



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: September 27, 2013
Case No.: **2013.1005U**
Project Address: 22 – 24 Franklin Street
Block/Lots: 0836/011-012
Zoning: C-3-G
Van Ness & Market Downtown Residential District
85-X Height and Bulk District
Area Plan: Market & Octavia Area Plan
Project Sponsor: Aidin Massoudi (SIA Consulting Corporation)
1256 Howard Street
San Francisco, CA 94103
415-922-0200
Staff Contact: Monica Pereira – (415) 575-9107
monica.pereira@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 (DBI), Department of Public Works (DPW), Department of Public Health (DPH), 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 approximately 4,337 square foot (sq. ft.) project site is located at 22 – 24 Frankling Street (Assessor's Block 0836, Lots 011 and 012). Lot 011 is currently a paved parking lot and lot 012 is occupied by a one-story reinforced concrete commercial building that houses an auto body shop. The project site is bound by Franklin Street to the west, Van Ness Avenue to the east, Oak Street to the north and Market Street to the south. The site is located within the Market and Octavia Area Plan which was analyzed in the Market and Octavia Area Neighborhood Plan Programmatic Final Environmental Impact Report (Market and Octavia FEIR).¹

¹Available for review on the Planning Department's Area Plan EIRs web page: <http://www.sfplanning.org>

The proposal is to merge lots 011 and 012, demolish the existing commercial building on lot 012 and construct an 8-story, 85-foot tall mixed-use building at the site. The proposed new building would include 24 dwelling units and 2,120 gross square feet (gsf) of retail space along Franklin Street.

ENVIRONMENTAL REVIEW:

The project initially requires the environmental review described herein. 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 Market and Octavia Neighborhood Area Plan (Area Plan), which was evaluated in the Market and Octavia FEIR. Potentially significant project-related environmental impacts and pertinent mitigation measures and CEQA findings from the underlying area plan were identified in the FEIR; these may be applicable to the proposed project.

Environmental evaluation is required for the full scope of the project. Pursuant to CEQA, should the project be consistent with the Area Plan zoning, height and density this project is likely to qualify for a Community Plan Exemption (CPE) under the Market and Octavia FEIR. Within the CPE process, there can be three different outcomes as follows:

1. **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Market and Octavia 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 Market and Octavia FEIR are applied to the proposed project and a CPE checklist and certificate are prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the CPE certificate fee (currently \$7,402); and (c) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Market and Octavia 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 Market and Octavia 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 Market and Octavia FEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia FEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the standard environmental evaluation fee (which is based on the project's construction value); and (c) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Market and Octavia FEIR.

3. **CPE + Focused EIR.** If any new site- or project-specific significant impacts are identified 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 were encompassed by the Market and Octavia FEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia FEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the standard environmental evaluation fee (which is based on the project's construction value); (c) one-half of the standard EIR fee (which is also based on the project's construction value); and (d) a proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Market and Octavia FEIR.

An Environmental Evaluation Application (EEA)² is required for the full scope of the project. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. The EEA should include the depth of excavation required for the construction, an estimate of cubic yards of soil to be excavated, and any additional information as requested in this letter.

Below is a list of topic areas that would require additional study based on our preliminary review of the project as it is proposed in Preliminary Project Assessment (PPA) submittal dated July 30, 2013.

1. **Shadow Analysis.** As discussed in the Preliminary Project Comments section of this document, Planning Code Section 295 requires that a shadow analysis be prepared to determine whether a project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Parks Commission. A preliminary shadow analysis was conducted based on the plans submitted as part of the PPA Application (enclosed). The preliminary analysis indicates that the project would not cast new shadows on properties under the jurisdiction of the Recreation and Park Commission. Should the project conditions change, further shadow analysis, including the submittal of a Shadow Analysis Application, would be required. For more information on the Shadow Analysis, per Planning Code Section 295, see Preliminary Project Comments below.

Market and Octavia FEIR *Mitigation Measure A1: Parks and Open Space not Subject to Section 295*³ may apply to the proposed project. In compliance with this mitigation measure, the environmental review may require a more detailed shadow analysis to determine whether the proposed 85-foot tall building would have shadow impacts on other open spaces not protected under Planning Code Section 295.

2. **Wind Study.** As discussed in the Planning Department Approvals section of this document, Planning Code Section 148 requires a Wind Study to ensure that the project will not exceed the Planning Code comfort criteria (ground level wind levels not to exceed 11 miles per hour (mph) in areas of substantial pedestrian use or 7 mph in public seating areas). Planning Code Section 148 specifically outlines these criteria for the Downtown Commercial (C-3) Districts.

² San Francisco Planning Department Environmental Evaluation Application Form. Available online at: <http://www.sf-planning.org>.

³ The Mitigation Measures presented in this PPA were labeled in accordance to the Market and Octavia Neighborhood Plan EIR Mitigation Monitoring Program. Available online at: http://www.sf-planning.org/2003.0347E_MMRP.pdf

The Market and Octavia FEIR noted that individual development in the Plan Area would have the potential for new wind impacts and that *Mitigation Measure B2: All New Construction* would reduce impacts to less than significant. *Mitigation Measure B2* requires all new construction in the Plan Area to follow the standards for the reduction of ground-level wind currents. This mitigation measure would apply to the proposed project.

- 3. Archeological Resources.** The Market and Octavia FEIR anticipated that development on the project site would have the potential to disturb archeological deposits and *Mitigation Measure C2: General Soil Disturbing Activities* was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of four feet for sites located within the Plan Area for which no archeological assessment report has been prepared.

This mitigation measure requires the project to complete either a Preliminary Archeological Review (PAR), conducted in-house by the Planning Department Archeologist, or a Preliminary Archeological Sensitivity Assessment (PASS) prepared by a Department Qualified Archeological Consultant and subject to review and approval by the Department's Archeologist.

The PAR would: (1) determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc.; (2) determine whether or not the project site is located in an area of archeological sensitivity; and (3) 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.

Alternatively, preparation of a PASS requires 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 QACL is available at:
http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf.

Based on the results of either the PAR or the PASS, the Environmental Review Officer (ERO) would determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for California Register of Historic Resources (CRHR) eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources.

- 4. Historic Architectural Resources.** The project includes demolition of an existing building, which is over 50 years old, and construction of a new 85-foot tall building. The project site is located within the potential Van Ness Auto Row Support Structure Historic District and it is adjacent to the Market Street Masonry Buildings Historic District. The building on 24 Franklin Street is included in the adopted Market and Octavia Area Plan Historic Resources Survey, completed in 2008, and the 2010 Market Street Masonry Buildings Historic District Survey. The Market and

Octavia FEIR noted that more development would be allowed in the Plan Area, but the implementation of urban design guidelines and other rules, such as evaluation under CEQA, would reduce the overall impact on historic architectural resources to less than significant. During the environmental review process the project will be evaluated for potential impacts on historic architectural resources in the Plan Area.

The proposed project is subject to the Department's Historic Preservation review, which would include preparation of a Historic Resource Evaluation (HRE) by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards. The historic status of the subject property would be categorized according to the previous survey determinations unless information presented in the HRE determines otherwise, constituting a fair argument that the building's historic resource status should be reconsidered. Upon submittal of an EEA, the Department will provide the project sponsor with a list of three consultants from the Historic Preservation Consultant Pool, which shall be known as the potential consultant list or PCL. After submittal of the EEA, please contact Tina Tam, Senior Preservation Planner, via email (tina.tam@sfgov.org) for the list of three consultants. Upon selection of the historic resource consultant, the scope of the HRE shall be prepared in consultation with Department Preservation staff.

5. **Transportation.** The Market and Octavia FEIR noted that implementation of the Plan would have significant and unavoidable impacts at nine intersections, even with mitigation, and less-than-significant impacts on transit, pedestrian, bicycle, loading, and construction.

Based upon the proposal submitted with the application, a transportation study is not likely to be required for this proposed project. However, as part of the environmental review, an analysis of the project's circulation and access plan would be conducted by Planning staff. Depending on its complexity, the analysis could require a transportation consultant.

Based on preliminary review, the following comments on access and circulation are provided: 1) consider including additional bicycle parking as part of the project, 2) include removal of existing curb cuts as part of the project, 3) consider redesigning access to the trash, composting and recycling room to avoid access through the bicycle parking area, and 4) consider placing on-street bicycle parking spaces along Franklin Street.

6. **Air Quality.** The project includes demolition of an existing building and construction of an 85-foot tall building. Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Market and Octavia FEIR noted that development in the Plan Area could have significant impacts from construction-related dust and exhaust emissions and identified *Mitigation Measures E1: Particulate Emissions During Construction* and *E2: Short-Term Exhaust Emissions* to reduce potential effects to less than significant. Subsequent to the certification of the Market and Octavia FEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to

avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance. Therefore, *Mitigation Measure E1: Particulate Emissions During Construction* is not applicable to the proposed project.

In addition to construction dust, demolition and construction activities would require the use of heavy-duty diesel equipment which emit diesel particulate matter (DPM). DPM is a designated toxic air contaminant, which may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site. The Market and Octavia FEIR identified a significant impact related to short-term exhaust emissions from construction equipment and included *Mitigation Measure E2: Short-Term Exhaust Emissions*.

The proposed project also includes sensitive land uses (28 residential dwelling units) that may be affected by nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. Health Code Article 38 requires that new residential development greater than 10 units located within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether PM_{2.5} concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m³). Sponsors of projects on sites exceeding this level are required to install ventilation systems or otherwise redesign the project to reduce outdoor PM_{2.5} concentrations indoors. The proposed project is located within the Potential Roadway Exposure Zone, therefore an analysis of annual exposure to roadway related particulate matter would be required. For more information on Health Code Article 38 see: <http://www.sfdph.org/dph/EH/Air/default.asp>.

Lastly, the proposed project may require a diesel back-up generator, which would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors.

During the environmental review process the proposed project will be reviewed to determine whether any mitigation measures identified in the underlying Market and Octavia FEIR would be required.

Should the project include stationary sources of air pollutants including, but not limited to, diesel boilers or back-up generators, an Air Quality Technical Report may be required for additional air pollutant modeling. If an Air Quality Technical Report is required, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any required analysis and/or modeling determined necessary.

- 7. Greenhouse Gases.** 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 (enclosed). The project sponsor would be required to submit the completed table regarding project 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 an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

8. **Noise.** The Market and Octavia FEIR did not identify any significant impacts related to noise. However, based on the City's GIS-based Traffic Noise Model map, the proposed project would site sensitive land uses, such as residential, adjacent to streets with average traffic noise levels exceeding 75 dBA Ldn (a day-night averaged sound level). Therefore, the environmental analysis would require that a noise study be conducted that includes a 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes and a survey of the surrounding land uses adjacent to the project site.

The analysis must be prepared in consultation with the Planning Department, by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 noise insulation standards, where applicable, can be achieved. In addition, the noise study should consider strategies for reduction of noise levels for proposed onsite open spaces. Measures 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. It is recommended that these features be incorporated into the design of the project when an application is submitted.

Construction noise would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), 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.

9. **Hazardous Materials.** The Market and Octavia FEIR anticipated that development in the Plan Area would have the potential to disturb unknown soil contaminants and identified *Mitigation Measure F1: Hazardous Materials*. Subsequently, the San Francisco Board of Supervisors amended Health Code Article 22A also known as the Maher Ordinance, effective August 24, 2013; therefore, *Mitigation Measure 5.10.A* is not longer applicable.

Given the existing auto repair use on site, the project would be subject to the Maher Ordinance, which is administered and overseen by DPH. DPH requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. DPH also requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. These steps are required to be

completed prior to the issuance of any building permit. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

The proposed project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- 10. Geology, Soils, and Seismicity.** The Market and Octavia FEIR did not identify any significant operational impacts related to geology, soils, and seismicity. However, the project site is located within a seismic hazard zone for potentially liquefiable soils. Therefore, the applicant shall submit a geotechnical study that investigates the soils underlying the site and identifies any geotechnical concerns related to the proposed project's foundation. The geotechnical study should determine whether the site is subject to liquefaction and landslides, and should provide recommendations for addressing any geotechnical concerns identified in the study. The investigation of geotechnical and soil conditions and application of the San Francisco Building Code would reduce the potential for impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. The geotechnical study will also help inform the archeological resources review mentioned above. This analysis would be included in the environmental document, would apply to the proposed project.

The Market and Octavia FEIR identified a significant impact related to soil erosion during construction. *Mitigation Measure G1: Construction Related Soils*, which consists of construction best management practices to prevent erosion and discharge of soil sediments into the storm drain system, would apply to the proposed project.

- 11. Tree Planting Protection Checklist.** 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 the *Tree Planting and Protection Checklist* must be shown on site plans with size of the trunk diameter, tree height, and accurate canopy drip line. The project sponsor is required to submit a completed *Tree Planting and Protection Checklist*⁴ with the EEA.

In order to begin environmental review, please submit an EEA. See pages 2, 10, and 11 of the current Fee Schedule for calculation of environmental fees inside adopted plan areas. EEA forms 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.

If any of the additional analyses determine that mitigation measures not identified in the Market and Octavia FEIR are required to address site-specific environmental impacts, the environmental document will be a CPE plus a focused Initial Study/Mitigated Negative Declaration. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a CPE with a focused EIR. A CPE and a CPE plus a focused Initial Study/Mitigated Negative Declaration can be prepared by Planning Department staff, but a CPE with a focused Initial Study/EIR would need to be prepared by a

⁴ San Francisco Planning Department Required Checklist for Tree Planting and Protection. Available online at: <http://www.sf-planning.org>.

consultant on the Planning Department's environmental consultant pool (http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf).

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. **Downtown Project Authorization (Planning Code Section 309).** New construction and major alteration projects in the C-3-G District require a Determination of Compliance (Planning Code Section 309 Review). Since the project exceeds a height of 75 feet, a mandatory Planning Commission hearing is required as part of this process. As a component of the review process under Planning Code Section 309, projects may seek specific exceptions to the provisions of the Planning Code. The following exception must be justified – through the specific findings – as part of the Section 309 review process in order for the proposed project to be approved:
 - a. **Wind (Planning Code Section 148).** As mentioned under the Environmental Review section above, a wind analysis would be required for the proposed project. If the wind analysis determines that the project would result in, or does not eliminate pre-existing exceedances to the wind comfort levels outlined in Section 148 (ground-level winds exceeding 11 mph for pedestrians and 7 mph for public seating areas), an exception may be sought under Planning Code Section 309. Please note that exceedances to the hazardous wind levels of 26 mph or more cannot be approved under Planning Code Section 309.
2. **Variance.** The project as proposed may require a variance for residential usable open space. Pursuant to Planning Code Section 135, if usable open space is satisfied through a private deck, as is the case for unit No. 204, the deck must be a minimum of six feet in each horizontal direction, and a minimum of 36 sq. ft. Although the deck is greater than 36 sq. ft. for this unit, it is less than six feet deep. Please revise the deck dimensions or seek and justify a variance.
3. A **Building Permit Application** is required for the demolition and proposed new construction on the subject property.

Downtown Project Authorization and 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.

Although not required, the Department recommends conducting a pre-application meeting with the surrounding neighbors and registered neighborhood groups before a development application is 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.

A *Notification of a Project Receiving Environmental Review* is required to be sent to occupants of properties on and 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 EEA submittal.

PRELIMINARY PROJECT COMMENTS:

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

- 1. Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard - liquefaction zones, in which the subject property falls. An application can be found on the Planning Department’s website.⁵
- 2. Lot Coverage.** The project shows that a 25 percent rear yard is provided at all residential levels. Please note that within the Van Ness Market Downtown Residential Special Use District, the site does not have a rear yard requirement, but rather an 80 percent lot coverage maximum. It appears that the project is compliant with this requirement.
- 3. Bicycle Parking.** Pursuant to recent amendments to Planning Code Section 155.2 (Board File No. 130528 now in effect), the project would require an increased amount of bicycle parking. For residential uses, the project would require one Class 1 bicycle space per dwelling unit (for a total of 28 spaces), and one Class 2 bicycle space.
- 4. Street Trees (Planning Code Section 138.1).** Planning Code Section 138.1 requires one street tree for every 20 feet of frontage for new construction. No street trees are shown on the plans. It appears that three (3) 24 inch-box street trees will be required for the project.
- 5. Tree Planting and Protection Checklist.** Completion of this checklist is required. No permit will be approved by the Planning Department before satisfying all applicable tree-related requirements, including receiving clearance from the Department of Public Works (DPW) to plant required street trees.
- 6. Shadow Analysis (Planning Code Section 295).** Projects over 40 feet in height typically require a Shadow Analysis Application under Planning Code Section 295 (“Proposition K”) to ensure that new

⁵ Refer to <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522> for the application.

buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Commission. A preliminary shadow analysis was conducted based on the plans submitted as part of the PPA Application, which indicated that the project would not cast new shadows on properties under the jurisdiction of the Recreation and Park Commission (enclosed). Should the project conditions change, further shadow analysis, including the submittal of a Shadow Analysis Application, would be required.

7. **Inclusionary Affordable Housing Program (Planning Code Section 415).** All projects proposing ten (10) or more dwelling units must participate in the Inclusionary Affordable Housing Program. This program requires the project sponsor to select one of the following options to satisfy the requirement of this program: (1) payment of the Affordable Housing Fee at a rate equivalent to an off-site requirement of 20 percent of the total number of units; (2) inclusion of 12 percent of the total number of units as on-site affordable units; (3) construction of 20 percent of the total number of units as off-site affordable units. If on-site units are selected for compliance with this section, the units must be designated as owner-occupied units, not rental units (unless the project seeks a Costa Hawkins Exception), and the project sponsor must submit an Affidavit of Compliance with the Inclusionary Affordable Housing Program to the Planning Department.
8. **Market and Octavia Impact Fees (Planning Code Sections 416 and 421).** This project is subject to the applicable impact fees outlined in Planning Code Sections 416 and 421 et seq. The Market and Octavia Community Improvements Fund (Section 421) is implemented in part through a district-specific Market and Octavia Community Improvement Impact Fee, which applies to the project area. Fees shall be assessed on both the residential and non-residential components of the project according to the gsf of each use proposed. The sponsor may wish to pursue in-kind improvements that would offset some or all of the required Market and Octavia Community Improvement Impact Fee, as described in Section 421.3(d) and outlined below in more detail. See Planning Code Table 421.3B for the Market and Octavia Community Improvement Impact Fee schedule applicable to this project and Planning Code Table 416.3A for the Market and Octavia Area Plan Affordable Housing Fee schedule applicable to this project.
9. **Option for In-Kind Provision of Community Improvements and Fee Credits (Planning Code Section 412.3(d)).** 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 Market and Octavia impact fees from the Planning Commission. 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's website.
10. **Public Art (Planning Code Section 429).** Planning Code Section 429(a) requires public art for new construction projects in the C-3 Districts over 25,000 sq. ft. The public art must be valued at least one percent of the construction cost of the project. You may choose to satisfy this requirement either through the installation of public artwork on-site, through an in-lieu fee payment to the Public Artwork Trust Fund, or through a combination of the two.

11. **First Source Hiring.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to the development of ten or more residential units. For further information or to receive a sample First Source Hiring Agreement, please contact: Ken Nim, Workforce Compliance Officer, CityBuild, Office of Economic and Workforce Development, City and County of San Francisco, 50 Van Ness, San Francisco, CA 94102.

PRELIMINARY DESIGN COMMENTS:

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

1. **Market and Octavia Area Plan Fundamental Principles for Design.** The project is located within the geographic boundaries of the Market and Octavia Area Plan, and as such, is subject to the Plan's design principles. The following principles should be incorporated into a future submittal:
 - a. **Taller buildings should include a clearly defined base, middle, and top.** The middle of buildings should be clearly distinguished from the base and articulated with windows, projections, porches and/or balconies. The roof, cornice, or parapet area should be well integrated with the building's overall composition, visually distinctive, and include elements that create skyline interest. Roof forms should be drawn from the best examples in the area. Above five stories, top floor(s) should be incorporated into an appropriately scaled expression of the building's top.
 - b. **Windows.** In most cases, a minimum window reveal of two inches should be incorporated into the visible facades.
 - c. **Ground Floor Treatment.** Horizontal architectural design articulation should be incorporated between the ground floor and second story levels. A minimum six-inch projection is suggested. The human scale of the sidewalk is of paramount importance on neighborhood commercial streets. Architectural detailing, such as a belt course or cornice, at the ground floor ceiling height helps to frame the pedestrian space of the sidewalk.
2. **Massing, Site Design, and Open Space.** In general, the siting and massing is appropriate. The Planning Department suggests the building be articulated with massing and detailing to incorporate both an intermediate and small scale more in keeping with a residential scale. Consider articulating the façade with balconies, bays, vertical groupings of windows, refined window system patterning, and quality materials, along with a wider massing break to modulate the scale along Franklin Street. As currently designed, the break should create stronger and more distinct modules. Similarly the massing break may be strengthened bringing it down to grade.

3. **Street Frontage.** The transition from the base to the body of the building should be more related, the Planning Department suggests that carrying some solid vertical modulation such as columns or pilasters to the ground may help integrate the base with the body. The residential entrance should be more evident and distinct from the retail storefront. The lobby entrances should be with architectural details that might signify entry by employing a more gracious (wider recess) and adding awnings, landscaping, and signage; and consider pulling the retail storefront toward the street to just behind the columns.
4. **Architecture.** The Planning Department believes a crisp, modern aesthetic could be pushed further. All visible walls should be composed of high quality materials. The façades need not be rigid nor symmetrical, but should relate to each other as a whole. In general, light colored materials are recommended.

Consider design of a roof termination that could also function to screen the roof deck that is distinct but integrates with the architecture of the body of the building.

At this point the architecture is assumed to be preliminary and the Planning Department will provide further detailed design review on the subsequent submission of materials and details to insure that a high-quality and compatible design is achieved. 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 the success of approval of this 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 March 27, 2014. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure: Greenhouse Gas Compliance Checklist and Table
22 Franklin Street – Preliminary Shadow Fan

cc: Aidin Massad, SIA Consulting Corporation
Monica Pereira, San Francisco Planning, EP
Elizabeth Watty, San Francisco Planning, Current Planning
David Winslow, San Francisco Planning, UDAT