



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: January 27, 2014
TO: Meg Spriggs, Shorenstein Residential LLC
FROM: Mark Luellen, Planning Department
RE: PPA Case No. 2013.1753U for 1066 Market Street

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

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415.558.6378

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Kate Conner, at (415) 575-6914 or kate.conner@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in blue ink, appearing to read "Mark Luellen", written over a horizontal line.

Mark Luellen, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: January 27, 2014
Case No.: **2013.1753U**
Project Address: 1066 Market Street
Block/Lot: 0350/003
Zoning: C-3-G (Downtown General) District
Market Street Special Sign District
120-X Height and Bulk District
Project Sponsor: Meg Spriggs, Shorenstein Residential LLC
(415) 772-7000
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@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 proposal is to demolish an existing two-story commercial building and parking lot and construct a 14-story, 120-foot-tall mixed-use building. The existing building was constructed in 1966 and the subject lot is 27,312 square feet in area. The proposed new building would include 301 dwelling units, 112 parking spaces, and 1,885 square feet of commercial space along Market Street.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an Environmental Evaluation Application for the full scope of the project (demolition and construction). 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 online at

www.sfplanning.org under the “Publications” tab. See “Studies for Project outside of Adopted Plan Areas” on page 2 of the current Fee Schedule for calculation of environmental application fees.¹

The following environmental issues would likely be addressed as part of the project’s environmental review based on our preliminary review of the proposed project as it is described in the Preliminary Project Assessment (PPA) submittal dated November 22, 2013:

1. **Historic Architectural Resources.** The project site is located in the Market Street Theatre and Loft National Register Historic District. The building was recently evaluated and determined not to be eligible for listing for either the National or California Register. A Historic Resource Evaluation (“HRE”) prepared by a qualified professional who meets the Secretary of the Interior’s Professional Qualification Standards would be required to evaluate the proposed project’s compatibility with the District.²

The Planning Department will provide the project sponsor with a list of three consultants from the Historic Resource Consultant Pool,³ which shall be known as the potential consultant list or PCL. Once the Environmental Evaluation Application is submitted, 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.

2. **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with building construction, including excavation that would reach a depth of approximately 20 feet below grade measured from Market Street frontage. Based on this, the project would require a Preliminary Archeological Review (“PAR”), which would be conducted in-house by the Planning Department Archeologist. The PAR would determine what type of soils disturbance/modification would result from the project, such as excavation, installation of foundations, soils improvement, site remediation, etc. Any available geotechnical report or Phase II ESA prepared for the project site would be reviewed as part of the archeological review for this project. In addition, it would also be determined if the project site is in an area that is archeologically sensitive. The result of this review would be provided in a memorandum to the environmental planner assigned to the project. If it is found that the project has the potential to affect an archeological resource, the PAR memorandum would identify any additional measures to be implemented. Such actions may include application of appropriate archeological mitigation measures and/or requiring additional archeological studies as part of the environmental evaluation. If an additional archeological study is required, it must be prepared by a qualified archeological consultant. The qualified consultant must be selected from a list of three archeological consultants from the Planning Department’s archeological resources consultant

¹ San Francisco Planning Department. *Schedule for Application Fees*. Available online at:

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>

² Tina Tam, San Francisco Planning Department. *Email to Kei Zushi, San Francisco Planning Department, 1066 Market Street, December 19, 2013*. This email is available for review as part of Case File No. 2012.1753U at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

³ San Francisco Planning Department. *Consultant Resources. Historic Resources Consultant Pool*. Available online: <http://www.sf-planning.org/index.aspx?page=1886>

file provided by the Planning Department during the environmental review process.⁴ The Planning Department Archeologist will be informed by the geotechnical study of the project site's subsurface geological conditions (see Item 9, Geology, below).

3. **Transportation and Circulation.** The project sponsor has indicated that the proposed project would include 301 residential units. The 301 residential units would consist of 71 studio units, 64 junior one-bedroom units, 55 one-bedroom units, and 111 two-bedroom units, which would generate approximately 3,340 daily persons-trips and 511 P.M. peak-hour persons-trips based on Transportation Trip Generation Calculations developed by the Planning Department. Based on this, a Transportation Impact Study ("TIS") would most likely be required for the proposed project.

A formal determination as to whether a TIS is required will be made after submittal of the Environmental Evaluation Application. If a TIS is required, the Planning Department will provide additional guidance related to the process for selecting a transportation consultant and assist in the development of the scope of work for the analysis. The consultant must be selected from a list of three transportation consultants from the Planning Department's transportation consultant file provided by the Planning Department during the environmental review process.⁵

At the time of filing of the Environmental Evaluation Application, please ensure that the project description responds to the following comments:

- a. Clarify what the proposed active use would entail;
 - b. Clarify in the plans the location of the existing curb cuts. Removal of curb cuts would be required as part of the project;
 - c. Consider reducing the amount of parking given the proximity to bike routes, Powell and Civic Center Muni/Bart stations, and various other transit lines; and
 - d. Consider reducing the width of vehicle driveway to 14 feet.
4. **Noise.** Based on the City's GIS-based traffic noise model map, the project site is located along a segment of Golden Gate Avenue with noise levels above 75 dBA L_{dn} (a day-night averaged sound level). The fronting portions of Jones Street and Market Street have noise levels between 65 and 75 dBA L_{dn} , respectively. The Land Use Compatibility Chart for Community Noise in the San Francisco General Plan, Environmental Protection Element states that construction of new dwelling units should generally be discouraged in an area with noise levels above 65 dBA L_{dn} and that a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design of the building.⁶ Based on this, a noise analysis prepared by a qualified acoustic consultant would be required for the project. A formal determination as to whether a Noise Study is required and as to the scope of the Noise Study will be made after submittal of the Environmental Evaluation Application.

⁴ San Francisco Planning Department. *Consultant Resources, Archeological Review Consultant Pool*. Available online at: <http://www.sf-planning.org/index.aspx?page=1886>

⁵ San Francisco Planning Department. *Consultant Resources, Transportation Consultant Pool*. Available online at: <http://www.sf-planning.org/index.aspx?page=1886>

⁶ San Francisco Planning Department. *San Francisco General Plan, Environmental Protection Element*. Available online at: http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm

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. If pile driving is to be used during the construction, measures to reduce construction noise may be required as part of the proposed project.

5. **Air Quality.** The proposed project does not exceed the Bay Area Air Quality Management District's ("BAAQMD") operational screening level for criteria air pollutants. However, the proposed project exceeds the BAAQMD construction screening level for criteria air pollutants. The project site is located within the Potential Roadway Exposure Zone and Air Pollution Hot Spot.⁷ Therefore, an analysis of the project's criteria air pollutant emissions is likely to be required. Detailed information related to construction equipment, phasing, and duration of each phase, and cubic yards of excavation shall be provided as part of the Environmental Evaluation Application.

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 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, to minimize public nuisance complaints, and to avoid orders to stop work by the San Francisco Department of Building and Inspection ("DBI"). Pursuant to the Construction Dust Ordinance, and because the project site is over a half-acre in area, the project sponsor would be required to prepare a Construction Dust Control Plan for review and approval by the San Francisco Department of Public Health ("DPH").

In addition to construction dust, construction activities would require the use of heavy-duty diesel equipment that emits diesel particulate matter ("DPM"). DPM is a designated toxic air contaminant that may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site. Additional measures may be required to reduce DPM emissions from construction vehicles and equipment.

The proposed project would introduce a new sensitive land use (residential use) that may be affected by nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. Projects that are more than 75 feet in height require an emergency back-up generator, which is a new source of toxic air contaminants. At a proposed height of 120 feet, the proposed project would be required to include an emergency back-up generator. New back-up emergency generators require a permit from the BAAQMD. Therefore, the project generator would be subject to BAAQMD's

⁷ In an effort to identify areas of San Francisco most adversely affected by sources of TACs, the San Francisco Planning Department and the San Francisco Department of Public Health (DPH) have partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "air quality hot spots" were identified based on two health-protective criteria: 1) excess cancer risk from the contribution of emissions from all modeled sources > 100 per one million population; or 2) cumulative PM_{2.5} concentrations > 10 micrograms per cubic meter (µg/m³). Land use projects within these air quality hot spots require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

New Source Review, which requires that the health risk resulting from the siting of such a new source be limited at the property line.

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. During the environmental review process the proposed project will be reviewed to determine whether mitigation measures in the form of either construction emissions minimization measures or air filtration and ventilation mitigation measures will be required. Because the project includes an emergency back-up generator, 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.

6. **Greenhouse Gases.** Potential environmental effects related to greenhouse gas (“GHG”) emissions from the revised project need to be addressed in a project’s environmental evaluation. The project sponsor would be required to submit a completed GHG Compliance Checklist Table 1 for Private Development Projects⁸ demonstrating that the project is in compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco’s Greenhouse Gas Reduction Strategy.⁹ Projects that do not comply with a GHG-related regulation may be determined to be inconsistent with San Francisco’s Greenhouse Gas Reduction Strategy.
7. **Wind.** The proposed project would result in construction of a 120-foot-tall, 12-to-14-story (over a two-level basement), 296,820-sf building. A screening-level wind impact analysis would be required for this project. The wind analysis should take into account the surrounding topography and building heights. A draft scope of the wind analysis shall be submitted to Environmental Planning prior to commencement of any work related to the analysis.
8. **Shadow.** The proposed project would result in construction of a 120-foot-tall, 12-to-14-story (over a two-level basement), 296,820-sf building. A shadow fan analysis was prepared for this project.¹⁰ The shadow analysis found that the proposed project would not cast shadow on any nearby parks subject to the Planning Code Section 295.¹¹ However, the project would cast shadow on the UN Plaza and a roof-top open space for YMCA located on Golden Gate Avenue between Leavenworth and Hyde Streets, both of which are a park not subject to the Planning Code Section 295. Further shadow

⁸ San Francisco Planning Department. *Consultant Resources. Greenhouse Gas Compliance Checklist for Private Development Projects*. Available online at: <http://www.sf-planning.org/index.aspx?page=1886>

⁹ City and County of San Francisco. *Strategies to Address Greenhouse Gas Emissions*. Available online at: http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf

¹⁰ Kate Conner, San Francisco Planning Department. *1066 Market Street - PPA Preliminary Shadow Fan*, January 10, 2014. This document is available for review as part of Case File No. 2013.1753U at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

¹¹ Kate Conner, San Francisco Planning Department. *Email to Kei Zushi, San Francisco Planning Department, Shadow Analysis: 1066 Market St*, January 13, 2014. This email is available for review as part of Case File No. 2013.1753U at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

analysis may be required for these non-Section 295 spaces as part of the environmental review for this project. The Planning Department will provide additional guidance related to the scope of the analysis after the Environmental Evaluation Application is filed.

9. **Geology.** The project site is located in a Seismic Hazard Zone, specifically a liquefaction hazard zone, as identified in the San Francisco General Plan. Any new construction on the project site is subject to a mandatory Interdepartmental Project Review because it is located within a Seismic Hazard Zone.¹² A geotechnical study prepared by a qualified consultant must be submitted with the Environmental Evaluation Application. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes, as assured through DBI's permit review process, would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The proposed project would involve excavation of up to 27,000 cubic yards of soil and a portion of the project site is located within the Maher zone according to the Planning Department's GIS records.¹³ Therefore, the project would be subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by 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 Environmental Evaluation Application (EEA).

Because the existing building on the project site was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. BAAQMD is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings that may contain asbestos-containing materials. In addition, because of their age, lead paint may be found in the existing building. Please contact DBI for requirements related to demolition of buildings that may contain lead paint.

¹² San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>

¹³ Julie Burdick, Project Sponsor. *Email to Kei Zushi, PPA Excavation & Pile Driving: 1066 Market Street (Case Number 2013.1753U)*, December 26, 2013. This email is available for review as part of Case File No. 2013.1753U at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

11. **Stormwater.** If the project results in a 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 San Francisco Public Utilities Commission ("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>.
12. **Bird-Safe Building Ordinance.** The project would be subject to Planning Code Section 139, Standards for Bird-Safe Buildings, which addresses Location-Related Standards and Feature-Related Standards.¹⁴ The project's environmental evaluation would generally discuss how the implementation of bird-safe design standards would reduce potential adverse effects on birds due to the lighting, glazing, balconies, and so forth.
13. **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site. Please be prepared to provide these mailing labels upon request during the environmental review process.

Based on the preliminary review of the proposed project, the project appears to be consistent with the existing zoning designation and regulations applicable to the project site. In addition, the project site is located within the city limits and less than five acres in size. It also appears that the project can be adequately served by all required utilities and public services. For these reasons, if the project would not result in a significant impact on the environment, including traffic, noise, air quality, water quality, habitats for endangered, rare, or threatened species, the project could be eligible for a Class 32 infill development project categorical exemption from environmental review under CEQA Guidelines Section 15332. If a Class 32 exemption is appropriate, Environmental Planning staff will prepare a certificate of exemption.

If it is determined that the project could result in a significant impact, an initial study would be prepared. The initial study may be prepared either by an environmental consultant from the Department's environmental consultant pool or by Department staff. If the initial study finds that the project would have a significant impact that could be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a preliminary mitigated negative declaration ("PMND"). The PMND would be circulated for public review for a period of 20 calendar

¹⁴ San Francisco Planning Department. *Standards for Bird-Safe Buildings*. Available online at: <http://www.sfplanning.org/index.aspx?page=2506>

days, during which time concerned parties may comment on and/or appeal the determination. If an appeal is filed, the Planning Commission would hold a hearing to decide the appeal. If no appeal is filed, the Planning Department would issue a final mitigated negative declaration (“FMND”).

If the initial study indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR must be prepared by an environmental consultant from the Planning Department’s environmental consultant pool. For example, if the HRER determines that the building proposed for demolition is a historic resource (see item 1, above) and the demolition of the building results in a significant impact on historic resources, which cannot be reduced by mitigation measures agreed to by the project sponsor to a less-than-significant level, the Planning Department would require the preparation of an EIR focused on historical architectural resources. The Planning Department would provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

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 establishes a framework for review of construction or substantial alteration of structures in C-3 (Downtown Commercial) Zoning Districts. Projects over 50,000 gross square feet or 75 feet in height require Planning Commission approval. As part of the Downtown Project Authorization process, a Project Sponsor may request exceptions from the Planning Commission for certain sections of the Planning Code. A Planning Commission hearing is required even if no exceptions are required. As proposed, it appears that the project would need to be redesigned to comply with the Code, or may require the following exceptions:
 - a. Rear Yard (See Preliminary Project Comment #4)
 - b. Ground Level Wind Currents (See Preliminary Project Comment #12)
 - c. Parking in excess to what is principally permitted. (See Preliminary Project Comment #14).
 - d. Off-Street Loading. (See Preliminary Project Comment #16).
2. **Conditional Use Authorization.** The Planning Commission must approve a Conditional Use Authorization for the following uses:
 - a. Exemption of affordable units from the Floor Area Ratio (“FAR”). (See Preliminary Project Comment #1).
 - b. Residential density in excess to what is permitted. (See Preliminary Project Comment #17).
3. **Building Permit Application.** A Building Permit Application is required for the demolition of the existing building, preparation of the site, and for the proposed new construction. Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.
4. **Variance.** The Planning Code regulates the use of property, including the size, design, and siting of buildings. The Planning Code has standards for buildings that govern such features as rear yards, front setbacks, usable open space, height, and parking. A Variance is a request for an exception to a

Planning Code regulation. The Zoning Administrator is the City official that interprets and maintains the Planning Code. As proposed, it appears that the project would need to be redesigned to comply with the Code, or may potentially require the following Variances:

- a. Usable Open Space for Dwelling Units. (See Preliminary Project Comment # 5)
- b. Street Frontages in Commercial Districts. (See Preliminary Project Comment # 11)

Applications for the actions listed above 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.

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.

PRELIMINARY PROJECT COMMENTS:

1. **Floor Area Ratio ("FAR").** Pursuant to Planning Code Section 124, buildings within the C-3-G District have a basic FAR of 6.0 to 1, or a maximum of 9.0 to 1. This maximum may be achieved through the purchase of Transfer of Development Rights ("TDR"). In addition, with Planning Commission approval of a Conditional Use Authorization, floor area for on-site affordable housing may be excluded from FAR, as outlined in Planning Code Sections 124(f) and in a Planning Code Interpretation of Planning Code Sections 124 (f) and 415 dated November, 2004.

Future submittals should provide a detailed calculation of the gross floor area of the project, including floor plans which clearly indicate those areas included within the calculation of "gross floor area" pursuant to the definition in Planning Code Section 102.9. The PPA submittal proposed a maximum floor area ratio of 9.0 to 1. Please indicate on future submittals how this FAR is accomplished.

2. **Interdepartmental Project Review.** Interdepartmental Project Reviews are mandatory for new construction projects that propose buildings eight stories or more and new construction on parcels identified by the State of California Department of Conservation, Division of Mines and Geology as Seismic Hazard Zones in the City and County of San Francisco. Projects identified as such, must request and participate in an interdepartmental project review prior to any application that requires a public hearing before the Planning Commission or new construction building permit. Please file for an Interdepartmental Project Review.
3. **Transfer of Development Rights ("TDR").** Pursuant to Planning Code Section 128, the Project Sponsor shall purchase the required number of units of TDR and secure a Notice of Use of TDR prior to the issuance of a site permit for all development which exceeds the base FAR of 6.0 to 1, up to an FAR of 9.0 to 1, not including floor area excluded from FAR pursuant to Planning Code Section 124(f).

4. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard of at least 25 percent of the lot depth. Pursuant to Planning Code Section 134(d), in C-3 Districts, an exception to the rear yard requirements may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided. Please either comply with this requirement or include it as an exception in the Downtown Project Authorization application.
5. **Usable Open Space for Dwelling Units.** Pursuant to Planning Code Section 135, the minimum amount of usable open space provided for each dwelling unit is 36 square feet if private and 48 square feet if common open space. A combination of private and common open space is proposed for the project: 97 of the units have private open space and 204 units need to meet their open space requirements with common open space (9,792 square feet common open space requirement). Level 13 has a 6,130 square foot terrace that complies with the open space requirements. There is a 7,050 square foot courtyard at the ground floor that does not meet the inner court requirement in Planning Code Section 135. The height of the walls and projections above the court on at least three sides must be such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. Although the square footage complies with the Planning Code, a Variance is required for usable open space. The courtyard does not comply with inner court requirements.
6. **Public Open Space.** Pursuant to Planning Code Section 138, one square foot of public open space shall be provided for every 50 square feet of retail space provided; therefore, potentially 5,365 square feet of retail (1,885 retail square feet and assuming that the 3,480 square feet of active use may be retail) would require a total of 107 square feet of public open space. Please design this open space in accordance with the Guidelines for Downtown Open Space (table 1) in the Downtown Area Plan.
7. **Street Trees.** Pursuant to Planning Code Section 138.1, 18 street trees shall be provided, at a ratio of one street tree for every 20 feet of street frontage with any remaining fraction of 10 feet or more of frontage requiring an extra tree. The exact location, size and species of tree shall be approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. Please be aware that there are additional street tree specifications for street trees located in C-Districts pursuant to Planning Code Section 138.1. In addition, there are specific streetscape requirements for the Market Street frontage.
8. **Tree Planting and Protection Checklist.** Completion of this checklist is required for this project. 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 and/ or remove Protected Trees. Please submit this checklist with the Environmental Evaluation application.

9. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, a Streetscape Plan is required prior to Planning Commission approval. The Streetscape Plan must meet the standards of the Better Streets Plan, the Downtown Area Plan, and all applicable City standards. The final design of all required street improvements, including procurement of relevant City permits, shall be obtained prior to issuance of first architectural addenda.
10. **Bird Safety.** The subject property is not located adjacent to an Urban Bird Refuge; however, pursuant to Planning Code Section 139, there are certain feature related hazards that must be treated for bird safety. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Any structure that contains these elements shall treat 100% of the glazing on feature-related hazards. If there are windscreens or glass railings proposed at the roof level, please indicate on future submittals that these features will meet bird safety requirements.
11. **Street Frontages in Commercial Districts.** Pursuant to Planning Code Section 145.1, there are certain requirements for street frontages in commercial districts including: parking setbacks, active uses, parking and loading entrances, ground floor ceiling height, street facing ground floor spaces, transparency and fenestration, and gates, railings and grillwork.
 - a. **Active Uses.** Building lobbies are considered active uses, as long as they do not exceed 40 feet or 25% of building frontage, whichever is larger. The lobby frontage on Jones Street is approximately 54 feet and 35% of the frontage, thereby exceeding the requirement. Please either alter the proposed design or apply for a Variance application.
 - b. **Parking and Loading Entrances.** The Jones Street frontage does not meet the requirement to devote no more than one third of the frontage or 20 feet maximum, whichever is less, to parking and loading entrances. It appears that 30 feet of this frontage may be devoted to parking and loading. Future submittals should clearly dimension the area devoted to parking and loading and either comply with the requirement or seek and justify a Variance application.
 - c. **Ground Floor Ceiling Heights.** Ground floor ceiling heights for non-residential uses in C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Please illustrate compliance with this requirement on future submittals. If this requirement is not met, please seek and justify a Variance application.
12. **Shadow.** Although the preliminary shadow study indicated that the project will not cast a shadow on any park or open space protected under Planning Code Section 295, in order to analyze the Project's compliance with Planning Code Section 147, the Department will require the sponsors to conduct a shadow analysis and submit it to staff in order to understand the total amount of shadow cast on United Nations Plaza.
13. **Ground Level Wind Currents.** As discussed under the "Environmental Review" section (2), the height of the proposed residential building would trigger a wind analysis study in order to identify

changes in ground-level wind speeds resulting from project. Planning Code Section 148 establishes comfort criteria (ground level wind levels not to exceed 11 mph in areas of substantial pedestrian use or 7 mph in public seating areas) and a hazard criterion, which is a 26 mph equivalent. If the project creates new exceedances of the comfort-level criteria, or if the project fails to ameliorate existing comfort-level exceedances, an exception may be sought through the Section 309 review process. No exception may be sought, however, if the project creates new exceedances of the hazard-level criteria.

14. **Parking.** Pursuant to Planning Code Section 151.1, dwelling units in C-3 Districts are permitted to provide up to one car for each four dwelling units. The Planning Commission may approve up to .75 parking spaces for each dwelling unit through a Downtown Project Authorization exception process. With 301 residential units and 112 proposed parking spaces, there is a ratio of .37 parking spaces for each dwelling unit, thereby requiring Planning Commission approval.
15. **Off-Street Freight Loading Spaces.** Pursuant to Planning Code Sections 152.1 and 161, two off-street freight loading spaces are required for apartments with between 200,001 gross square feet and 500,000 gross square feet of area. The proposal includes one loading space; therefore, please seek an exception under Planning Code Section 309 through the Downtown Project Authorization exception process.
16. **Bicycle Parking.** Planning Code Section 155.2 outlines requirements for bicycle parking for residential developments. For projects over 100 dwelling units, 100 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 100 is required. In addition, one Class 2 space is required for every 20 units. In addition, retail sales require one Class 1 space for every 7,500 square feet of occupied floor area and a minimum of two Class 2 spaces and one Class 2 space for every 2,500 square feet of occupied floor area. Future submittals should include floor plans which clearly indicate compliance with this section of the Planning Code.
17. **Density.** Pursuant to Planning Code Section 215, the maximum density ratio in a C-3-G District shall in no case be less than one dwelling unit for each 125 square feet of lot area. A Conditional Use Authorization must be secured and approved by the Planning Commission for residential densities which are higher than one dwelling unit for each 125 square feet of lot area. With a lot area of 27,311 square feet and 301 proposed units, the proposed residential density is one unit for each 91 square feet of lot area; therefore a Conditional Use Authorization must be approved by the Planning Commission.
18. **First Source Hiring Agreement.** 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 (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which

results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore is subject to the requirement. 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. Please submit the first source hiring affidavit with your applications.

19. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee ("TIDF"). As of this writing the rate for retail uses is \$13.90 per square foot and residential uses are excluded; however, fees are indexed on an annual basis.

Development projects that meet specific policy goals can apply for Policy Credits and, if granted, can use them to reduce or eliminate TIDF fees that would otherwise be due. Policy Credits are granted to all projects meeting applicable criteria on a "first come-first-served" basis until the annual Policy Credit fund is exhausted. Policy Credits are available only for projects that either (1) involve a small business; or (2) would provide fewer off-street parking spaces than allowed.

20. **Inclusionary Housing.** Pursuant to Planning Code Section 415, affordable housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department identifying the method of compliance, prior to Planning Commission approval. Affordable units designated as on-site units shall be sold as ownership units, not rental, and will remain as ownership units for the life of the project. If on-site units were selected based on the proposed 301 units, 36 units would be required to be affordable.

A project may provide on-site rental units if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods: direct financial construction from a public entity or development bonus or other form of public assistance. If you choose to seek a Costa Hawkins exception agreement, it will be drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. If the project is deemed eligible, we may start working with the City Attorney on the agreement, which must be executed prior to the Planning Commission hearing.

21. **Public Art Requirement.** Pursuant to Planning Code Section 429, the Project will have a public art requirement because it is a project in a C-3 District that involves the construction of a new building. The public art must be valued at least 1% of the construction cost of the project. Residential projects within the C-3 District have options of satisfying the public artwork requirement. The project sponsor

may choose to provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals 1% of the project total costs. If the on-site artwork option is selected a general art concept should be presented to the Planning Department staff during the initial schematic design phase of the project. The project sponsor is encouraged to focus on the art concept, and if appropriate, include the artist in the design team as early in the project design process as possible.

22. **Special Use District.** The Planning Department is currently working with the Mayor's Office of Economic and Workforce Development to create a new Mid-Market Special Use District (SUD) designed to encourage and incentivize additional arts activities, as well as achieve other related land use objectives in the area. This SUD will likely include, but not be limited to, height and Floor Area Ratio (FAR) bonuses or exemptions for projects that include significant amounts of new space dedicated for arts uses. Other likely provisions of the SUD include restrictions on uses such as liquor stores, pawn shops, fringe financial, and adult uses. Specific incentives and controls for the SUD, as well as potential boundaries and other parameters, are still being analyzed at this time. For more information on this effort, please contact Marlo Isaac at marlo.isaac@sfgov.org or 415-575-6835.
23. **Invest in Neighborhoods Initiative Area.** The property is located within the Mayor's Invest in Neighborhoods Initiative Area. For more information, please see <http://www.oewd.org/IIN.aspx>
24. **Community Benefit District – North of Market / Tenderloin:** The property is located within the North of Market / Tenderloin Community Benefit District. For more information, please see <http://www.oewd.org/Tenderloin-North-Market.aspx>.
25. **Better Market Street.** The Better Market Street project offers a special opportunity to envision a new Market Street that is more beautiful and green; has enlivened public plazas and sidewalks full of cafes; showcases public art and performances; provides dedicated bicycle facilities; and delivers efficient and reliable transit. The goal of the project is to revitalize Market Street from Octavia Boulevard to The Embarcadero and reestablish the street as the premier cultural, civic and economic center of San Francisco and the Bay Area. The new design should create a comfortable, universally accessible, sustainable, and enjoyable place that attracts more people on foot, bicycle and public transit to visit shops, adjacent neighborhoods and area attractions. This project is located with the project area. For additional information, please see: <http://bettermarketstreetsf.org/about.html>.
26. **Central Market Economic Partnership.** In January 2010, the Office of Economic and Workforce Development (OEWd) launched the **Central Market Partnership**, a public/private initiative to renew and coordinate efforts to revitalize the Market Street neighborhood between 5th Street and Van Ness Avenue. The City's goal is to restore Central Market as San Francisco's downtown arts district while inviting in new retail, restaurants, and businesses to take advantage of the transit rich corridor that serve the adjacent Tenderloin and SOMA neighborhoods. The Central Market Economic Strategy identifies programs and policies to revitalize the Central Market district; while supporting the neighborhood's culture and diverse population. For more information, please see: http://www.oewd.org/Central_Market.aspx.

PRELIMINARY DESIGN COMMENTS:

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

1. **Context.** The proposed building is located in the Market Street Theater and Loft Historic District which is characterized by vertically modulated buildings with well-defined tripartite compositions. The steel or concrete frame buildings tend to be clad with masonry, rendered stucco, or terra cotta, with deeply textured facades, and recessed double-hung or Chicago style windows on the upper stories.

Market Street -- San Francisco's premiere civic street—is the focal point for the city's commercial, ceremonial, and cultural life. It is the backbone of the city and regional transit systems and is also the City's busiest pedestrian and cycling street. Given its special role, buildings along Market Street, and the uses they support, should contribute to its vitality as a civic space. New buildings should have both a grand and a human-scale. New construction must be of character appropriate for a street of its size and prominence. The project has an opportunity and responsibility to be informed by, and contribute to, the qualities of this significant district through a contextually responsive design approach.

2. **Site Design, Open Space, and Massing.** The overall massing, site design, and open space on balance, is appropriate, but additional massing breaks should be considered to differentiate the building into separate and distinct architectural blocks that more appropriately respond to the scale and modulation of the surrounding district.
3. **Street Frontage.** The Planning Department appreciates the accommodation of a high ground floor storefront on Market Street, and active uses along all frontages. However, the ground floor height along Jones and Golden Gate appear to be low relative to the surroundings. The Planning Department recommends stepping the ground floor to be at-grade and provide a 14' high ceiling height and multiple entries to the ground floor.

At this stage it is unclear from the elevations the design intent for the ground floor façade. Please provide enlarged plans and elevations of the storefronts on all facades.

4. **Vehicle Circulation, Access, and Parking.** The Planning Department recommends minimizing the width of vehicular access. A single 12 foot wide opening for residential parking ingress and egress from Jones Street should be sufficient for the limited number of parking spaces and anticipated trips. An interior queuing bay may be incorporated to accommodate cars that may enter and exit at the same time.

Furthermore, please consider relocating the loading and trash functions behind the garage entrance to consolidate the vehicle entries and curb cuts to a single and minimal building frontage devoted to vehicle access.

5. **Architecture.** The prominence of this location demands a building with attention to modulation, scale, texture, and detailing which is compatible with the surrounding buildings on Market Street.

The Planning Department has concerns about the proposed façade treatment for two contextual reasons:

- a. Market street's importance as the City's ceremonial street, and;
- b. Location within the Market Street Theater and Loft Historic District.

To that end the Planning Department recommends a stronger expression of a base, middle, and top portion of the building. At the ground floor, a horizontal architectural design element should be incorporated between the ground floor and second story levels. A projection is suggested. The human scale of the sidewalk is of paramount importance on commercial streets. Architectural detailing, such as a belt course or cornice, at the ground floor ceiling height should help to frame the pedestrian space of the sidewalk.

The Planning Department has concerns about the order and scale of the façade composition and the ability of that order to be a contemporary yet compatible extension of the district. The Planning Department recommends additional effort to modulate and articulate of the façade at both the building scale and an intermediate scale.

The Planning Department suggests that tectonic and detailed attention to the large, intermediate and human-scale defining elements respond to patterns in the immediate context. The proposed design appears to consist of two materials and planes. The Planning Department strongly urges the design to explore increasing the material palette and depth and texture of the building. These should impart a sense of weight and durability that relates to the historic qualities or other contextual elements. These should also exhibit qualities that impart craft of detail or material.

The gesture of alternating colored vertical spandrels was not seen as responding to the contextual clues such as the proportion of Chicago window successfully. A more conventional approach may accomplish this goal.

The Planning Department understands the aesthetic intent and function of the frames of the façade. However, a system of order, which hierarchically relates small and intermediate scales to the massing, proportions, and scale of the rest of the building, are lacking. The Planning Department recommends that the design explore an ordering and grouping system that serves to break down the scale and provides a richer visual interest to the building.

All visible sides of the building should be treated in a similar manner as the main facades even if these facades do not occupy street frontage. The Planning Department encourages exploration of a textural composition to the East façade that picks up the themes of the main façade design.

Due of the adjacent building and the proposed building's height, the side facade will be visible and should be designed as a visible façade.

6. **Required Streetscape and Pedestrian Improvements.** Per Planning Code Section 138.1, the project sponsor will be required to submit a Streetscape Plan illustrating the location and design of streetscape improvements appropriate to the street type, including site furnishings, landscaping, corner curb extensions, and sidewalk widening as appropriate. The Planning Department may require these elements as part of the conditions of approval.

See <http://www.sfbetterstreets.org/design-guidelines/street-types/> to identify relevant street types for the project frontage.

- a. The Planning Department recommends that the sponsor should consider a public realm features, such as a bulb-out at the corner of Golden Gate and Jones Street. Planning staff is available to review proposals or meet with the project sponsor to explore ideas.
- b. The furnishing zone of the sidewalks should consider special paving, and enhanced planting and other site furnishing such as seating, bike racks, and pedestrian lighting. These improvements could enhance and build on the quality and use of the ground floor uses and the plaza.
- c. For more information on process, guidelines, and requirements for street improvements, refer to www.sfbetterstreets.org. Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

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 **July 27, 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.

cc: Meg Spriggs, Shorestein Residential LLC 235 Montgomery St. 16th Floor, SF CA 94104,
Kate Conner, Current Planning
Kei Zushi, Environmental Planning
Audrey Desmuke, Citywide Planning and Analysis
David Winslow, Citywide Planning and Analysis
Jerry Robbins, MTA
Jerry Sanguinetti, DPW