



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 9, 2013
TO: Victor Quan
FROM: Rick Cooper, Planning Department
RE: PPA Case No. 2013.1458U for 198 Valencia Street

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

Reception:
415.558.6378

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415.558.6409

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415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Chelsea Fordham, at (415) 575-9071 or Chelsea.Fordham@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".

Rick Cooper, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: December 9, 2013
Case No.: **2013.1458U**
Project Address: 198 Valencia Street
Block/Lot: 3502/108
Zoning: Moderate Scale Neighborhood Commercial Transit District (NCT-3)
50-X Height and Bulk Districts
Area Plan: Market & Octavia Community Plan Area.
Project Sponsor: Victor Quan
415-531-8311
Staff Contact: Chelsea Fordham– (415) 575-9071
Chelsea.Fordham@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 is located at 198 Valencia Street (Assessor's Block 3502, Lot 108) on a site bound by Duboce Avenue to the south and Elgin Park to the west. The project site totals 9,000 square feet (sf) and currently contains a one-story, 2,100 square foot auto service station built in 1994. The proposed project would include the demolition of the service station and construction of a new mixed-use building with 28 residential units, a 2,655 sf commercial space, and 14 off-street parking spaces. The proposed new building would be 23,960 sf and 55-feet high. The basement level garage would be accessed from Duboce Avenue and would contain 14 parking spaces and 14 bicycle parking spaces. The project site is located within the Market & Octavia Community Plan Area.

ENVIRONMENTAL REVIEW:

Environmental evaluation is required for the full scope of the project. 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 Plan Area, which was evaluated in *Market and Octavia Neighborhood Plan Programmatic Final Environmental Impact Report EIR* (Market and Octavia FEIR), which was certified in 2007.¹ Because the proposed project is consistent with the development density identified in the area plan, it is eligible for a community plan exemption (CPE). 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 is 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 for costs incurred by the Planning Department for the Market and Octavia PEIR.

2. CPE and 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 any of 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 construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for the Market and Octavia FEIR.

3. CPE and Focused EIR

If any site- or project-specific 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 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 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 the Market and Octavia FEIR.

¹ Available for review on the Planning Department's Area Plan EIRs web page: <http://www.sf-planning.org/index.aspx?page=1893>.

The project initially requires the following environmental review. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. An **Environmental Evaluation Application** is required for the full scope of the project and may include the following:

1. **Archeological Resources.** The Market and Octavia FEIR anticipated that development at the project site would have the potential to disturb archeological deposits and *Mitigation Measure C2 (also known as 5.6.A2)* was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of four feet and located within areas in the Neighborhood Plan for which no archeological assessment report has been prepared. This mitigation measure requires that a preliminary archeological review be conducted by Department staff to determine the appropriate action necessary to mitigate potential effects to less than significant. This mitigation measure would be included in the CPE and would not require additional analysis in a focused initial study or EIR. Please submit with the EEA the anticipated depths of below ground surface construction and excavation.
2. **Historic Resources.** The existing building on the project site is less than 50 years of age or was previously evaluated in a historical resources survey and found ineligible for national, state, or local listing; thus, no additional analysis of historical resources is required.
3. **Transportation Impact Study.** The Market and Octavia FEIR noted that implementation of the Plan (Program Level) would have significant and unavoidable impacts on nine intersections, even with mitigation, and less-than-significant impacts on transit, pedestrian, bicycle, loading, and construction.

Based upon the proposal submitted with the PPA application, a transportation study is not likely to be required for this project. However, a formal determination of whether a Transportation Impact Study is required will be made after submittal of the Environmental Evaluation Application. If such a study is required, the consultant must be selected from one of three transportation consultants assigned to this project by the Department during the environmental review process.

Additionally, an initial review of the proposed project was conducted by Planning Department staff transportation planners. The following recommendations and questions are to be addressed before the submittal of final project plans and the Environmental Evaluation Application:

- The intersection of Duboce Avenue and Valencia Street is very busy for vehicles, bicyclists, and pedestrians. Consider providing no vehicle parking to avoid conflicts between all of these modes of transportation. Additionally, the project site is conveniently located near Market Street transit services.
- The bicycle parking should be located away from the trash room. Instead consider moving the bicycle parking access to ground level, preferably along Valencia Street where the bicycle route is.

- The site plans need to clearly show the bicycle access in the garage. It is unclear from the plans if the bicycle parking access is located at grade or through the garage.
 - If the proposed off-street parking is retained, please clarify the width of the proposed new curbcut in the EEA application submit.
4. **Air Quality (AQ) Analysis.** The proposed project at 198 Valencia Street would construct 28 dwelling units and one commercial unit, which is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.² Therefore an analysis of the project's criteria air pollutant emissions is not likely to be required.

In addition, project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved 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 or comply with applicable dust control requirements outlined in the ordinance.

Also, San Francisco has 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 Pollutant Exposure Zones," were identified. Land use projects within these Air Pollutant Exposure Zones require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. Although the proposed project is not within an Air Pollutant Exposure Zone, improvement measures may be recommended for consideration by City decisionmakers, such as exhaust measures during construction and enhanced ventilation measures as part of building design. Enhanced ventilation measures will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.³

If the project would generate new sources of toxic air contaminants including, but not limited to: diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources shall be provided with the EEA.

5. **Noise.** The proposed project site is located on the corner of Valencia Street and Duboce Avenue. The Planning Department's noise maps indicate that existing ambient noise levels on surrounding streets are at, or exceed 75 decibels. The project involves the siting of new noise-

² BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

³ Refer to <http://www.sfdph.org/dph/ch/Air/default.asp> for more information.

sensitive uses (e.g., residential uses) and therefore requires an acoustical analysis demonstrating that the building will meet Title 24 noise insulation standards. This analysis shall include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes). The analysis must be prepared 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 met, and that there are no particular circumstances about the project site that warrant heightened concern about noise levels in the vicinity. To the maximum extent feasible open space provided per the Planning Code should be protected from existing ambient noise levels that could prove annoying or disruptive to users of the open space.

6. **Greenhouse Gas Compliance Checklist for Private Development Project.** Potential environmental effects related to greenhouse gas emissions from the proposed project need to be addressed in a project's environmental evaluation. An electronic version of the Greenhouse Gas Compliance Checklist Table 1 for Private Development Projects is available on the Planning Department's website at <http://www.sfplanning.org/index.aspx?page=1886>. 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 San Francisco's GHG Reduction Strategy.
7. **Shadow Analysis.** The Market and Octavia FEIR states that new projects would be subject to *Mitigation Measure A1* to determine shadow impacts on Recreation and Park Department properties.

Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet, unless the Planning Commission finds the impact to be less than significant. The proposed project would result in construction of a building 55 feet in height. 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.

8. **Geology and Soils.** The Market and Octavia Neighborhood Plan FEIR did not identify any significant and unavoidable 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 with the submittal of an EEA 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 should provide recommendations for addressing any geotechnical concerns identified in the study. The investigation of geotechnical and soil conditions and the application of the building codes for new development based on these conditions would reduce the potential

for impacts related to structural damage; ground subsidence, liquefaction, and landslides; and surface settlement to a less-than-significant level. The geotechnical study will also help inform the archeological resources review listed above.

9. **Soil Erosion.** The Market and Octavia Neighborhood Plan EIR identified a potentially significant impact related to soil erosion during construction. *Mitigation Measure G1 (also known as 5.11.A)* consists of the requirement to implement construction best management practices to prevent erosion and discharge of soil sediments to the storm drain system, would reduce any potential impacts to less than significant.
10. **Stormwater Management.** If the project results in ground surface disturbance of 5,000 sf or greater, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.
11. **Hazardous Materials.** The Market and Octavia FEIR anticipated that development would have the potential to disturb unknown soil contaminants and *Mitigation Measure F1 (also known as 5.10.A)* would be applicable to projects depending upon the type and extent of contamination associated with each individual project.

The proposed project would add residential uses to a site containing current industrial uses and is located in areas known to contain fill materials. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (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. These steps are required to be completed prior to the issuance of any building permit.

DPH 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>.

Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

12. **Tree Planting and Protection Checklist.** The Department of Public Works Code Section 8.02-8.11 requires protection of landmark, significant, and street trees located on private and public property. Any tree identified in the checklist must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy dripline. Please submit a Tree Planting and Protection Checklist with the EEA and ensure trees are appropriately shown on site plans.
1. **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site at the initiation of the Community Plan Exemption process. Please provide these mailing labels upon request from the assigned environmental planner.

Please submit an **Environmental Evaluation Application to either Jeanie Poling or Chelsea Fordham** as a community plan exemption application. Environmental Evaluation applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and at the Planning Department's website: www.sfplanning.org.

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 demolition of the existing building on the subject property.
2. A **Building Permit Application** is required for the proposed new construction on the subject property.
3. As proposed, you would be required to seek and justify a variance from Planning Code requirements to Sections 136 and 145.1 or revise the Project to be Code-complying.

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 substantially affect the proposed project:

1. **Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls. The application is available on our website at:

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>

2. **Permitted Obstructions.** Per Planning Code Section 136(c)(2)(F), bay windows require a minimum separation from each other. The minimum horizontal separation between bay windows shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area. Planning Code Section 136(c)(2)(D) limits the maximum length of each bay window or balcony to 15 feet at the property line/front setback/rear yard/open space and 9 feet at a line parallel to and at a distance of 3 feet from the property line/front setback/rear yard/open space. In order to comply with this Code Section, square bay windows projecting 1 foot shall be no greater than 13 feet in length, projecting 2 feet shall be no greater than 11 feet in length, and projecting 3 feet shall be no greater than 9 feet in length. Please label the dimensions of the bay windows to ensure that they comply with these Code Sections.
3. **Awnings.** Per Planning Code Section 136.1 and 136.2, awnings totaling more than 10 feet in width must not extend more than 4 feet over the street/sidewalk. Per Planning Code Section 136(c)(1), architectural features at the roofline may not extend more than 3 feet over the street/sidewalk. Please label the dimensions of the awnings to ensure that they comply with these Code Sections.
4. **Street Trees.** Per Planning Code Section 138.1, for all new development, one 24-inch-box tree is required for every 20 feet of street frontage, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. The proposed project requires five street trees along Valencia Street and five street trees along Duboce Avenue.
5. **Active Uses Required.** Per Planning Code Section 145.1, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses

as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. The frontage along Duboce Avenue does not comply with this requirement.

6. **Height.** Per Planning Code Section 260(b)(1)(B), an elevator penthouse is only allowed to extend 16 feet above the roofline. Please modify the height to comply with this requirement.
7. **Bicycle Parking.** Per Planning Code Section 155.5, one Class 1 bicycle parking space is required for each dwelling unit, and one Class 2 bicycle parking space is required for each 20 dwelling units. The proposed project requires 28 Class 1 bicycle parking spaces and one Class 2 bicycle parking space.
8. **Neighborhood Notification.** Per Planning Code Section 312, the proposed project requires a neighborhood notification. Please submit the required materials with the Building Permit Application. Instructions are available on our website at:

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

9. **Transit Impact Development Fee.** This project is subject to the applicable fees outlined in Planning Code Section 411 et seq.
10. **Affordable Housing.** This project is subject to the affordable housing requirements per Planning Code Section 415 and 416 et seq.
11. **Market Octavia Impact Fees.** This project is subject to the applicable fees outlined in Planning Code Section 421 et seq.

Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. For the most up-to-date schedule, please refer to the Department of Building Inspection (DBI) fee register: <http://sfdbi.org/index.aspx?page=617>.

The Market Octavia 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 Market and Octavia 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.

PRELIMINARY DESIGN COMMENTS:

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

1. **Massing, Site Design, and Open Space.** Overall, the massing, site design, and open space are appropriate.
2. **Vehicle Circulation, Access and Parking.** A single 10 foot wide opening, as indicated, for parking ingress and egress should be sufficient for the limited number of off-street parking spaces.

The Planning Department recommends reconfiguring the trash room to minimize its frontage and rather internalize the access from the garage. Explore expanding the bike room's frontage and adding transparency to the façade.

3. **Street Frontage.** Active uses are required to be 25' deep along the frontage to comply with the Planning Code. Although bike parking is not considered an active use, the Planning Department recommends animating the façade to treat it as more than a utility space and preserve potential for future active uses in that space.

The residential lobby is generous and welcoming. The Planning Department recommends expanding the residential lobby frontage by squaring the space and reconfiguring and relocating the gas meters.

4. **Architecture.** The Planning Department appreciates the modulation of the facades, and suggests recessing the vertical glazing that separates them further to accentuate the definition between them.

The parapet should be capped with architectural detailing that imparts greater emphasis of roof termination.

Consider less opaque guardrails at the exterior balconies to allow the side walls to read as vertical fins that complement the full height vertical fins on the façade.

The Planning Department will provide further detailed design review on the subsequent submission. It is expected that the design will respond to its context with a consistent composition of building components, materiality, and other architectural features that reference the scale and proportion of the context.

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 **June 9, 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
Shadow Fan

cc: Victor Quan, Property Owner
Erika Jackson, Current Planning
Kate McGee, Citywide Planning and Analysis