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteVoluntaryRemedial.asp>.

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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.

<sup>6</sup> Documents in italics in the PPA are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission, and can be accessed on the Planning Department's website, <http://sfplanning.org> via the website's search window.

3. **Geology:** The project sponsor is required to prepare a geotechnical investigation to identify the primary geotechnical concerns associated with the proposed project and the site. The geotechnical investigation would identify hazards, and recommend minimization measures for potential issues regarding, but not limited to, soil preparation and foundation design. The geotechnical investigation should be submitted with the EE Application and to assist in the archaeological review of the project (see Archaeological Resources section below).
4. **Historic Architectural Resources:** Historic Architectural Resources: The site is located within the Central Waterfront/Third Street Industrial Historic District, which was recognized as part of the Central Waterfront Historic Resource Survey. The Planning Department Historic Resource Status list the property as a "Category A", which is a "known historic resource." Therefore, a Historic Resource Evaluation (HRE) will be required to assess the compatibility of the new construction with the surrounding historic district.

The HRE is 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 historic consultant must be selected from the Planning Department's Historical Resources consultant pool, in accordance with the Planning Department's consultant selection procedures. Upon submittal of the environmental evaluation application, you may contact the Senior Preservation Planner to obtain the list of three historic resource consultants. Prior to undertaking the HRE, the consultant must contact Department Preservation staff to review the scope of work.

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."

5. **Archeological Resources:** The project site lies within the *Archeological Mitigation Zone J-2: Properties with No Previous Studies* of the Eastern Neighborhoods Rezoning and Area Plans FEIR. For the proposed project either Preliminary Archeological Review (PAR) conducted in-house by the Planning Department archeologist or the preparation of a Preliminary Archeological Sensitivity Assessment (PASA) by a Department Qualified Archeological Consultant subject to the review and approval by the Department archeologist is required. In most cases, the project sponsor would choose the PAR process. The PAR will first determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc., second, whether or not the project site is located in an area of archeological sensitivity and, third, what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to the PAR process is the availability of geotechnical or soils characterization studies prepared for the project. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project.

Alternatively, preparation of a PASA would require the project sponsor to retain the services of a qualified archeological consultant from the Planning Department's rotational Qualified Archeological Consultants List (QACL). The project sponsor must contact the Department archeologist to obtain

the names and contact information for the next three archeological consultants on the QACL. The whole QACL 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 Preliminary Archeological Sensitivity Study (PASA) should contain the following:

- (1) The historical uses 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 Registry of Historic Resources (CRHR);
- (3) Determine if the 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 resources;
- (5) Conclusion: assessment of whether any California Registry of Historic Places-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the PAR or the PASA, the Department archeologist will determine if and what additional measures are necessary to address potential effects of the project to archeological resources. These measures may include implementation of various archeological mitigations such as accidental discovery, archeological monitoring, or archeological field investigations. In cases of potential greater archeological sensitivity, preparation of an Archeological Research Design/Treatment Plan (ARD/TP) by an archeological consultant from the QACL may be required.

6. **Air Quality:** The proposal would construct a three-story building (approximately 4,459 square feet) with nine residential units and one commercial unit on the ground floor. This project would not exceed the Bay Area Air Quality Management District's (BAAQMD) construction and/or operational screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions would not to be required.

The Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) was established 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). The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites that are less than one half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust

control that are acceptable to the Director of DBI. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

In addition to construction dust, project-related 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 1,000 feet from the project site. Additional measures may be required to reduce DPM emissions from construction vehicles and equipment.

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

During the environmental review process the project will be screened for potential air quality impacts to identify applicable mitigation measures from the Eastern Neighborhoods FEIR and determine whether an Air Quality Technical report is 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 staff prior to the commencement of any required analysis and/or modeling determined necessary.

Based upon mapping conducted by the U.S. Geological Survey (USGS) the project site may be underlain by serpentine 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

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<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.

ATCM are contained in California Code of Regulations (CCR) Title 17, Section 93105,<sup>8</sup> 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.

During the environmental review process, the proposed project would be reviewed to determine whether mitigation measures in the form of either construction emissions minimization measures or air filtration and ventilation mitigation measures would be required and whether any additional mitigation measures identified in the underlying Eastern Neighborhoods FEIR will be required.

- 7. 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). 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.

- 8. Noise:** The project site faces 3rd Street, which is subject to noise levels which exceed 65 dBA (Ldn) (see Eastern Neighborhoods Rezoning and Area Plans FEIR, Figure 18, Page 307).

Therefore, the proposed project would be subject to the following mitigation measures: *Mitigation Measure F-2: Construction Noise, Mitigation Measure F-3: Interior Noise Levels and Mitigation Measure F-4: Siting of Noise-Sensitive Use* (see Eastern Neighborhoods Rezoning and Area Plans FEIR, pages S-40, S-41 and S-42). Implementation of the mitigation measures would ensure the project would not result in any peculiar impacts that were not identified in the Eastern Neighborhoods FEIR with respect to noise.

Implementation of *Mitigation Measure F-2* would reduce construction noise effects to a less-than-significant level.

#### **Mitigation Measure F-2: Construction Noise**

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 would require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the

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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.

supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures would be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- 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-3: Interior Noise Levels**

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in Figure 18 (see Eastern Neighborhoods Rezoning and Area Plans FEIR, page 307), 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 would conduct a detailed analysis of noise reduction requirements. Such analysis would be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis would 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 extent feasible.

#### **Mitigation Measure F-4: Siting of Noise-Sensitive Uses**

This measure would apply as the project sponsor is proposing to site residential uses within the UMU Use District in an area that exceeds 70 Ldn. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would require the sponsor to prepare an acoustical study that identifies potential noise-generating uses within 900 feet of, and have direct line-of-sight to, the project site and include at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes. The study should include any recommendations regarding building design to ensure that the interior noise environment meets Title 24 Building Code acoustical requirements.

9. **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 building would be up to 54 feet in height, therefore no additional analysis of wind impacts would be required.



10. **Shadow:** Section 295 restricts new shadowing on 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 has been prepared by the Planning Department. The project site is located near two public open spaces, Esprit Park and Woods Yard Park. Esprit Park occupies the block between Minnesota and Indiana and 19th and 20th Streets, and is under the Department of Parks and Recreation jurisdiction. Woods Yard Park is located on 22<sup>nd</sup> Street between Indiana and Minnesota Streets, and is managed by the San Francisco Municipal Transit Authority.

The preliminary shadow analysis indicates that the proposed project would not cast a shadow upon the properties owned by the Department of Parks and Recreation, Esprit Park or the San Francisco Municipal Transit Authority, Woods Yard Park. Therefore, no additional shadow analysis will be required for this project.

11. **Stormwater.** The City and County of San Francisco Stormwater Management Ordinance became effective on May 22, 2010. This ordinance requires that any project resulting in a ground disturbance of 5,000 square feet or greater prepare a Stormwater Control Plan, consistent with the November 2009 Stormwater Design Guidelines. Responsibility for review and approval of the Stormwater Control Plan is with the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program.

The initial CEQA evaluation of a project will broadly discuss how the Stormwater Management Ordinance would be implemented if the project triggers compliance with the 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.

12. **Tree Removal.** 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.
13. **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of the project site and properties adjacent to the project site, as well as owners of properties within 300 feet of the project site at the initiation of the Community Plan Exemption process. Please be prepared to provide these mailing labels upon request during the environmental review process.

If any of the above investigations determine that mitigation measures not identified in the Eastern Neighborhoods FEIR 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)).

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 **Building Permit Application** is required for the proposed new construction on the subject property.

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) 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. **Neighborhood Notification.** Per Planning Code Section 312, the proposed project requires a neighborhood notification. Please submit the required materials with the Building Permit Application. Instructions are available on our website at:

<http://sfplanning.org/modules/showdocument.aspx?documentid=8675>

2. **Curb Cut.** The proposed new curb cut along 3<sup>rd</sup> Street does not comply with the Transportation Element of the General Plan, which has a policy to reduce or relocate driveways along transit preferential streets, such as 3<sup>rd</sup> Street.
3. **Dwelling Unit Mix.** Planning Code Section 207.6 outlines the required minimum dwelling unit mix in RTO, RCD, NCT, DTR, and Eastern Neighborhoods Mixed Use Districts. For the UMU District, the project is required to provide 40 percent of the units as 2 bedroom or 30 percent of the units as 3 bedroom units. The Planning Department has concerns that the size and layout of the 2 bedroom units do not comply with the intent of the Planning Code to provide units for families, due to the unit square footage and the configuration/privacy of the 2 bedrooms. Please provide documentation from the Department of Building Inspection which supports that the proposed 2 bedroom units meet the requirements for bedrooms. Furthermore, the Planning Department urges you to rethink the size and design of the 2 bedroom units such that they would be suitable for use by a family.
4. **Height.** Planning Code Section 260 describes the method by which height limits should be calculated. The Planning Department has concerns that the design of the building does not comply with the intent of the 45 foot height limit. Because the tallest point of the building at 54 feet is along the street frontage, the building is a story taller than what was intended in a 45 foot height limit district. Furthermore, the proposed height is not consistent with the adjacent smaller scale buildings which exacerbates the contrasting height and bulk of your project. The Planning Department urges you to modify the design to comply with the street wall height of 45 feet as envisioned by the Eastern Neighborhood controls.
5. **Transit Impact Development Fee.** Per Planning Code Section 411, the proposed project is subject to the Transit Impact Development Fee.
6. **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. Please note that Project Sponsors may propose to directly provide community improvements to the City by entering into an In-Kind Improvements Agreement subject to the requirements of Planning Code Section 423.3(d). The Eastern Neighborhoods Impact Fee shall be paid before the City issues a first construction document.
7. **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 <http://sfplanning.org/Modules/ShowDocument.aspx?documentid=8601>.  
the Planning Department website.

8. **Bicycle Parking-** Section 155.4 of the Planning Code provides requirements for bicycle parking in commercial development and Section 155.5 in residential development. The proposed bike parking shown in the PPA application appears to meet the existing requirements in the Code. 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.

### PRELIMINARY DESIGN COMMENTS:

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

1. **Vehicle Circulation, Access and Parking.** The Planning Department appreciates the active ground floor use, but discourages the addition of a new curb cut where no vehicular use is proposed.
2. **Street Frontage.** Given the relatively narrow sidewalk combined with the heavy transit along Third Street, the Planning Department recommends the residential lobby be recessed to provide a transition space from the street.

Refer to the draft Ground Floor Residential Design Guidelines for treatment of the building along the street for residential uses on the ground floor. The draft guidelines are located on the Department website under "Resource Center/Department Publications/Guidelines for Ground Floor Residential Design."

3. **Architecture.** The Planning Department appreciates the massing, proportion and scale of the building and suggests that the detailing of the upper windows at the mezzanine be detailed to better express their relationship to the space – perhaps ganging them together in 2-story assemblies would accentuate the loft like design.

Consider developing a stronger expression of the base that relates to the ground floor and the adjacent buildings.

The Planning Department also appreciates the use of the roof shape to allow an apparent height that is appropriate to the street. However, considering the likely existence of the neighboring buildings, the profile of that roof is likely to remain visible for some time to come. The Planning Department encourages the designer to explore alternate means of achieving a more sculptural roof line while maintaining the intent of the building. Perhaps a series of sawtooth clerestories could impart the same result but with better definition of the roof mass.

At this point the architecture is assumed to be preliminary and the Planning Department would provide further detailed design review on the subsequent submission.

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.

The Planning Department expects a high quality of design that responds to its context with a consistent composition of building components, materiality, and other architectural features that reference the scale and proportion of the existing building forms and components.

**PRELIMINARY PROJECT ASSESSMENT EXPIRATION:**

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation or Building Permit Application, as listed above, must be submitted no later than **January 29, 2015**. 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  
                         Interdepartmental Project Review Application  
                         Flood Notification: Planning Bulletin  
                         SFPUC Recycled Water Information Sheet

cc:      Nader Heydayian, Property Owner  
            Erika S. Jackson, Current Planning  
            Craig Jung, Environmental Planning  
            Nicholas Perry, Citywide Planning and Analysis  
            Jerry Robbins, MTA  
            Jerry Sanguinetti, DPW