



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 24, 2015
TO: Douglas Burnham, Octavia M&N, LLC
FROM: Wade Wietgreffe, Planning Department
RE: PPA Case No. 2014-002330PPA for Central Freeway Parcel M
and N (300 Octavia Street)

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

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Melinda Hue at (415) 575-9041 or melinda.hue@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.


Wade Wietgreffe, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: February 24, 2015
Case No.: **2014-002330PPA**
Project Address: Central Freeway Parcel M and N (300 Octavia Street)
Block/Lot: 0832/026 (M) and 0832/025 (N)
Zoning: Hayes-Gough Neighborhood Commercial Transit (Hayes NCT) District
50-X Height and Bulk District
Area Plan: Market and Octavia Area Plan
Project Sponsor: Douglas Burnham, Octavia M&N, LLC
415-644-2400; douglas@envelopead.com
Staff Contact: Melinda Hue – 415-575-9041
Melinda.Hue@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, San Francisco Public Utilities Commission, 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 4,436-square-foot (sf) project site consists of two discontinuous vacant lots located along Octavia Street in the Western Addition neighborhood. Parcel M is a 2,178-sf lot located at the western end of the block bounded by Fell Street to the north, Gough Street to the east, Oak Street to south, and Octavia Street to the west. Parcel M fronts Fell, Octavia, and Hickory streets. Parcel N is a 2,258-sf lot south of Parcel M across Hickory Street, with frontage along Hickory, Octavia, and Oak streets. The proposed project would involve the construction of a 5-story, approximately 55-foot-tall building with 16 residential units (studios) over approximately 700 sf of ground floor commercial uses on Parcel M. The proposed project would also involve the construction of a 5-story, approximately 55-foot-tall building with 16 residential units (studios) over approximately 700 sf of ground floor commercial uses on Parcel N. Each building would include 16 bicycle parking spaces. No off-street parking is proposed. In total, the proposed project would involve the construction of 32 residential units, approximately 1,400 sf of commercial uses, and 32 bicycle parking spaces.

ENVIRONMENTAL REVIEW:

The project site is located within the Market and Octavia Area Plan, which was evaluated in the *Market and Octavia Neighborhood Plan Area Programmatic Final Environmental Impact Report EIR (Market and Octavia FEIR)*, and certified on April 5, 2007.¹ Future development on sites occupied by the former Central Freeway, such as the project site, was analyzed in the *Market and Octavia FEIR* at a project level to the extent feasible. The proposed project will be reviewed for consistency with the project analyzed in the *Market and Octavia FEIR* and the Planning Department will determine if the analysis in the *Market and Octavia FEIR* sufficiently addresses all potential environmental impacts of the project as proposed. The fee for this determination is the Environmental Document Determination fee, which is currently \$13,659. Any pertinent mitigation measures and CEQA findings from the *Market and Octavia FEIR* would remain applicable to the project and mitigation measures would be implemented as part of the project's approvals (entitlements).

If the Planning Department determines that the impacts of the project as proposed were not adequately addressed in the *Market and Octavia FEIR*, then the project would require further environmental review, as outlined below.

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. Because the proposed project is consistent with the development density identified in the area plan, it is eligible for a community plan exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases beyond the CPE project description in project size or intensity after project approval will require reconsideration of environmental impacts and issuance of a new CEQA determination. 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 \$13,659) and (b) the CPE certificate fee (currently \$7,580).
2. **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 checklist is prepared to address all other impacts that were encompassed by *the Market and Octavia FEIR*,

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

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 \$13,659) and (b) the standard environmental evaluation fee (which is based on construction value).

3. **Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE checklist 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 \$13,659); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value).

In order to begin formal environmental review, please submit an **Environmental Evaluation Application**. The Environmental Evaluation Application can be submitted at the same time as the Preliminary Project Assessment Application. The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an approval application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.** See page 2 of the current *Fee Schedule* for calculation of environmental application fees.

Below is a list of topic areas that would require additional study based on the preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated November 25, 2014.

- **Historic Architectural Resources.** The project site consists of two vacant lots. The properties were surveyed as part of the Market Octavia Area Plan Historic Resources Survey and are not located within a historic district. Therefore, the properties are not subject to review by the Department's Historic Preservation staff and no additional analysis of historic architectural resources is required.
- **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with building construction, including excavation that would reach a depth of approximately 2.5 feet below grade. The proposed project would be subject to the *Market and Octavia FEIR Mitigation Measure 5.6.A1 - Soils Disturbing Activities in Archaeological Documented Properties*, which applies to properties within the Market and Octavia Area Plan for which a final Archaeological Research Design/Treatment Plan (ARD/TP) is on file with the Northwest Information Center and the Planning Department.

Generally, any soil-disturbing activities proposed within the project site shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archaeological consultant with expertise in California prehistoric and urban historical archaeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archaeological resources with respect to the project site-and project-specific information absent in the ARD/TP.

After submitting an Environmental Evaluation Application, the project sponsor must contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the Archeological Review Consultant Pool. The whole Archeological Review Consultant Pool list is available at <http://www.sf-planning.org/index.aspx?page=1886>.

- **Transportation Study.** The PPA application indicates that the proposed project would include 32 dwelling units (studios) and approximately 1,400-sf of commercial uses. Based on preliminary review by the Planning Department, a transportation study is not anticipated. However, an official determination will be made subsequent to submittal of the EEA.
- **Air Quality.** The PPA application indicates that the proposed project would include 32 dwelling units and approximately 1,400-sf of commercial uses. The proposed project would be below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants. Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required.

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 comply with applicable dust control requirements outlined in the ordinance.

The project site is located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code, Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The proposed project would involve construction of new sensitive land uses (i.e., residential), which is subject to enhanced ventilation measures pursuant to Health Code Article 38. The project sponsor will be required to submit an Article 38 application to Department of Public Health (DPH) prior to the issuance of any environmental determination. Please provide a copy of the Article 38 application with the EEA.² In addition, equipment exhaust measures during construction, such as those listed in Mitigation Measure M-AQ-1, Construction Air Quality may be required.

If the project would generate new sources of toxic air contaminants including, but not limited to emissions from: 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 and additional measures will likely be required to reduce stationary source emissions. At this time, it is not likely the proposed project would require a backup diesel generator due to the proposed height, but this shall be confirmed at the time of the EEA submittal.

² Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

- **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 GHG Analysis Compliance Checklist.³ The project sponsor may be required to submit the completed checklist 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 GHG Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the GHG Reduction Strategy.
- **Noise.** Based on the *Market and Octavia FEIR*, the project site is located in an area where traffic-related noise would be between 65-70 dBA (a day-night averaged sound level). The proposed project involves the siting of new sensitive uses (i.e., residential uses) at the project site and, therefore, would need an acoustical analysis demonstrating how the building would meet Title 24 insulation standards. This analysis should 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.
- **Shadow Study.** Based on the *Market and Octavia FEIR*, the development of Parcel M to a height of 55 feet could result in shadows on Patricia's Green at the southeast corner of the park in early morning winter hours. A preliminary shadow fan analysis prepared by Planning Department staff does indicate that the proposed project could cast shadows on recreational resources. The project therefore requires a shadow study, and the sponsor is required to hire a qualified consultant to prepare a detailed shadow study. The consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planning case manager prior to preparing the analysis. See Item 13 under Preliminary Project Comments for more information.
- **Wind Study.** The *Market and Octavia FEIR* determined that while new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to ground-level wind hazards, wind impacts from new construction are site- and design-specific (such as exposure, massing, and orientation). The proposed project will be reviewed by the Environmental Planner during the environmental review process to determine if the project would have the potential to result in wind hazards. If so, the project would be subject to *Market and Octavia FEIR Mitigation Measure 5.5.B2- All New Construction*, which requires individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measure. The project may require an initial review by a wind

³San Francisco Planning Department. *Greenhouse Gas Compliance Checklist for Private Development Projects*. Available online at <http://sf-planning.org/index.aspx?page=1886>.

consultant, including a recommendation as to whether a wind tunnel analysis is needed. If an initial review by a consultant is requested by the Environmental Planner, the consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planner prior to preparing the analysis.

- **Hazardous Materials.** The project site is a former Central Freeway parcel. The *Market and Octavia FEIR* found a pattern of potential contaminants that may exceed residential or construction-based screening levels throughout the Plan Area. Soil investigations and site assessments conducted as part of the Central Freeway land transfer project recommended the preparation of a site mitigation plan for future excavation projects in the vicinity of the parcels. A Phase I Environmental Site Assessment must be submitted with the EEA. Planning staff will share the report with the Department of Public Health, Environmental Health Section, Local Oversight Program, with whom the project sponsor is required to coordinate directly in the preparation of a site mitigation plan.
- **Geology.** The project sponsor is required to prepare a geotechnical investigation report to identify the primary geotechnical concerns associated with the proposed project and the site. The geotechnical report would identify hazards and recommend minimization measures for potential issues regarding, but not limited to, soil preparation and foundation design. This report will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions. The geotechnical report should be prepared by a qualified consultant and submitted with the EE Application or upon receipt of this PPA letter, whichever is later.

The *Market and Octavia FEIR* identified a potentially significant impact related to soil erosion during construction. Therefore, *Market and Octavia Neighborhood FEIR Mitigation Measure 5.11.A Construction Related Soils* would be applicable to the proposed project. This mitigation measure consists of construction best management practices to prevent erosion and discharge of soil sediments to the storm drain system, which would reduce any potential impacts related to geology soils to less than significant levels.

- **Stormwater.** If the project would result in a ground surface disturbance of 5,000 sf or greater, it would be 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>. Applicants may contact stormwaterreview@sfwater.org for assistance.

- **Tree Planting and Protection.** 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 such trees must be shown on the Site Plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Planting and Protection Checklist* with the EEA and ensure that trees are appropriately shown on site plans.
- **Disclosure Report for Developers of Major City Projects.** The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any “major project.” A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occurs, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

If any of the additional analyses determine that mitigation measures not identified in the area plan EIR are required to address peculiar impacts, the environmental document will be a focused initial study/mitigated negative declaration with a supporting CPE checklist. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a focused EIR with a supporting CPE checklist. A community plan exemption and a focused initial study/mitigated negative declaration can be prepared by Planning Department staff, but focused EIR with supporting CPE checklist would need to be prepared by a consultant on the Planning Department’s environmental consultant pool (http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf).

Please see “Studies for Project inside of Adopted Plan Areas - Community Plan Fees” in the Planning Department’s current *Fee Schedule for Applications*. Environmental evaluation applications are available at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. **Conditional Use Authorization.** In order for the project to proceed, the Planning Commission would need to grant Conditional Use Authorization pursuant to Section 303 for not meeting the dwelling unit mix required per Planning Code 207.6. See further discussion regarding the requirements for dwelling unit mix in NCT districts on "Preliminary Project Comments." The application form for a Conditional Use Authorization is available from 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 permits & zoning/permit forms.
2. **Variations.** As currently proposed, the project must be revised or pursue and justify variations for the following requirements under the Planning Code:
 - Obstructions per Section 136 (see Item # 4 under 'Preliminary Project Comments').
 - Frontage per Section 145 (see Item # 8 under 'Preliminary Project Comments').

If future submittals request variations, a variance application packet is 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 permits & zoning/permit forms.

3. **Building Permit Application.** Permit application and notification are required for the proposed new construction. Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Different levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed under 'Planning Department Approvals'. Additionally, many approvals require a public hearing with an associated neighborhood notification.

- **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and to the extent feasible occupants of properties within 300 feet of the project site at the initiation of the environmental review. Please be prepared to provide mailing addresses on a CD upon request following submittal of the Environmental Evaluation Application.
- **Pre-Application Meeting.** The project requires a 312 Notification process because it is located in a Neighborhood Commercial district. Pre-Application meeting is required as part of a 312 Notification process for various entitlements (e.g. Condition Use Authorization, variance, etc.)

and building permits. The Pre-application meeting should be open to surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application meeting is a form of public outreach that is mandatory for certain projects.

- **Public Outreach.** In addition to the required Pre-Application meeting, it is highly recommended to conduct a public outreach process with the surrounding community and neighborhood groups early in the development process. The intention is to initiate neighbor communication and identify issues and concerns early on; provide the project sponsor the opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application; and, reduce the number of Discretionary Reviews (DRs) that are filed.

PRELIMINARY PROJECT COMMENTS:

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

1. **Market and Octavia Area Plan.** The subject property falls within the area covered by the Market and Octavia Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The Area Plan recognizes the constraints posed by the exceptionally narrow sites, and recommends flexibility in meeting rear yard requirements and other code requirements to allow for innovative designs. The project sponsor is encouraged to read the full plan, which can be viewed at http://www.sf-planning.org/ftp/General_Plan/Market_Octavia.htm.
2. **Rear Yard.** Per Section 134, in the Hayes-Gough NCT, lots fronting the east side of Octavia Street between Linden and Market Streets (including Central Freeway Parcels M and N) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for dwelling units per Section 135, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site. The proposed project meets the open space and exposure requirements; however the interior elevation of the proposed Parcel M building appears to compromise residential units access to light and air at the existing Bridge Housing project at 375 Fell Street (0832/067-069). The proposed flat elevation design neglects the adjacent building. Opportunities exist to create openings on the circulation corridor, improve the elevation design, and benefit from a shared light and air well with the existing adjacent building.
3. **Open Space.** If provided as common open space, the project must allocate 80 square feet of usable open space per unit as required in the Hayes-Gough NCT district, which is also consistent with Section 135. The proposed approach to meet the open space requirements is through common open space located on the roof of each building. For the 32 proposed units, the project

requires a total of 2,560 sq.ft. of open space, which shall be split equally on each building (each has 16 units). The project is providing 1,730 sq.ft in each building or 3,460 in total, therefore, the project meets the open space requirements.

4. **Obstructions.** Per Section 136, the length of each bay window shall be a maximum of 9 feet along a line parallel to and at a distance of 3 feet from the line establishing the open area for the window. In addition, the aggregate length of all bay windows and balconies projecting into the required open area shall be no more than $\frac{2}{3}$ the buildable length of a street side building wall. The project shows bay windows that do not comply with the requirements in terms of length, separation, and total aggregate length of the street side building wall. In addition, the proposed elevation shows movable "louvers" or "flaps" over the windows. A variance must be sought and justified for bay windows in terms of size/configuration, aggregate length, and attached movable louvers/flaps.
5. **Streetscape and Pedestrian Improvements.** Per Planning Code Section 138.1, streetscape and pedestrian elements that are in conformance with the Better Streets Plan shall be required if the proposed project is new construction and the frontage encompasses the entire block face between the nearest two intersections with any other publicly accessible rights-of-way. A streetscape plan will be required that shows the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way. The required plan shall be submitted to the Planning Department no later than 60 days prior to any Department or Planning Commission approval action, and shall be considered for approval at the time of other approval actions. The streetscape plan is subject to review by the internal Street Design Advisory Team (SDAT), and the Planning Department may require any or all standard streetscape elements for the appropriate street type per Table 1 in Section 138.1 or the Better Streets Plan.

Please be advised that the Planning Department is currently working with other agencies to define the streetscape improvements as part of the reconfiguration of the Octavia frontage road, affecting Central Freeway parcels R, S, T, as well as M and N. Please contact Casey Hildreth, SFMTA Municipal Transportation Agency at 415-701-4817 or casey.hildreth@sfmta.com, and David Winslow at 415-575-9159 or david.winslow@sfgov.org with the Planning Department, Citywide Planning for further coordination of streetscape design and improvements.

6. **Street Trees.** Per Section 138, one tree of 24-inch box size for each 20 feet of frontage of the property along each street or alley is required, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot. The project requires 6 trees in front of each building, however, the sidewalk along Octavia Street already has trees. The project sponsor may request a waiver or in-lieu payment of trees from the Zoning Administrator (note: this is an administrative process and not part of entitlements).
7. **Exposure.** Per Section 140, at least one room in all dwelling units must face the street or an open area. All the dwelling units in the project appear to face a public right-of-way and meet the

requirements. Please note that compliance with Section 140 is mandatory before the project can qualify for the rear yard exception under Section 134, as previously mentioned.

8. **Frontage.** Section 145 includes various ground floor standards which the project does not meet. With the exception of space allowed for building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth. Garbage storage and bike storage rooms are not active uses. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space. Note that comments from the Urban Design Advisory Team (UDAT) on 7/24/14 stated that the amount of space taken by transformer, garbage room, stairs, and independently accessible bathroom miss opportunities to activate the street frontage.

Further, frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage and allow visibility to the inside of the building. It is unclear if the proposed elevation design facing Octavia meets the 60% transparency requirement. In regards to the required ground floor height, the project appears to be in compliance with the requirements of NCT districts. However, the required 14 feet floor-to-floor ground floor height must be considered on each Fell and Oak Streets separately when determining the height of the building. The project height appears to be established at mid-point on Octavia. Future submittals should make sure that the plans show clearly how the ground floor meets all the required standards per Section 145 or variances must be sought and justified.

9. **Bicycle Parking.** The Planning Code requires two types of bicycle parking: 1) Class One spaces are "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees"; and 2) Class Two spaces are "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use." The project requires 16 Class One bicycle parking spaces for each building (for a project total of 32 spaces) which should be provided on the floor that has the main access to the building. Also, the project requires one Class Two parking space for each building (for a project total of two), which can be provided on the sidewalk. The retail spaces require a minimum of one Class Two bicycle parking space for each building (for a project total of two), which should be allocated on the sidewalk, one for each building.
10. **Dwelling Unit Mix.** Per Planning Code 207.6., to ensure an adequate supply of family-sized units in existing and new housing stock, new residential construction in the Hayes-Gough NCT district must provide two bedrooms apartments in at least 40% of the total number of dwelling units. The project plans show 32 "micro" residential units, none with two bedrooms. The Dwelling Unit Mix requirements may be waived or modified with Conditional Use Authorization. In addition to the conditions set forth in Section 303, the Planning Commission would consider the following criteria: a) The project demonstrates a need or mission to serve unique populations, or, b) The project site features physical constraints that make it unreasonable to fulfill these requirements.

11. **Height & Bulk.** Section 263.2 allows one additional foot of height (up to a total of 5 feet) if certain provisions are met: 1) the project is located in a 30-X, 40-X or 50-X Height and Bulk zone; (2) the project is located in certain districts, including NCT; 3) the project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with *clear ceiling heights* in excess of 10 feet from sidewalk grade. The proposed project is located on a 50-X height / bulk designation, within the Hayes-Gough NCT district, and has ground floor commercial spaces. The project is providing 14 feet *floor-to-floor* on the ground floor as required in NCT districts. However, such approach results in approximately 13 feet ground floor ceiling height, which means that only 3 feet clear are provided beyond the 10 feet from sidewalk grade. This results in the project only qualifying for an additional 3 feet for a total height of 53 feet. In order to allow for the requested 55 feet, the *ground floor ceiling height* must be 15 feet, so they project can gain one additional foot in height for each additional foot provided in excess of 10 feet of ceiling height. Future submittals must clearly demonstrate how the project gains additional height beyond the required 50 feet considering the clear ceiling height provided. Also, make sure that the determination of additional height is established at the same point where the height is being determined for the entire building, which is assumed at mid-point on the face block.

12. **Height Exemptions.** Per Planning Code Section 260, certain rooftop features are exempt from height restrictions without regard to their horizontal area, including railings and landscaping with a maximum height of four feet. Other features are exempt from height limits provided that the horizontal areas of such features do not exceed 20% of the total area of the roof, including elevator, stairs, and mechanical penthouses. The height exemption for elevator overrun, stairs and mechanical penthouses, fire towers, skylights and dormer windows is limited to the top 10 feet of such features where the height limit is 65 feet or less. For elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. While the elevator penthouse of the project rises 10 feet from the roof line and meets the exception, the project has two stair penthouses projecting 11 feet and the allowance is 10 feet; therefore, the project must be modified accordingly. Future submittals must ensure that projecting volume heights above the roof line are properly designed to meet the exception provisions of the Planning Code under Section 260 (b).

13. **Shadows.** Planning Code Section 295 requires that a shadow analysis be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Department. Department staff has prepared a shadow fan that indicates the project may cast new shadow on Patricia's Green. A cumulative shadow analysis that was prepared for a proposed tower at 1540 Market Street also modeled the shadow impacts of development on the Octavia Street Freeway Parcels including Parcels M and N. This cumulative study confirmed that development on the subject property would result in shadow impacts to Patricia's Green. However, the comprehensive shadow analysis was modeled using generic massing for development on the subject property. Therefore, a detailed shadow analysis would need to be prepared based on the proposed building form, in accordance with the Department's "Shadow Analysis Procedures and Scope Requirements." The sponsor should explore sculpting of the upper portions of the project (including size and placement of rooftop appurtenances) to minimize casting new shadows on the park. As part of the entitlement process

for the project, the Recreation and Park Commission and the Planning Commission will need to consider whether the shadow cast by the project would be adverse to the use and enjoyment of Patricia's Green.

As of July 2014, the Planning Department has developed the "Shadow Analysis Procedures and Scope Requirements," a document with specific guidelines for projects sponsors and consultants regarding the preparation of shadows analysis that will meet both code and environmental planning regulations. The shadow analysis can be used to meet both Section 147 and Section 295 requirements. Such guidelines can be found on the San Francisco Planning Department website at: <http://www.sf-planning.org/index.aspx?page=2471#s>. Additionally, projects subject to Section 295 would have to submit an application for Shadow Analysis which can be found on the San Francisco Planning Department website at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8442>.

14. **Inclusionary Housing.** 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, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. If provided on-site, the project must designate 12% of the units as affordable, for a round up total of 4 units, 2 for each building.

If a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Department that the affordable units are either: 1) ownership only or 2) 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: (a) direct financial construction from a public entity, or (b) development bonus or other form of public assistance. A Costa Hawkins exception agreement is drafted by the San Francisco City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to the Director of Current Planning. If the project is deemed eligible, the Department may start working with the City Attorney on the agreement.

15. **Fees.** This project is subject to several categories of impact fees, as specified in Article 4 of the Planning Code, including:
 - a. Market and Octavia Affordable Housing Fee. Per Planning Code Section 416, the project will be subject to the Market and Octavia Affordable Housing Fee.
 - b. Market and Octavia Community Improvement Fund. Per Planning Code Section 421, the project will be subject to the Market and Octavia Community Improvement Impact Fee. A project sponsor may also propose to directly provide community improvements to the city that are consistent with the Market and Octavia Area Plan. In this case, the City may

