



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** August 16, 2013  
**TO:** Yakuh Askew  
**FROM:** Rick Cooper, Planning Department  
**RE:** PPA Case No. 2013.0813 for 5 Hallam Street

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Wade Wietgreffe, at (415) 575-9050 or [wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script that reads "Rick Cooper".

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Rick Cooper, Senior Planner



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* August 16, 2013  
*Case No.:* **2013.0813U**  
*Project Address:* 5 Hallam Street  
*Block/Lot:* 3755/096  
*Zoning:* Residential Enclave Use District  
Western SoMa Special Use District  
40-X Height and Bulk District  
*Area Plan:* Western SoMa Area Plan  
*Project Sponsor:* Yakuh Askew – (415) 920-1839  
*Staff Contact:* Wade Wietgreffe – (415) 575-9050  
[wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org)

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### DISCLAIMERS:

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

### PROJECT DESCRIPTION:

The project site consists of one lot along Hallam Street within the block bounded by 7<sup>th</sup> Street to the north, Harrison Street to the east, 8<sup>th</sup> Street to the south, and Folsom Street to the west. The existing lot is vacant, except for a fence blocking views to the interior of the lot from Hallam Street. The proposed project involves the construction of a new 40-foot-tall (49-foot-tall with penthouse), 5,290-square-foot building consisting of six dwelling units (three one-bedrooms and three two-bedrooms or larger) and a common roof deck.

**BACKGROUND:**

The project site is within the proposed Western SoMa Community Plan area. The Western SoMa Community Plan covers two connected areas: one (“north of Harrison Street”) roughly bounded by 13th, Bryant, Seventh and Minna Streets; and the second (“south of Harrison Street”) roughly bounded by Townsend, Fourth, Harrison and Seventh Streets. The Western SoMa Community Plan and its associated rezoning became effective April 27, 2013. The Western SoMa Community Plan Environmental Impact Report (EIR), including mitigation measures, was certified by the Planning Commission on December 6, 2012.<sup>1</sup>

**ENVIRONMENTAL REVIEW:**

The project initially requires environmental review, which must be completed before any project approval may be granted. In order to facilitate environmental review and comply with the California Environmental Quality Act (CEQA), the applicant should submit an **Environmental Evaluation Application** (EEA).<sup>2</sup> Under environmental review, the process will likely result in issuance of a **Certificate of Determination of Exemption**. If the additional analysis performed after submittal of the EEA indicates that the project would not have a significant effect on the environment, the project may qualify for a Categorical Exemption, in which case the Planning Department would issue a Certificate of Determination of Exemption from Environmental Review. Refer to page 2 of the current Fee Schedule<sup>3</sup> for costs. Based on the application submitted for the Preliminary Project Assessment (PPA), the fee would be \$5,935.

However, if the additional analysis performed after submittal of the EEA indicates the project would have a significant effect on the environment and the project meets the density of a certified EIR in a community plan, the project would be eligible for a **Community Plan Exemption** (CPE) from CEQA (per CEQA Guidelines Section 15183). As currently presented, the proposed project meets the development density for the project site under the Western SoMa Community Plan and thus a CPE under the Western SoMa Community Plan may apply. If it is determined after filing of the EEA that the proposed project is consistent with the development density and other zoning parameters established by the Western SoMa Community Plan and the project would have a significant effect on the environment, the proposed project could be eligible for a CPE. Three different outcomes of the CPE process are possible:

1. *Stand-alone CPE.* If all potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Western SoMa programmatic EIR (Western SoMa PEIR), and if there are no new “peculiar” significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the Western SoMa PEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. The applicable fees are: (a) the CPE determination fee (currently \$13,004); (b)

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<sup>1</sup> San Francisco Planning Department, *Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project Environmental Impact Report*, Planning Department Case Nos. 2008.0877E and 2007.1035E. Refer to <http://www.sfplanning.org/index.aspx?page=1828> under the above title.

<sup>2</sup> Refer to <http://www.sf-planning.org/index.aspx?page=1886> for latest “Environmental Evaluation Application.”

<sup>3</sup> Refer to <http://www.sf-planning.org/index.aspx?page=2611> for latest “Fee Schedule for Applications.” Please note fees will rise August 31, 2013.

the CPE certificate fee (currently \$7,216); and (c) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Western SoMa PEIR.

2. *CPE + Focused Mitigated Negative Declaration (MND)*. If new site- or project-specific significant impacts are identified for the proposed project that are not identified in the Western SoMa PEIR, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused MND is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the Western SoMa PEIR, with all pertinent mitigation measures and CEQA findings from the Western SoMa PEIR also applied to the proposed project. The applicable fees are: (a) the CPE determination fee; (b) the standard environmental evaluation fee (which is based on construction cost); and (c) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Western SoMa PEIR.
3. *CPE + Focused EIR*. If the proposed project would have significant impacts that 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 are encompassed by the Western SoMa PEIR, with all pertinent mitigation measures and CEQA findings from the Western SoMa PEIR also applied to the proposed project. The applicable fees are: (a) the CPE determination fee; (b) the standard environmental evaluation fee (which is based on construction cost); (c) one-half of the standard EIR fee (which is also based on construction cost); and (d) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Western SoMa PEIR.

The Planning Department will investigate the following issues as part of the environmental review process to determine whether a Certificate of Determination of Exemption or CPE will apply.

1. *Historic Architectural Resources*. The project site was surveyed as part of the South of Market Historic Resource Survey, which was adopted by the Historic Preservation Commission in February 2011. The project site was rated California Historical Resource Status Code 6Z (found ineligible for National Register, California Register or Local designation through survey evaluation). The project site was also determined not to be within a historic district.

If the proposed project were to result in construction-related vibration, the project sponsor would have to consult with the Planning Department to determine whether adjacent or nearby buildings constitute historical resources that could be adversely affected, as described in Mitigation Measure M-CP-7a, Protect Historical Resources from Adjacent Construction Activities, in the Western SoMa Community Plan EIR. If it is determined that the buildings studied in M-CP-7a are historic, then construction monitoring, such as that required in Mitigation Measure M-CP-7b, Construction Monitoring Program for Historical Resources, in the Western SoMa Community Plan EIR, would likely be required for the proposed project.

2. *Archeological Resources*. The application submitted for the PPA does not indicate the depth of below-ground surface excavation or type of proposed foundation. As part of the EEA, please provide this information, along with any geotechnical study/studies as required below, so Planning Department staff can evaluate the level of archeological review required. If there is a potential impact to

archeological resources, the work could require an additional study to be prepared by an archeological consultant listed in the Planning Department's archeological consultant pool, in accordance with the Planning Department's consultant selection procedures. Mitigation measures, such as Mitigation Measures M-CP-4a, Project-Specific Preliminary Archeological Assessment, and M-CP-4b, Procedures for an Accidental Discovery of Archeological Resources, in the Western SoMa Community Plan EIR, would be applied to the proposed project.

3. *Noise.* The proposed project would include construction within proximity to sensitive noise receptors (i.e., residences). Depending on the anticipated construction duration and vibration anticipated during construction (see historic architectural resources above), construction noise reduction methods, such as those described in Mitigation Measures M-NO-2a, General Construction Noise Control Measures, and M-NO-2b, Noise Control Measures During Pile Driving (if the proposed project would include pile driving), in the Western SoMa Community Plan EIR, may be required for the proposed project.
4. *Greenhouse Gas Emissions.* *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>4</sup> The environmental planner assigned or CEQA consultant in coordination with the project sponsor will prepare this checklist in coordination with the project sponsor, if necessary.
5. *Shadow.* The proposed project would result in construction of a building 40 feet in height (49 feet with penthouse). Planning Code Section 295 requires that a shadow analysis must be performed to determine whether a project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project would not cast new shadow on any properties under the jurisdiction of the Recreation and Park Department, nor would it cast shadows on any other parks or open spaces (see attached).
6. *Geotechnical Study.* A geotechnical/soils investigation will be required to be submitted as part of the EEA because the project site is within an area prone to liquefaction. The investigation must be prepared by a professional with expertise in soils/geotechnical engineering and/or geology.
7. *Flooding.* The project site appears to be underlain by artificial fill. Areas located on artificial fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and backups or flooding can occur near these streets or sewers. Applicants for building permits for new construction shall be referred to the San Francisco Public Utilities

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<sup>4</sup> Refer to <http://sfplanning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

Commission (SFPUC) at the beginning of the environmental review process for a review to determine whether the project would result in ground-level flooding during storms. The SFPUC will review the permit application and comment on the proposed application and the potential for flooding during wet weather.<sup>5</sup>

8. *Hazardous Materials*. The project site is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. However, the project site may be located on artificial fill, often a source of contaminants in San Francisco. If the proposed project would disturb 50 cubic yards of soil, the proposed project would be subject to the Soil and/or Groundwater Testing Requirements Ordinance (Ordinance No. 155-13, July 16, 2013), which is an update to the existing Maher Ordinance. The intent of the updated Maher Ordinance is to identify, investigate, analyze, and when deemed necessary, remediate hazardous substances in soils by expanding the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances in order to protect the environment and public health and safety.

#### PLANNING DEPARTMENT APPROVALS:

The proposed 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 new construction of the proposed building.

#### 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, approval requires a neighborhood notification.

1. *Pre-Application*. This project proposes new construction, therefore, the proposed 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.<sup>6</sup> According to the instructions in the Pre-Application meeting packet, all relevant neighborhood organizations must be noticed.<sup>7</sup>
2. *Neighborhood Notification*. The project proposes new construction; therefore, owners and occupants within 150 feet of the project site must also be notified, in accordance with Planning Code Section 312.
3. *Notification of 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, if applicable. The environmental planner

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<sup>5</sup> Refer to [http://www.sf-planning.org/ftp/files/publications\\_reports/DB\\_04\\_Flood\\_Zones.pdf](http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf)

<sup>6</sup> Refer to <http://www.sf-planning.org/index.aspx?page=2611> for latest "Neighborhood Notification – Pre-Application Meeting Packet."

<sup>7</sup> Refer to <http://www.sf-planning.org/index.aspx?page=2426> for latest "Neighborhood Groups Map."

assigned may request these mailing labels after assignment. Other notices may be required depending on the level of environmental review necessary.

#### PRELIMINARY PROJECT COMMENTS:

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

1. *Interdepartmental Project Review*. This review is required for all proposed new construction in seismic hazard zones (i.e., area prone to liquefaction), in which the subject property falls.<sup>8</sup>
2. *Usable Open Space – Western SoMa*. Planning Code Section 813.05 and 823(c)(2)(A) requires at least 80 square feet of useable open space for each dwelling unit. The proposed six dwelling units require 480 square feet of useable open space that conforms to the additional standards for dimension and exposure. The proposed rear yard provides 468.75 square feet, which fails to satisfy the required common useable open space required for six dwelling units. Although there is a proposed common roof deck, Planning Code Section 823(c)(2)(B) prohibits roof decks from qualifying as required private or common useable open space in the Western SoMa Special Use District. Please note that while an exception to the useable open space requirement may be sought through Variance under Planning Code Section 305, the Planning Department recommends that the requirement be met given that the proposal is for new construction
3. *Obstructions over Streets and Alleys*. Planning Code Section 136(c)(1)(B) permits a one-foot overhead horizontal projections of a purely architectural or decorative character at every level over streets and alleys. The accent features above the windows project two feet over the sidewalk. Subsequent plan submission should confirm that the proposed architectural features conform to the maximum dimensional limits and separation under Planning Code Section 136, or would be required to seek and justify a Variance.
4. *Bicycle Parking*. Planning Code Section 155.5 requires the project to provide at least three Class 1 bicycle parking spaces. The PPA application submitted does not designate bicycle parking. Subsequent plan submittals should include the requisite number of bicycle parking spaces as required by Planning Code Section 155.5.
5. *Eastern Neighborhoods Impact Fees*. The proposed project is subject to the Eastern Neighborhood Infrastructure Impact Fees at a Tier 1 rate as outlined under Planning Code Section 423. The tiers for specific lots are based on height increases or decreases received as part of the Eastern Neighborhoods Plan. These fees shall be charged on new residential and non-residential space. Fees shall be assessed per net new gross square footage of residential and non-residential uses within the Plan Area. Please refer to the Department of Building Inspection Fee registry for the latest fee rates.<sup>9</sup>

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<sup>8</sup> Refer to <http://ec2-50-17-237-182.compute-1.amazonaws.com/docs/PlanningProvisions/Interdepartmental%20Project%20Review%20Application.pdf>.

<sup>9</sup> Refer to <http://www.sfdbi.org/index.aspx?page=617>.

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

Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fee from the Planning Commission, 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.<sup>10</sup>

6. *Recycled Water.* The City requires property owners to install dual-plumbing systems for recycled water use in accordance with Ordinances 390-91, 391-91, and 393-94, within the designated recycled water use areas for new construction projects larger than 40,000 square feet.<sup>11</sup>

#### PRELIMINARY DESIGN COMMENTS:

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

1. *Site Design, Open Space, and Massing.*
  - In general, the four-story massing is appropriate for this project site. The proposed project matches the adjacent property lightwell.
  - Reduce the massing of the penthouse to the minimum size required for stair access.
2. *Vehicle Circulation, Access and Parking.* The Department appreciates that the proposed project does not include off-street parking.
3. *Street Frontage.*
  - Residential lobbies should serve as a transition between the public sidewalk and the private realm. Although the subject lot is narrow, the lobby could be wider and more gracious, with more transparency to soften the transition into the private space. Consider moving the entry forward so that it is either flush with or only slightly set back from the main facade. If the trash room is moved further back into the building and accessed directly from the lobby, the captured space could be used to create a larger, more welcoming lobby.
  - The entry to the residential lobby should be a celebrated part of the façade, distinguished in depth, width, and height. The residential entry should be clearly more prominent than the access door to the trash and utilities room.

<sup>10</sup> Refer to <http://www.sf-planning.org/index.aspx?page=2611> for latest "In-Kind Agreement Application."

<sup>11</sup> Refer to <http://www.sfwater.org/modules/showdocument.aspx?documentid=1292>.

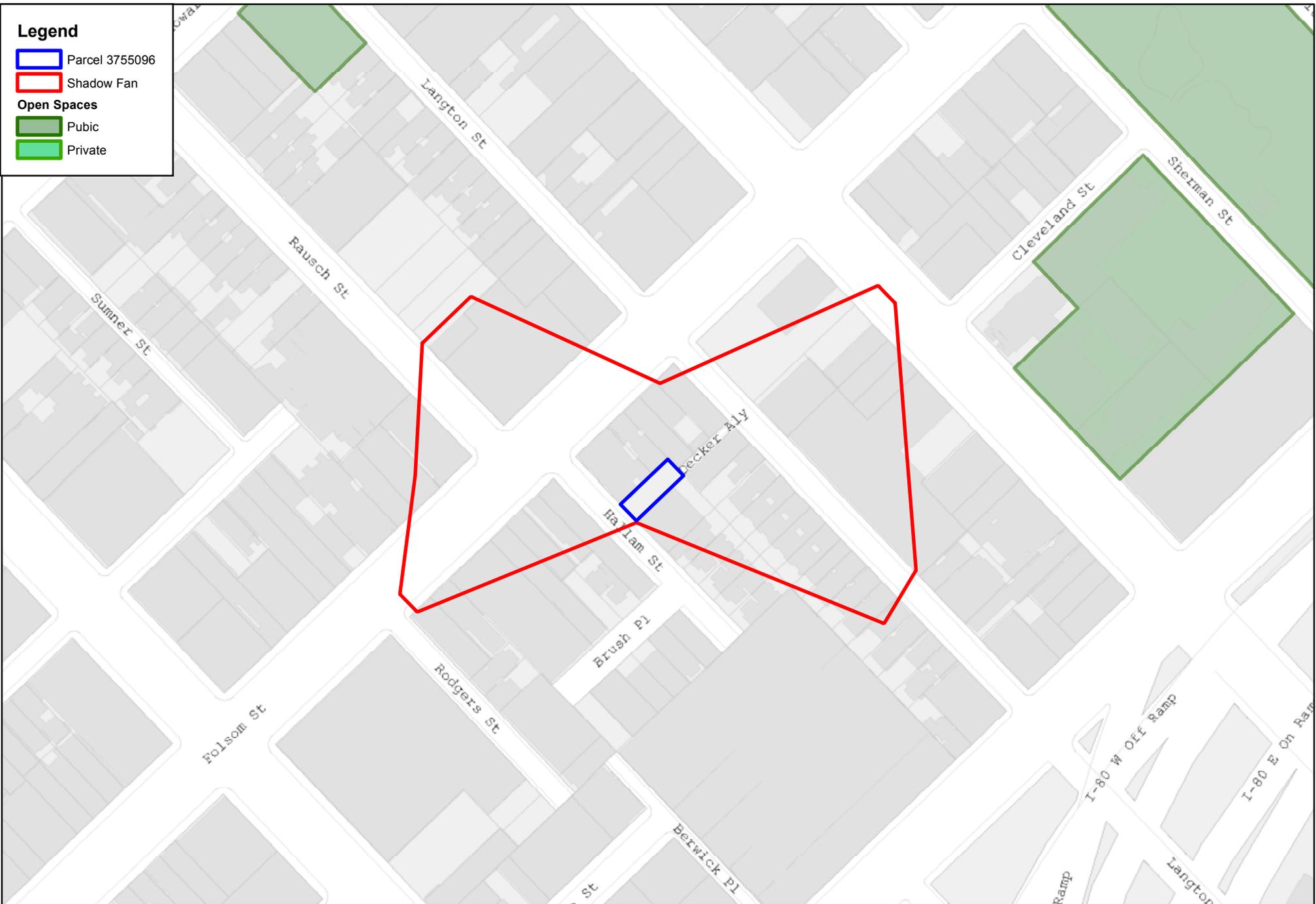
- The uses that occur at the ground level should be active rather than private. Switch the location of the bedroom and living room in the first floor unit so that the living room faces the sidewalk, and the more private bedroom faces the rear yard. This could create the opportunity for a direct entry to the first floor unit from the street.
4. *Architecture.* At this point the architecture is assumed to be preliminary; the Planning Department will provide further detailed design review upon subsequent submission.
- The height at which the bay begins makes the first floor appear squat, and is too low for a projection over the public sidewalk. At minimum, the bottom of the bay should be level with the second floor.
  - Consider additional detailing that will visually terminate the building at its top, for example, a cap in the same material as the awnings.
  - 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.

#### PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

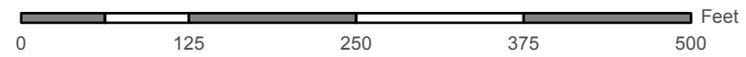
This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **January 16, 2015**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure: Shadow Fan

cc: Rosco Investments, Property Owner  
Yakuh Askew, Project Contact  
Danielle Harris, Current Planning  
Wade Wietgreffe, Environmental Planning  
Amnon Ben-Pazi, Citywide Planning and Analysis  
Alexis Smith, Urban Design Advisory Team



Title: 5 Hallam Street (2013.0813U) Shadow Study  
 Comments: Analyzed for full lot coverage at 49 feet height.  
 Printed: 6 August, 2013



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