



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: August 5, 2013
Case No.: **2013.0744U**
Project Address: 131 Missouri Street
Block/Lot: 3985/024
Zoning: Urban Mixed Use (UMU) Zoning District
40-X Height and Bulk
Area Plan: Showplace Square/Potrero Hill
Project Sponsor: Middle of the Hill, LLC
Clare Hyland
(415)330-3500 ext.130
Staff Contact: Brittany Bendix – (415)575-9114
Brittany.bendix@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 two-story industrial building and construct a four story, 40-foot tall residential building. The existing building on the 7,500 square-foot lot was constructed in 1960. The proposed new building would be 20,700 square-feet and include nine dwelling units and nine off-street parking spaces.

ENVIRONMENTAL REVIEW:

Environmental evaluation is required for the full scope of the project. Pursuant to the California Environmental Quality Act (CEQA), this project is likely to qualify for a Community Plan Exemption (CPE) under *the Eastern Neighborhoods Rezoning and Area Plans*.¹ Within the CPE process, there can be three different outcomes as follows:

¹ Documents in italics in this PPA are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center (PIC) at 1660 Mission, and online on the Planning Department's website at: <http://sfplanning.org>.

1. **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in *the Eastern Neighborhoods Rezoning and Area Plans Final EIR* ("*Eastern Neighborhoods FEIR*"), and 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 are: (a) the CPE determination fee (currently \$13,004); (b) the CPE certificate fee (currently \$7,216); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
2. **CPE + Focused Initial Study/Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in *the Eastern Neighborhoods FEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, 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 are: (a) the CPE determination fee (currently \$13,004); (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
3. **CPE + Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, 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 are: (a) the CPE determination fee (currently \$13,004); (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.

In order to begin formal environmental review, please submit an *Environmental Evaluation Application*. See "Studies for Project inside of Adopted Plan Areas – Community Plan Fees" on page 2 of the current *Fee Schedule* for calculation of environmental application fees. Please note that the current *Fee Schedule* will be updated to reflect a change in fees on August 30, 2013.

Based on our preliminary review, it appears that the following mitigation measures that were identified in the area plan EIR would apply to the proposed project:

- **Mitigation Measure F-4: Siting of Noise-Sensitive Uses.** The area plan EIR noted that the proposed rezoning would permit existing production, distribution and repair (PDR) uses to remain where they

are, in proximity to areas newly zoned for residential uses, and that depending on the type of commercial or employment activities, noise generated during the evening or nighttime hours could result in noise conflicts between residential and commercial uses. Thus, Mitigation Measure F-4 from the area plan EIR would most likely apply to the proposed project. This mitigation measure requires the preparation of a noise analysis to identify potential noise-generating uses within two blocks of the project site and to demonstrate that Title 24 standards will be met. Title 24 of the California Code of Regulations includes noise insulation standards and construction requirements that are intended to limit noise transmitted into residential units of multi-unit residential buildings.

- **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.
- **Mitigation Measure L-1: Hazardous Building Materials.** The City shall condition further development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as florescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any florescent light tubes, which could contain mercury, are similarly removed and properly disposed. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state and local laws.
- **Mitigation Measure J-2: Archeological Resources – Properties With No Previous Studies** from the area plan EIR would most likely apply to the proposed project because the project site is in an archeologically sensitive area. This mitigation measure requires the project sponsor to retain the services of a qualified archeological consultant to undertake a preliminary archeological sensitivity study under the direction of Planning Department staff prior to project construction. The Planning Department’s list of approved archeological consultants is available at http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf.

The existing building on the project site was evaluated in an area-wide historical resources survey and found ineligible for national, state, or local designation; thus, no additional analysis of historical resources is required.

Based on our preliminary review the following topic areas would require additional study to identify significant impacts not identified in area plan EIR:

1. **Hazardous Materials.** Based upon mapping conducted by the U.S. Geological Survey (USGS) the project site may be underlain by serpentine rock. 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, the California Air Resources Board (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 (CCR) Title 17, Section 93105, 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 below.

The proposed project would introduce new residential uses to the project site. Therefore, a Phase I Environmental Site Assessment should be prepared to determine the potential for site contamination and the level of exposure risk associated with the project. This should be submitted with the Environmental Evaluation Application. The Phase I ESA will determine whether any additional analysis (e.g., a Phase II soil sampling) will be necessary. Review of the Phase I and any additional studies recommended by the Phase I would require oversight from the San Francisco Department of Public Health (DPH), which may recommend that the project sponsor enroll in its Voluntary Remedial Action Program. Additionally, depending on the scope of the project and its potential to disturb contaminated soils, the proposed project may be subject to the amended Maher Ordinance, which will become effective August 15, 2013. During environmental review of the proposed project, the Planning Department will coordinate with DPH to determine the appropriate course of action.

Please note that the DPH charges a fee for its review. More information on DPH's Voluntary Remedial Action Program may be found at:

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

The existing industrial structure that would be demolished may contain building materials with hazardous materials that could be released during the demolition process. In order to eliminate this potential adverse impact, *the Eastern Neighborhoods FEIR* included *Hazardous Materials Mitigation Measure L-1*, which would apply to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

In addition, because the existing building proposed to be demolished was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the buildings. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne

pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings that may contain asbestos-containing materials.

Finally, because of their age, lead paint may be found in the existing buildings. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to demolition of buildings that may contain lead paint.

2. **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 which requires the proposed project to complete either Preliminary Archeological Review (PAR), conducted in-house by the Planning Department archeologist, or the preparation of a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant that is subject to the review and approval by the Department archeologist. In almost all 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, determine whether or not the project site is located in an area of archeological sensitivity; and third, determine 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 along with the proposed foundation type and maximum depth of excavation. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project.

Alternatively, preparation of a PASS 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.

The Preliminary Archeological Sensitivity Study (PASS) 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 CRHR;
- (3) Determine if the 19th or 20th century soils-disturbing activities may adversely affect 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 CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the PAR or the PASS, 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, and/or archeological field investigations. In cases of potential higher archeological sensitivity, preparation of an Archeological Research Design/Treatment Plan (ARD/TP) by an archeological consultant from the QACL may be required.

3. **Historical Resources.** The project site has been included in the *Showplace Square/Northeast Mission Historic Resource Survey*, which was conducted as a part of the Eastern Neighborhoods Rezoning and Area Plans. 131 Missouri Street was given a rating of 6Z ("Found ineligible for NR, CR or Local designation through survey evaluation"). As such, the subject property would not be considered a historic resource pursuant to the California Environmental Quality Act (CEQA) and its demolition would not result in a significant impact. In addition, the project site is not located within a known or eligible historic district as identified in the results of the *Showplace Square/Northeast Mission Historic Resource Survey*. Therefore, there are no historic resource issues with the subject property.
4. **Transportation Impact Study.** The proposed building would include 9 dwelling units (totaling 17,000 square-feet in size). Based on the Planning Department's Transportation Impact Analysis Guidelines, the proposed project would generate approximately 90 daily persons-trips and 16 P.M. peak-hour persons-trips.² Based on this assessment, a Transportation Impact Study (TIS) is not likely required for the proposed project. However, the transportation team will be reviewing the proposed circulation plan after the Environmental Evaluation Application is filed.

A formal determination as to whether a TIS is required will be made after submittal of the Environmental Evaluation Application. If a TIS is required, the consultant must be selected from one of three transportation consultants assigned to this project by the Planning Department during the environmental review process.

At the time of filing of the Environmental Evaluation Application, please address all of the following:

- Plans should provide existing site plans and any existing curb cuts. Plans must also show adjacent streets, sidewalks and landscaping (trees)
- Project would be responsible for closing any existing curb cuts that would not be used
- Proposed site plan should show items mentioned above as well as width of proposed driveway; 10 feet is advised.

5. **Air Quality.** The project consists of demolition of an existing warehouse structure and construction of a new 4-story residential building providing 9 dwelling units.

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. *The Eastern Neighborhoods FEIR* identified a significant impact related to construction air quality and included *Air*

² Laura Lynch, San Francisco Planning Department, *Transportation Calculations*, June 19, 2013. These calculations are available for review as part of Case File No. 2013.0744U at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Quality Mitigation Measure G-1 related to construction activities. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008), with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Please also note that Ordinance 175-91 requires that non-potable water be used for dust control activities. Furthermore, the contractors would be required to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. See *Air Quality Mitigation Measure G-1* for details.

The project site is not within an air quality hot spot.³ During the environmental review process the project will be screened for potential air quality impacts to identify applicable mitigation measures (e.g., construction emissions and filtration and ventilation measures) from *the Eastern Neighborhoods FEIR*.

- 6. 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 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).⁴

Potential environmental effects related to greenhouse gas (GHG) emissions from the proposed project need to be addressed in a project's environmental evaluation. The project sponsor would be required to submit a completed *GHG Compliance Checklist Table 1 for Private Development Projects* demonstrating that the project is in compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with *San Francisco's Greenhouse Gas Reduction Strategy*. Projects that do not comply with a GHG-related regulation may be determined to be inconsistent with *San Francisco's Greenhouse Gas Reduction Strategy*.

- 7. Shadow Analysis.** The proposed building would be 40 feet in height. Because the project is not higher than 40 feet in height, it would not require a shadow study under Planning Code Section 295. A shadow analysis would likely not be required as part of the environmental review for this project.

³ In an effort to identify areas of San Francisco most adversely affected by sources of TACs, the San Francisco Planning Department and the San Francisco Department of Public Health (DPH) have partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "air quality hot spots" were identified based on two health-protective criteria: 1) excess cancer risk from the contribution of emissions from all modeled sources > 100 per one million population; or 2) cumulative PM_{2.5} concentrations > 10 micrograms per cubic meter (µg/m³). Land use projects within these air quality hot spots require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

⁴ San Francisco's Strategies to Address Greenhouse Gas Emissions and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=2627>

8. **Noise Analysis.** Based on *the Eastern Neighborhoods FEIR*, the project site is located in an area where traffic-related noise exceeds 60 dBA L_{dn} (a day-night averaged sound level). *Noise Mitigation Measure F-3* requires that the project sponsor conduct a detailed analysis of noise reduction requirements for new development including noise-sensitive uses (i.e., residential uses) located along streets with noise levels above 60 dBA L_{dn} , where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. *Noise Mitigation Measure F-3* requirements for the proposed project would be covered, because the project would be subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations.

Noise Mitigation Measure F-4 would apply to new development including noise-sensitive uses to reduce potential conflicts between existing noise-generating uses and new sensitive receptors. *Noise Mitigation Measure F-4* requires that a Noise Analysis be prepared prior to the first project approval action. The mitigation measure requires that such an analysis include, at a minimum, a site survey to identify potential noise-generation uses within 900 feet of, and that have a direct line-of-sight to, the project site. At least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes) shall be included in the analysis. The analysis shall be prepared by person(s) qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.

In addition, *Noise Mitigation Measure F-6* would apply to the proposed project as it includes new development of a noise-sensitive use. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels. 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.

The proposed project would be subject to the San Francisco Construction Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008, which includes restrictions on noise levels of construction equipment and hours of construction. Detailed information related to construction equipment, phasing, and duration of each phase may be required as part of environmental evaluation to assess construction noise levels and methods to reduce such noise, as feasible.

In addition, the proposed project would be subject to *Noise Mitigation Measure F-2*, which requires that a set of site specific noise attenuation measures be developed under the supervision of a qualified acoustical consultant, and that a plan for such measures be submitted to the Department of Building Inspection (DBI) when the Planning Department determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses. Finally, *Noise Mitigation Measure F-1*, addressing requirements related to the use of pile-driving, would apply to the proposed project if pile-driving is proposed to be utilized as part of the project.

9. **Stormwater Management.** 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 (SCP) that is consistent with the November 2009 Stormwater Design Guidelines. Responsibility for review and approval of the SCP 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 is proposed to 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 (LID) 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.

10. **Tree Disclosure Affidavit.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property.⁵ Any tree identified in the Affidavit for Tree Disclosure must be shown on the Site Plans with the size of trunk diameter, tree height, and accurate canopy drip line. Please submit a Tree Disclosure Affidavit with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
11. **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. Please provide these mailing labels at the time of application submittal.

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.

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. **Variance.** As currently proposed, and as discussed under 'Preliminary Project Comments' below, this project requires a Variance from Planning Code Sections 134 (Rear Yard), 135 (Open Space) and 145.1 (Street Frontage). Please note that the necessity of these variances may preclude the Project from the rear yard and parking modifications required below.

⁵ San Francisco Planning Department. *Affidavit for Tree Disclosure*. Available online at:

http://sfmea.sfplanning.org/Tree_Disclosure.pdf.

2. A **Building Permit Application** is required for the demolition of the existing building on the subject property.
3. A **Building Permit Application** is required for the proposed new construction on the subject property.

Variance applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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 under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at 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.

1. **Rear Yard.** Planning Code Section 134 requires that the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. It also requires that the rear yard be located at the lowest level containing a dwelling unit. The Project proposes residential rooms on the ground floor and thereby requires a Variance from Planning Code Section 134. While a Rear Yard Modification pursuant to Planning Code Section 134(f) may ultimately be pursued in-lieu of a Rear Yard Variance, as proposed the project does not currently meet the required findings for a Rear Yard Modification. Pursuant to Section 134(f)(3) a Rear Yard Modification may not be combined within any request for an open space or exposure exception. An Open Space Variance is required as discussed below.
2. **Open Space – Residential.** Section 135 requires 80 square feet of open space (private or common) for each dwelling unit. Unit 202 does not appear to have access to private or common open space. Additionally, any such open space must meet the dimensional requirements of Subsections (f) and (g). It is unclear if the private terraces for units 301 and 302 comply with these requirements. These terraces must have a minimum horizontal dimension of 8-feet by 8-feet, and must be a minimum of

80 square-feet in area. As proposed, you must seek and justify an Open Space Variance. However, the Project should be designed to eliminate the need for this Variance.

3. **Off-Street Parking.** Planning Code Section 151.1 principally permits a ratio of .75 off-street parking spaces per dwelling unit. Alternatively, per Section 307(h), the Zoning Administrator may approve parking at a ratio of one off-street parking space per dwelling unit, subject to the conditions of subsection 151(g) and 307(h), if that dwelling unit has a minimum of 1,000 square feet of occupied floor area and contains two bedrooms. Given the proposed design, it appears the Project requests an exception to exceed the principally permitted amount of off-street parking at the expense of providing a Code-complying rear yard. You are strongly encouraged to eliminate all requests for exceptions to the Planning Code.
4. **Obstructions over Streets.** Planning Code Section 136(c)(2) establishes the maximum envelope for bay windows at the front property line, the minimum horizontal separation between bay windows, and the required amount of glazing. A scaled set of plans will be required to confirm conformance with the requirements under Planning Code Section 136; however, as proposed, the front bay windows do not comply with the glazing requirements and would not be permitted.
5. **Standards for Bird Safe Buildings.** The proposal will be subject to Planning Code Section 139, Standards for Bird Safe Buildings. Please note the Feature Related requirements, under subsection (c)(2) that apply to certain unbroken glazed segments 24 square-feet in area, or larger.
6. **Street Frontages in Mixed Use Districts.** Planning Code Section 145.1 states that space for active uses, as defined in Subsection (b)(2) and permitted by the specific district in which it is located, must be provided within the first 25 feet of building depth, on the ground floor, from any facade facing a street at least 30 feet in width. The proposal includes residential rooms on the ground floor within the required active use area; however, because these rooms do not feature direct, individual pedestrian access to a public sidewalk, as required by this Section, the space is not considered an active use. Therefore, this feature also requires a variance from this Code section. Please see the "Preliminary Design Comments" on Street Frontage for more guidance on this issue. The Department recommends that you revise your design to comply with street frontage requirements and eliminate the need for exceptions.
7. **Street trees.** For new construction, Planning Code Section 138.1 requires one street tree for every 20 feet of frontage, and an additional tree for any remainder of frontage greater than 10 feet. The subject property is 75 feet wide and therefore requires four street trees. The current plans propose three trees. Please provide the require four trees or seek a waiver from the Zoning Administrator.
8. **Bicycle Parking.** Planning Code Section 155.5 requires at least one Class 1 space for every two dwelling units. However, legislation is currently pending at the Board of Supervisors that would require one Class 1 space per dwelling unit. These changes are expected to take effect in the fall of 2013. Please review the attached draft Zoning Administrator Bulletin that outlines the minimum standards for bicycle parking spaces as proposed under pending legislation.

9. **Height Exemptions.** Planning Code Section 260(b)(1)(B) limits the height of elevator penthouses which extend beyond the applicable height limit to 16-feet. The proposed elevator penthouse extends 18-feet beyond the 40-foot height limit. Exceptions from the height requirement cannot be granted for this site. Please revise the plans accordingly. Furthermore, please note that features exempted under the height requirements per Section 260(b)(1)(B) cannot collectively exceed 20 percent of the horizontal area of the roof above which they are situated.
10. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Section 423 et seq.
11. **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 for assistance.

PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site Design, and Open Space.**
 - a. Open space and massing appears appropriate, if it can be designed in a manner that eliminates the need for an Open Space variance.
2. **Vehicle Circulation, Access and Parking.**
 - a. A single 8-foot wide opening for parking ingress and egress should be sufficient for a limited number of parking spaces.
 - b. Bike parking should be provided as close as possible and directly accessible from the lobby to minimize the travel distance through the garage and conflict with cars.
3. **Street Frontage.** The frontage should provide a consistent and active relationship with the fronting streets, per the draft *Ground Floor Residential Design Guidelines*.
 - a. The Planning Department expects the ground floor residential setbacks at-grade to provide a direct connection and transition between the street and the dwelling. In lieu of being raised, at- or below-grade setbacks should be deep enough to function as such. The current design does not seem to provide adequate buffer or transition from the street to the ground floor residential use.
 - b. Gates, screen, and fences should be essentially transparent and no higher than 3 feet 6 inches.

- c. Consider flipping the plan of the middle ground floor unit to allow the private terrace to be raised above grade. The master bedroom portion of the ground floor unit may be provided below grade but moderated by the placement of windows.
 - d. Refer to the draft *Ground Floor Residential Design Guidelines* for treatment of the building along the street if the project retains 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.”
4. **Architecture.** At this point the architecture is assumed to be preliminary and the Planning Department would provide further detailed design review on the subsequent submission.
- a. That said, 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.
 - b. 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, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **April 4, 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
Draft Zoning Administrator Bulletin – Bicycle Parking

cc: Middle of the Hill, LLC, Property Owner
Brittany Bendix, Current Planning
Laura Lynch, Environmental Planning
Neil Hrushowy, Citywide Planning and Analysis
David Winslow, Design Review Team
Jerry Robbins, MTA
Jerry Sanguinetti, DPW