



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 9, 2014
TO: Lawrence Badiner, Badiner Urban Planning
FROM: Rick Cooper, Planning Department
RE: PPA Case No. 2014.0376U for 2918-2924 Mission Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Elizabeth Purl, at (415) 575-9028 or elizabeth.purl@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, appearing to read "Rick Cooper".

Rick Cooper, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: May 10, 2014
Case No.: **2014.0376U**
Project Address: 2918-2924 Mission Street
Block/Lot: 6529/002, 002A, 003
Zoning: Mission Neighborhood Commercial Transit (NCT) District
65B, 45X, and 55-X Height and Bulk Districts
Area Plan: Eastern Neighborhoods, Mission Area Plan
Project Sponsor: Lawrence Badiner, Badiner Urban Planning, Inc.
415-865-9985
Staff Contact: Elizabeth Purl – 415-575-9028
elizabeth.purl@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, 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 includes demolition of an existing one-story commercial building and surface parking lot and construction of an approximately 44,400-square-foot (sf), six-story, mixed-use (residential-over-ground floor commercial) building with 38 dwelling units and approximately 7,400 sf of commercial space. The project site is located on Mission Street between 25th and 26th Streets; a portion of the project site is a through-lot with frontage on Osage Alley. The building would include 18 two-bedroom units, 18 one-bedroom units, 2 studio units, private terraces on the second and fifth floors, and a common open space terrace (772 sf) on the fifth floor; some units would also have private balconies. The ground floor commercial space would be subdivided into two commercial spaces, one measuring approximately 2,300 sf and the other measuring approximately 5,000 sf. The project would include 16 off-street vehicular parking spaces, with some in stackers, on the ground floor. The garage entry would be located off Osage Alley at the rear of the site.

ENVIRONMENTAL REVIEW:

Community Plan Exemption

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

The proposed project is located within the Mission subarea of the Eastern Neighborhoods Area Plan, which was evaluated in Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR, certified in 2008.¹ Since the proposed project is consistent with the development density identified in the area plan, it is eligible for a community plan exemption (CPE). Within the CPE process, there can be three different outcomes as follows:

- 1. CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in *the Eastern Neighborhoods Rezoning and Area Plans Final EIR ("Eastern Neighborhoods 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 Eastern Neighborhoods FEIR* are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the CPE certificate fee (currently \$7,402); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
- 2. CPE + Focused Initial Study/Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in *the Eastern Neighborhoods FEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by *the Eastern Neighborhoods FEIR*, with all pertinent mitigation measures and CEQA findings from *the Eastern Neighborhoods FEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
- 3. CPE + 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 certificate is prepared to address all other impacts that were encompassed by *the Eastern Neighborhoods FEIR*, with all pertinent mitigation measures and CEQA findings from *the Eastern Neighborhoods FEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,339); (b) the standard environmental evaluation fee

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

(which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.

In order to begin formal environmental review, please submit an Environmental Evaluation Application. See Page 2 of the Fee Schedule for calculation of environmental application fees.

****Note: Until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.****

Below is a list of topic areas that could require additional study based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) Submittal:

1. **Transportation/ Circulation.** Based on the Planning Department's transportation impact analysis guidelines, the project would potentially add approximately 158 PM peak hour person trips. A transportation study is not anticipated. However, an official determination will be made subsequent to submittal of the Environmental Evaluation Application. The Planning Department's Transportation subgroup has reviewed the proposed development plan and made the following comments and suggestions:
 - Consider retail loading from Osage Alley or from the parking garage so as not to interfere with Muni operations on Mission Street.
 - Show existing curb cuts on the site plan, including dimensions, Show sidewalks as well.
 - Include the Mission Street curb cut closure as part of the project and show closure on project plans.
 - Consider providing no parking, given the project site's proximity to the 24th Street BART station and local transit and bicycle routes.
 - Include Class 1 and Class 2 bicycle parking spaces on plans. Coordinate with MTA regarding placement of Class 2 spaces.
2. **Air Quality.** The project includes demolition of an existing 5,500-sf, one-story commercial building and the construction of a 44,400-sf, six-story building with retail space on the ground floor and residential units above. The proposed project's 38 dwelling units are below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants.² However, detailed information related to the amount (in cubic yards) of excavation must 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 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

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

Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

In addition, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. The proposed project is within an Air Pollutant Exposure Zone and includes sensitive land uses (i.e., dwelling units). Therefore, exhaust reduction measures during construction and enhanced ventilation measures as part of building design will likely be required. Enhanced ventilation measures will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.³

If the project would generate new sources of toxic air contaminants including, but not limited to, diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Given the proposed project's height of 64 feet, the proposed project probably would not require a backup diesel generator; however, if one is included, additional measures would likely be necessary to reduce its emissions. Detailed information related to any proposed stationary sources must be provided with the Environmental Evaluation Application. During the environmental review process, the project will be screened for potential air quality impacts to identify applicable mitigation measures from the Eastern Neighborhoods FEIR.

- 3. Greenhouse Gases.** The 2010 CEQA Air Quality Guidelines provide CEQA thresholds of significance for greenhouse gas (GHG) emissions. On August 12, 2010, the San Francisco Planning Department submitted to the BAAQMD a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions. This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy. The BAAQMD reviewed San Francisco's GHG reduction strategy and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010).⁴ Therefore, projects that are consistent with San Francisco's GHG reduction strategy would result in less-than-significant GHG emissions.

In order to facilitate a determination of compliance with San Francisco's GHG reduction strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The project sponsor will be required to submit a completed checklist as part of the environmental review process. A copy of the checklist can be downloaded at:

[http://sfmea.sfplanning.org/Table%20Private%20Development%20projects Revised 09042013.doc](http://sfmea.sfplanning.org/Table%20Private%20Development%20projects%20Revised%2009042013.doc)

- 4. Noise.** The project site is located in an area where traffic-related noise exceeds 60 dBA Ldn (a day-night averaged sound level). The *Eastern Neighborhoods FEIR* identified a number of noise mitigation measures applicable to construction as well as siting noise-sensitive (e.g., residential) land uses in

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

⁴ San Francisco's Strategies to Address Greenhouse Gas Emissions and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=1570>. Accessed February 5, 2014.

areas that are substantially affected by existing noise levels. The following measures would apply to the proposed project.

Mitigation Measures F-1 and F-2 (Construction Noise) would reduce construction-related noise impacts. *Mitigation Measure F-1* applies to pile driving activities and would require that piles be pre-drilled. *Mitigation Measure F-2* would require construction projects near noise sensitive land uses to implement noise attenuation measures. The project sponsor would be required to submit a plan that outlines the noise attenuation measures to be implemented during the construction phase. The plan must be submitted to the Department of Building Inspection (DBI) for review and approval prior to the issuance of any construction or demolition permit.

Mitigation Measure F-3: Interior Noise Levels requires that the project sponsor conduct a detailed analysis of noise reduction requirements for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). *Mitigation Measure F-3* would apply to the proposed project, as the project site is located in an area where ambient noise levels exceed 60 dBA. Noise insulation features identified and recommended in the analysis must be included in project design to reduce potential interior noise locations to the extent feasible.

Mitigation Measure F-4: Siting of Noise-Sensitive Uses would apply, as the project sponsor is proposing to site residential uses in an area that exceeds 60 Ldn noise levels. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would require the sponsor to prepare an acoustical study that identifies potential noise-generating uses within 900 feet of, and having a direct line-of-sight to, the project site and include at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes. The study should include any recommendations regarding building design to ensure that the interior noise environment meets Title 24 Building Code acoustical requirements. This study must be completed during the environmental review process for inclusion in the environmental document.

Mitigation Measure F-5: Siting of Noise-Generating Uses may also apply to the proposed project because the project may include commercial or retail uses that would be expected to generate noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average, in the project site vicinity. A noise analysis should be prepared that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including 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 the proposed use would comply with the use compatibility requirements in the General Plan and in Police Code Section 2909I, would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use.

Mitigation Measure F-6: Open Space in Noisy Environments would apply to the proposed project as it includes new development of a noise-sensitive use. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise

sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles or urban design.

5. **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with building construction, including excavation in the area of the proposed garage that would reach a depth of approximately 8 feet below grade. The project site is located within an area where no previous archeological survey has been prepared. The *Eastern Neighborhoods FEIR* noted that CRHR-eligible archeological resources are expected to be present within existing sub-grade soils of the Plan Area and the proposed land use policies and controls within the Plan Area could adversely affect significant archeological resources.

The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the Eastern Neighborhoods Rezoning and Area Plans FEIR that would require for the proposed project either Preliminary Archeological Review (PAR) conducted in-house by the Planning Department archeologist or the preparation of a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant subject to the review and approval by the Department archeologist. In almost all cases, the project sponsor would choose the PAR process. The PAR will first determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc., second, whether or not the project site is located in an area of archeological sensitivity and, third, what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to the PAR process is the availability of geotechnical or soils characterization studies prepared for the project. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project.

Alternatively, preparation of a PASS would require the project sponsor to retain the services of a qualified archeological consultant from the Planning Department's rotational Qualified Archeological Consultants List (QACL). The project sponsor must contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The complete QACL is available at:

http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf.

The Preliminary Archeological Sensitivity Study (PASS) should include the following:

- a. Describe the historical uses of the project site based on any previous archeological documentation and Sanborn maps;
- b. Determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the CRHR;
- c. Determine if the 19th or 20th century soils-disturbing activities may have adversely affected the identified the potential archeological resources;

- d. Assess potential project effects in relation to the depth of any identified potential archeological resources; and
- e. Conclude with an assessment of whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the PAR or the PASS, the Department archeologist will determine if and what additional measures are necessary to address potential effects of the project to archeological resources. These measures may include implementation of various archeological mitigations such as accidental discovery, archeological monitoring, and/or archeological field investigations. In cases of potential higher archeological sensitivity, preparation of an Archeological Research Design/Treatment Plan (ARD/TP) by an archeological consultant from the QACL may be required.

6. **Historic Resources.** The commercial building at 2918-2922 Mission Street was constructed in 1924. It was included in the *South Mission Historic Resource Survey* and was given a rating of 6Z, indicating that the property is ineligible for National Register, California Register of Historical Resources (CRHR), or local designation through survey evaluation. As such, the building would not be considered a historic resource pursuant to California Environmental Quality Act (CEQA), and this topic will not require further evaluation as part of the proposed project's environmental review.
7. **Hazardous Materials.** The proposed project could include over 50 cubic yards of excavation for construction of the proposed garage. The project site is within the City's mapped Maher Ordinance area (Article 22A of the San Francisco Health Code). Therefore, the proposed project is subject to the requirements of the Maher Ordinance. This 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 sponsors of projects subject to the Maher Ordinance complete a Maher application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. DPH fees for their 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.

Eastern Neighborhoods FEIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials would be applicable to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous

materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (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 its age, lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to demolition of buildings that may contain lead paint.

8. **Shadow Study.** The proposed project would include the construction of a building greater than 40 feet in height. A preliminary shadow fan analysis has been prepared by Planning Department staff that indicates that the proposed project would not cast shadows on recreational resources. Therefore, no shadow study is required.
9. **Wind Study.** The proposed project would not involve construction of a building over 80 feet in height. Therefore, a wind study is not required to be prepared for the project.
10. **Stormwater.** Because the proposed project would result in a ground surface disturbance of 5,000 sf or more, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems OR (b) stormwater treatment for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.
11. **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 size of the trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Planting and Protection Checklist* with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
12. **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 labels upon request during the environmental review process.

If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a CPE with a Focused Initial Study/EIR. A CPE and a CPE plus a Focused Initial Study/Mitigated Negative Declaration can be prepared by Planning Department staff, but a CPE with a Focused Initial Study/EIR would need to be prepared by a consultant on the Planning Department's environmental consultant pool list:

http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf

PLANNING DEPARTMENT APPROVALS:

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

1. **Conditional Use Authorization** from the Planning Commission would be required per Planning Code Sections 121.1 (new construction on a large lot) and 271 (special exception from the bulk limit). The necessary findings for each requirement are discussed further under the 'Preliminary Project Comments' section below.
2. A **Variance** from Planning Code Sections 135 (useable open space), 140 (dwelling unit exposure), and 155.1 (bicycle parking) is required from the Zoning Administrator. The required variances are discussed in the 'Preliminary Project Comments' below. Given that the proposal is for new construction, you are encouraged to modify the project to eliminate the need for each variance.
3. A **Building Permit Application** is required for the demolition of the existing building on the subject property.
4. A **Building Permit Application** is required for the proposed new construction on the subject property.

All applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, or online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

This project is required to conduct a **Pre-Application Meeting** with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application Meeting packet, which includes instructions and template forms, is available at www.sfplanning.org under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Resource Center" tab.

PRELIMINARY PROJECT COMMENTS:

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

1. **Development of Large Lots in Neighborhood Commercial Districts.** Planning Code Section 121.1 outlines the requirements for new construction on large lots within Neighborhood Commercial Zoning Districts. Within the Mission NCT Zoning District, new construction projects on lots larger than 10,000 sf are required to obtain Conditional Use Authorization from the Planning Commission. To obtain authorization, in addition to finding the project both necessary and desirable, the Planning Commission must also make the following findings:
 - a. The mass and façade of the proposed structure are compatible with the existing scale of the district.
 - b. The façade of the proposed structure is compatible with the design features of adjacent façades that contribute to the positive visual quality of the district.
2. **Open Space – Residential.** Planning Code Section 135 requires 80 sf of open space (private or common) for each dwelling unit. Additionally, any such open space must meet the dimensional requirements of subsections (f) and (g). The current proposal provides sufficient private open space for 28 units and common open space for 9 units. The variance is required for one unit. Please revise the plans accordingly to eliminate the variance request.
3. **Permitted Obstructions.** The submitted rendering illustrates bay windows at the rear of the building that provide no headroom between the second story's deck and the third story bay. Please revise the bays so that they provide a minimum headroom of 7.5 feet, as required by Planning Code Section 136(c)(3).
4. **Standards for Bird Safe Buildings.** The proposal will be subject to Planning Code Section 139, Standards for Bird Safe Buildings. Please note the Feature Related requirements under subsection (c)(2) that apply to certain unbroken glazed segments 24 sf or larger in area.
5. **Street Trees.** For new construction projects, Planning Code Section 138.1 requires one street tree for every 20 feet of frontage, and an additional tree for any remainder of frontage greater than 10 feet. The subject property has 120 feet of frontage on Mission Street and 54.75 feet of frontage on Osage Street, thereby requiring installation of nine trees. Such trees must comply with the following requirements of Planning Code Section 138.1 or seek a waiver from the Zoning Administrator:
 - a. Comply with Public Works Code Article 16, and any other applicable ordinances;
 - b. Be suitable for the site;
 - c. Be a minimum of 24-inch box size along each street or alley, and located either within a setback area on the lot or within the public right-of-way along such lot;

- d. Provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;
- e. Be watered, maintained and replaced if necessary by the property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code, and compliant with applicable water use requirements of Chapter 63 of the Administrative Code;
- f. Have a minimum 2 inch caliper, measured at breast height;
- g. Branch a minimum of 80 inches above sidewalk grade;
- h. Be planted in a sidewalk opening at least 16 sf and have a minimum soil depth of 3 feet 6 inches; and
- i. Include street tree basins edged with decorative treatment, such as pavers or cobbles. Edging features may be counted toward the minimum sidewalk opening if they are permeable surfaces as defined in Planning Code Section 102.33.

Currently, the proposed project does not provide any street trees. Please revise the site plan to comply with this requirement and include the above specifications. Existing trees, if present on the project site, would apply towards the street tree requirement, and the existing tree located on the southeast corner of the site may satisfy the requirement for one of the nine street trees. Selection of street trees by sponsor should refer to the upcoming street palette in the Mission Street Public Life Plan (to be issued in Summer 2014). Please contact Ilaria Salvadori (415-575-9086) for any questions or visit <http://missionpublic.sfplanning.org> for updates. In addition, please review the site plan with the Department of Public Works (DPW) and obtain an "Interdepartmental Referral for Feasibility of Tree Planting or Removal" prior to submittal of the first entitlement.

6. **Exposure.** Planning Code Section 140 outlines requirements for all dwelling units to have a window that faces a street, rear yard, or open area that is no less than 25 feet in every horizontal direction. Currently, the proposed project includes units along the southern property line that do not comply with this requirement, as they face an open area approximately 10 feet by 25 feet. Therefore, the project is required to obtain a variance from Planning Code Section 140. The Department recommends revising the unit layout to eliminate the need for this variance.
7. **Bicycle Parking.** Planning Code Section 155.2 outlines requirements for Class 1 and Class 2 bicycle parking spaces for mixed use developments. The proposed project is required to provide one Class 1 bicycle parking space for every dwelling unit, and at least one Class 2 bicycle parking space for every twenty dwelling units. In addition, the ground floor commercial space will also be required to provide at least three Class 2 bicycle parking spaces, with one additional bicycle parking space for each 2,500 sf of occupied floor area. Therefore, the project is required to provide 38 Class 1 bicycle parking spaces and five Class 2 bicycle parking spaces.

Please identify the location and number of bicycle parking spaces, and confirm compliance with this requirement.

8. **Unbundled Parking.** Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street parking spaces accessory to residential uses shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.
9. **Bulk.** The subject property is within a “B” bulk district for the first 58.75 feet of depth from Mission Street. Per Planning Code Section 270, any massing above a height of 50 feet must be reduced to a maximum length of 110 feet and a maximum diagonal dimension of 125 feet. As proposed, the project exceeds these limitations and requires an exemption through Conditional Use Authorization per Planning Code Section 271. As an alternative to the Conditional Use request, consider revising the stairwell on the northern property line so that it is included into the permitted volume. Please be advised that the Planning Commission will review the proposed exception against the following criteria:
- a. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - i. Major variations in the planes of wall surfaces, in either in depth or direction, that significantly alter the mass;
 - ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - iii. Differences in materials, colors or scales of the façades that produce separate major elements;
 - iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
 - v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.
 - b. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
 - i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
 - ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

- iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
 - iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.
- c. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Given the context of the proposed site, you are encouraged to propose a high quality design that will enhance the pedestrian realm and respond to the massing and scale of adjacent properties, as well as the broader neighborhood context.

10. **Shadow.** Planning Code Section 295 outlines requirements for projects with a height exceeding 40 feet that cast shadows on property under the jurisdiction of the Recreation and Parks Commission. Based upon an initial shadow study, the proposed project would not impact any properties subject to Planning Code Section 295.
11. **Neighborhood Notification.** Per Planning Code Section 312, neighborhood notification will be required, since the proposal involves new construction within the Mission NCT Zoning District.
12. **Transit Impact Development Fee (TIDF).** Pursuant to Planning Code Section 411 et seq., the Transit Impact Development Fee will apply to the non-residential uses of this project. Please be aware that an ongoing process – the Transportation Sustainability Program – may eventually replace the Transit Impact Development Fee. You can find more information about this program here: <http://www.sf-planning.org/index.aspx?page=3035>
13. **Inclusionary Affordable Housing.** Planning Code Section 415 outlines the requirement for inclusionary affordable housing as part of any housing project constructing ten or more dwelling units within the Mission NCT Zoning District. If provided on-site, twelve percent of the units, or 5 units, would be required to be affordable housing. If provided off-site, twenty percent of the units would be required to be affordable housing. An applicant may also elect to pay a fee to satisfy this requirement.

The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419,' 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.

For your information, 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 Planning 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:

- direct financial construction from a public entity
- development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the 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, we may start working with the City Attorney on the agreement.

- 14. Priority Processing.** Please be advised that in response to the *Mayor's Executive Directive 13-01* the Planning Department now facilitates priority processing for market-rate projects that include at least 20 percent on-site below-market-rate units (eight units for this proposal) or 30 percent off-site below-market-rate units. Priority processing for these housing projects will be the highest of the priority processed projects, excepting 100-percent affordable projects, and will have a target timeline of one week for application assignment and two weeks for application review. The project's obligations with respect to affordable housing shall be memorialized as Conditions of Approval and shall be recorded as a Notice of Special Restrictions with the County Recorder's Office in a form approved by the Zoning Administrator.

An application for Priority Application Processing must be filed prior to the submittal of the associated permit and/or entitlement applications. Please review Director's Bulletin No. 2 (Priority Processing Bulletin) to obtain an application and review the procedures.

- 15. Eastern Neighborhood Area Plan Impact Fees.** Planning Code Section 423 outlines the requirements for development impact fees for projects located within the Eastern Neighborhoods Area Plan. For the purposes of impact fee calculation, all three parcels are classified as "Tier 1" (see San Francisco Planning Department's Property Information Map). These fee amounts are subject to annual review by the City Controller, and may be subject to change. The Eastern Neighborhood Area Plan Impact Fee shall be paid before the City issues a first construction document. The impact fee register is regularly updated and can be found on DBI's website at:

<http://www.sfdbi.org/index.aspx?page=617>

Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. This process is further explained in Section 412.3(d) of the Planning Code. More information on in-kind agreements can be found in the Application Packet for In-Kind Agreements on the Planning Department website.

- 16. First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct more than ten dwelling units. For more information, 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
415-581-2303

PRELIMINARY DESIGN COMMENTS:

The project is located in the Mission District in a mixed-use area with ground level commercial uses with one- to five-story buildings. The nearby ground levels are primarily retail with windows and entries displayed in deep masonry openings. The higher residential façades often include vertical windows or bays. The subject property neighbors a school and a service alley adjacent to residential backyards. The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends that the project include common or public open space to support the public realm. The Planning Department also supports stepping the alley side of the project to the appropriate contextual scale to further establish the rear yard open space.
2. **Parking and Access.** The garage entry width should be a maximum of 10 feet.
3. **Architecture.** The Planning Department recommends that the building have a clear three-dimensional architectural idea. Sides of the building should be designed thoughtfully as they will be evident in the near term.

The Planning Department suggests that the design of the ground floor be compatible with the predominant pattern of commercial entries and façades along this section of Mission Street. These façades are more solid in texture with punctuated entries or openings and layered with program, arcades, or a variety of articulated planes.

The Planning Department suggests that the project sponsor develop a mural on the alley to enliven the space adjacent to a school, improve the garage entry, and discourage graffiti.

CITYWIDE POLICY ANALYSIS:

1. **Mission Street Public Life Plan.** The proposed project is part of the Mission Street corridor and is being studied in the Mission Street Public Life Plan (available at: <http://missionpublic.sfplanning.org>). This community-based effort will identify new opportunities for gathering spaces along the corridor while supporting upcoming transit services (MTA Transit Effectiveness Project) and will promote local art and business as expressions of the unique identity of the street. The plan will produce a streetscape palette to guide streetscape improvements along the corridor. Staff will contact project sponsors as the plan is developed to discuss ways in which a project could consider adding the proposed streetscape improvements.

2. **Land Use - Eastern Neighborhoods, Mission Area Plan.** The Mission Area Plan of the Eastern Neighborhood Plan promotes a wide range of uses to create a livable and vibrant neighborhood. On the Mission Street corridor, the plan encourages transit-oriented neighborhood commercial uses with housing and/or small offices above, and relaxed density and parking requirements to acknowledge the availability of transit service in this area. As a residential project with ground floor commercial space, the proposed project is consistent with this plan. The project meets the following policies of the Mission Area Plan: Policies 1.1.3, 1.2.2, 2.3.3, and 2.4.2; and Objective 4.3. Further information about the Mission Area Plan can be found here:

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=2321>

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 **November 9, 2015**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Robert R. Tillman, RRTI, Inc., Property Owner
Lawrence Badiner, Badiner Urban Planning, Project Sponsor/Applicant
Brittany Bendix, Current Planning
Ilaria Salvadori, Citywide Planning and Analysis
Maia Small, Design Review
Jerry Robbins, MTA
Jerry Sanguinetti, DPW