



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 29, 2014
TO: Marc Dimalanta, (Dscheme Studio)
FROM: Elizabeth Watty, Planning Department
RE: PPA Case No. 2014.0428U for 5 Shipley Street (aka 935 Folsom 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 planner, Chris Townes, at (415) 575-9195 or Chris.Townes@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 "EWatty", written over a horizontal line.

Elizabeth Watty, Assistant Director of Current Planning



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: May 29, 2014
Case No.: 2014.0428U
Project Address: 5 Shipley Street (aka 935 Folsom Street)
Block/Lot: 3753/314
Zoning: MUR (Mixed Use Residential)
Special Use Districts: Youth and Family
Height & Bulk District: 45-X
Area Plan: Central SoMa Plan (Draft)
Project Sponsor: Marc Dimalanta (Dscheme Studio)
(415) 252-0888
Staff Contact: Chris Townes – (415) 575-9195
Chris.Townes@sfgov.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The proposal is to construct a new four-story, 17-unit, mixed-use residential building with two ground floor residential/commercial "flex" units with mezzanines. The subject property is located at the northeast corner of Shipley Street (alley) and Falmouth Street (alley). The project includes nine, at-grade, off-street mechanical-lift system parking spaces accessed from Shipley Street. The existing vacant, rectangular-shaped parcel measures approximately 90 feet in depth by 60 feet in width and occupies approximately 5,444 square feet in area. The northernmost 20 feet of the subject property serves as a parking easement for the immediately adjacent Fire Station parking lot.

ENVIRONMENTAL REVIEW:

The proposed project is subject to environmental review under the California Environmental Quality Act (CEQA). On November 10, 2011, a Final Environmental Impact Report for the San Francisco Museum of

Modern Art Expansion/Fire Station Relocation and Housing Project¹ (further referred to as "FEIR") was certified by the Planning Commission. This previous project analyzed the potential environmental impacts for the Museum of Modern Art Expansion, the relocation of Fire Station No. 1 and the creation of a housing development at 935 Folsom Street. The residential development analyzed within the FEIR included an approximately 43-foot tall, multi-family residential building, providing up to 13 dwelling units, 1,040 square feet of open space, and 5,550 square feet of garage space providing 10 off-street parking spaces. Access to parking would be via Falmouth Street, and a 20-foot easement would be located between the Fire Station and the residential development. The project was estimated to require approximately 10 feet of excavation.

Since the certification of the FEIR, the development proposal at 935 Folsom Street has been modified ("modified project"). These changes include an additional four residential units, a height increase to 45 feet (49 feet to the roof parapet), and a change in unit type composition. Since the modified project would increase the number of dwelling units analyzed in the FEIR from 13 dwelling units to 17 dwelling units, with 2 units proposed as "flex space" providing residential or commercial space, additional environmental analysis for the modified project will be required. Regarding the "flex space" the environmental review will analyze the most intensive or sensitive use, i.e. "commercial" for transportation and "residential" for noise and air quality review. If it is determined that the previous FEIR adequately addressed the environmental effects of the modified project, an Addendum to the FEIR would be issued. If it is determined the environmental effects were not adequately addressed, a new environmental document would be required. In either case, the modified project would be required to incorporate applicable mitigation measures identified in the FEIR including mitigation measures addressing project impacts related to cultural resources, noise, air quality and hazardous materials.

In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)**. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. See page two of the current *Fee Schedule* for calculation of Environmental Evaluation Application fees. **Please note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Planning Coordinator.** Below is a list of topic areas that may require additional study based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated March 21, 2014.

- a. **Shadow Fan Analysis.** The modified project would result in construction of a building greater than 40 feet in height. A shadow fan analysis was prepared as part of the FEIR. Although the proposed building analyzed in the FEIR was 43 feet in height, the shadow fan study performed for the project was based on a height of 45 feet. The Initial Study, prepared as part of the FEIR, indicates that the proposed residential structure would not cast shadow on any properties under the jurisdiction of the Recreation and Park Commission, and therefore, would be in compliance with Planning Code Section 295. Additionally, a shadow fan study was prepared for the modified project and confirms the FEIR analysis that the project would not cast shadows on surrounding Planning Code Section 295

¹ San Francisco Planning Department. *San Francisco Museum of Modern Art Expansion/ Fire Station Relocation and Housing Project*. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2010.0275E.

properties or neighboring privately-owned public open space (POPOS), thus no further shadow analysis is required.

- b. **Air Quality.** The modified project at 5 Shipley Street (aka 935 Folsom Street) would involve the construction of 17 residential dwelling units, which is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.²

The project analyzed within the FEIR identified Mitigation Measure AQ-6 to address the significant and unavoidable impacts of the project related to the exposure of sensitive receptors to substantial pollutant concentrations and a considerable contribution to cumulatively significant levels of PM_{2.5} and toxic air contaminants. Since the modified project site is within 20 feet of existing residential dwelling units, Mitigation Measure AQ-6 would be required during the construction of the modified project. Mitigation Measure AQ-6 requires the use of Tier 3 (Tier 2 if greater than 750 hp) diesel engines or better and Tier 4 diesel generators during construction.

In addition, project-related 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 on-site 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 modified project would be required to comply with applicable dust control requirements outlined in the Ordinance.

Additionally, Health Code Article 38, approved November 25, 2008, requires that for new residential projects of 10 or more units located in proximity to high-traffic roadways (as mapped by DPH) an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthful levels of PM_{2.5}. If the evaluation determines that PM_{2.5} concentrations exceed the action level identified in Article 38, the project must be designed and constructed with an enhanced ventilation system capable of removing PM_{2.5} from habitable areas.

- c. **Greenhouse Gas Analyses.** The FEIR analyzed potential impacts associated with GHG emissions and determined that the project would result in a less-than significant impact with respect to GHG emissions. Potential environmental effects related to greenhouse gas (GHG) emissions from the modified project need to be addressed in a project's environmental evaluation. The project sponsor would be required to submit a completed GHG Compliance Checklist Table 1 for Private Development Projects³ demonstrating that the project is in compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would

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

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

comply with San Francisco's Greenhouse Gas Reduction Strategy.⁴ The project sponsor will be required to submit a completed checklist as part of the environmental review process.

- d. **Hazardous Materials.** Since publication of the FEIR, the project site is now located within the Maher area and is subject to Article 22A of the Health Code. The modified project would construct 17 residential dwelling units on a formally industrial site. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the Project Sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as, remediation of any site contamination may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the Ordinance would apply. Please refer to DPH's Fee Schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>.

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

- e. **Noise.** The FEIR included several mitigation measures related to noise. The project may be required to comply with *Mitigation Measure NO-2b* which addresses periodic increases in ambient noise levels and vibrations, as a result of construction related activities. This mitigation measure requires notification to neighboring properties, the use of noise control techniques and tools, and limits some construction activities to the hours of 7:00 am to 8:00 pm. The Project Sponsor must also prepare a vibration impact assessment which is required to be submitted to the Planning Department, for review and approval prior to issuance of grading permits. Please see the FEIR for the complete Mitigation Measure.

Additionally, the FEIR identified *Mitigation Measure NO-3* which is applicable to the modified project. This mitigation measure requires the Project Sponsor to prepare a detailed final acoustical analysis report and incorporate noise reduction requirements within the design plan of the proposed multi-family development. Mitigation Measure NO-3 also addresses the siting of noise sensitive uses and open space in noisy environments. These sections of the mitigation measure would apply to the modified project and are summarized below.

FEIR Noise Mitigation Measure: Siting of Noise-Sensitive Uses is intended to reduce potential conflicts between existing noise-generating uses and new sensitive receptors. This measure would apply to the modified project because the project includes a noise-sensitive use (residential). This mitigation

⁴ City and County of San Francisco. *Strategies to Address Greenhouse Gas Emissions*. Available online at: http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf

measure requires that a noise analysis be prepared prior to the first project approval action. The mitigation measure requires that such an analysis include, at a minimum, a site survey to identify potential noise-generation uses within 900 feet of, and that have a direct line-of-sight to, the project site. At least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes) shall be included in the analysis. The analysis shall be prepared by person(s) qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.

FEIR Noise Mitigation Measure: Open Space in Noisy Environments would apply to the modified project as it includes noise-sensitive uses. 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. Noise studies would be required to be completed during the environmental review process.

- f. **Historical Resources.** As part of the Project Description analyzed within the FEIR, the demolition of the historic resource at 935 Folsom Street resulted in a significant and unavoidable impact. Since FEIR certification, that building has been demolished. There are no buildings on the subject site or in the immediate vicinity that qualify as potential historic resources and the site is not located within a potential historic district. Therefore, the modified project would not require any further review of historical resources.
- g. **Archeological Resources.** The FEIR concluded that with the implementation of *Mitigation Measure CP-2*, significant impacts related archeological resources would be reduced to less than significant. The modified project would be required to implement this mitigation measure. An outline of the full range of archeological responsibilities for which the Project Sponsor is obligated to implement can be found within the FEIR. The Project Sponsor must also select an archeological consultant from the rotational Environmental Planning Qualified Archeological Consultant List. This consultant must prepare a draft Archeological Testing Plan (ATP) that will require staff review and approval. It is likely that the ATP will be required to include a trenching or exposure strategy for historical archeological resources together with a coring program for potential prehistoric resources. To obtain a list of qualified consultants and to further scope the required ATP, please contact Randall Dean by email at Randall.Dean@sf.gov.
- h. **Transportation Impact Study.** Based on the Preliminary Project Assessment submittal, past transportation studies, and environmental review conducted for the development proposals at 5 Shipley Street (aka 935 Folsom Street), a transportation impact study is not anticipated. However, an official determination will be made subsequent to submittal of the Environmental Evaluation Application (EEA) and additional analysis has been conducted. After a preliminary review of the

modified project, staff Transportation Planners have recommended that the following be incorporated into the EEA and plans:

- Clearly describe how the site and access to the site was analyzed within the FEIR
 - Consider providing parking access from the existing driveway on Falmouth Street (easement) and closing the proposed driveway on Shipley Street. Please work with the San Francisco Fire Department to determine the feasibility and to discuss any potential conflicts with Fire truck staging
 - Provide further mechanical parking stacker detail
 - For easier access, consider relocating bicycle parking to the ground floor which may require the parking area to be reconfigured
- i. **Geotechnical.** Based on the State of California Department of Conservation, Division of Mines and Geology, the project site is located within a liquefaction zone. This topic was analyzed within the Initial Study of the FEIR, concluding that with the review of the project by the Department of Building Inspection (DBI), and implementation of relevant Building Code requirements, that the project would not require further evaluation related to geology and soils. As part of the review associated with the FEIR, a geotechnical report was completed. Upon submittal of an EEA, a memo confirming that the prior report is still valid and consistent with the modified project is required.
- j. **Flood Notification.** The project site appears to be underlain by artificial fill. Areas located on artificial fill or Bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and backups or flooding can occur near these streets or sewers. Applicants for building permits for new construction shall be referred to the San Francisco Public Utilities Commission (SFPUC) at the beginning of the environmental review process to determine whether the project would result in ground-level flooding during storms. The SFPUC will review the permit application and comment on the proposed application and the potential for flooding during wet weather.⁵ Please contact Cliff Wong at the San Francisco Public Utilities Commission at (415) 554-8339 in regards to this process.
- k. **Stormwater.** If the project results in a ground surface disturbance of 5,000 square feet or greater, it is subject to San Francisco's Stormwater Management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the Stormwater Management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) Reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *Stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program.

⁵ Refer to http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf

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>.

- l. **Tree Disclosure Affidavit.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of significant and landmark street trees located on private and public property. Any tree identified in this Disclosure Statement must be shown on the site plans with size of the tree trunk diameter, tree height, canopy drip-lines and canopy diameter. Please submit the Tree Disclosure Affidavit with the Environmental Evaluation Assessment Application and ensure trees are appropriately shown on the Site Plan.

- m. **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to on-site occupants, occupants of properties adjacent to the project site, and owners of properties within 300 feet of the project site. Mailing labels for this notice must be provided at the time of submittal of the Environmental Evaluation Application.

The Environmental Evaluation Application 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. To determine fees for environmental review, please refer to page one of our Fee Schedule, under "Studies for Projects outside of Adopted Plan Areas."

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. Note that the subject parcel is within the Central SoMa Plan area. The draft Plan was published in April 2013. The Central SoMa Plan process is anticipated to be completed by early 2015. The proposals in the draft Plan are subject to change and are contingent upon the eventual approval by the Planning Commission and Board of Supervisors.

1. **Rezoning.** The project site is located within the MUR (Mixed-Use Residential) District. The proposed residential dwelling use (occupying floors two through four) above the ground floor residential dwelling/commercial "flex" units is a principally permitted use. The proposed residential dwelling/commercial "flex" units located on the ground floor may be permitted as principally permitted residential dwellings with accessory commercial space subject to the limitations established in Planning Code Sections 204.1 and 803.3(b)(1)(C)(i) including, but not limited to, the requirement that the commercial floor area not exceed 1/3 of the total floor area of the dwelling unit. Pursuant to Planning Code Section 124(b), floor area ratio limits shall not apply to dwellings or to other residential uses in the Mixed Use Districts. The proposed commercial floor area complies with the maximum allowable floor area ratio. The zoning concepts included in the Central Corridor Draft Plan indicate that a reclassification to MUG (Mixed-Use General) is being considered for the subject site. The proposed uses are generally consistent with the zoning concepts outlined in the Central

Corridor Draft Plan. However, please note that the specific property development standards associated with the Central SoMa Plan have not yet been established.

2. **Variances.** As proposed, the project triggers multiple Variances within the Planning Code categories itemized below. Further detail regarding the nature of each Variance triggered is provided in the Preliminary Project Comments section of this report. The Planning Department generally encourages the applicant to study and seek alternatives that would eliminate the need for Variances which require Zoning Administrator review and approval.
 1. Obstructions
 2. Above-Grade Parking Setback
 3. Active Uses Required
 4. Open Space- Residential
3. **Conditional Use Authorization.** Pursuant to Planning Code Section 151.1 (Parking Spaces in Specified Districts), off-street accessory parking is not required for any use within the Eastern Neighborhood Mixed-Use District (which includes the existing MUR zoning district). The off-street parking requirements specified in Table 151.1 serve as the maximum amount of off-street parking that may be provided as an accessory use. Based on the parking provisions established in Table 151.1, a Conditional Use Authorization is required to allow the number of parking spaces to exceed one parking space per four dwelling units ($17\text{du's}/4 = 4.25$ or 4 parking spaces) up to .75 parking spaces per dwelling unit ($.75 \times 17 = 12.75$ or 13 parking spaces). With nine proposed parking spaces, the project exceeds the maximum that would be permitted "by-right" but is within the maximum number that may be permitted subject to the approval of a Conditional Use Authorization. The applicant may elect to modify the project plans by reducing the number of parking spaces to avoid the Conditional Use Authorization process or seek and justify a Conditional Use Authorization in accordance with Planning Code Section 303 (Conditional Uses).
4. **Shadow Analysis.** A preliminary shadow analysis performed by Department staff demonstrates that the proposed project would not cast shadows on any nearby property owned by the San Francisco Recreation and Park Department, therefore no further shadow analysis is required.
5. A **Building Permit Application** is required for the proposed new construction on the subject property.

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

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

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

PRELIMINARY PROJECT COMMENTS:

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

1. **Existing Zoning/Height and Bulk.** The subject property is located within the Mixed Use Residential (MUR) Zoning District, which allows for residential above ground floor commercial uses. It is located within a 45-X Height and Bulk district, which allows for the project's proposed height and bulk.
2. **Additional Height Limits for Narrow Streets and Alleys in Eastern Neighborhood Mixed Use District.** Pursuant to Planning Code Section 261.1, all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street. A "subject frontage" is defined as any building frontage in an RTO, NC, NCT or Eastern Neighborhood Mixed Use District that abuts a narrow street and that is more than 60 feet from an intersection with a street wider than 40 feet, therefore, both the Shipley Street building frontage and the Falmouth Street building frontage qualify as subject frontages. A "narrow street" is defined as a public right of way less than or equal to 40 feet in width, therefore, both Shipley Street (40-foot wide) and Falmouth Street (35-foot wide) qualify as narrow streets. With regard to the Shipley Street subject frontage, the proposed building height appears to comply with the additional height limit requirement. With regard to the Falmouth Street subject frontage, the proposed building height does not appear to comply with the additional height limit requirement, in that, the building height exceeds the maximum 43.75 foot height limit for the first 10 feet of building depth from the Falmouth Street property line. Since building height is not variable, the proposed building height is not eligible to apply for a Variance and must be modified to comply with the additional height limit requirement.
3. **Central SoMa Plan.** The subject property falls within the ongoing Central SoMa Plan study area generally bounded by 2nd, 6th, Townsend and Market Streets. The draft Plan, published in April 2013, will be evaluated in an Environmental Impact Report (EIR). The draft Plan will propose changes to the allowed land uses and building heights, and will include a strategy for improving the public realm in this area. The EIR, the draft Plan, and the proposed rezoning and affiliated Code changes are anticipated to be before decision-makers for approval in early 2015.
The draft Plan does not identify new height and bulk controls for the subject property. The draft Plan is available for download at <http://centralsoma.sfplanning.org>. *Further comments in this section of the PPA are based on the draft Plan concepts published to date.*
4. **Land Use.** The draft Plan recommends rezoning the subject property to the Mixed-Use General (MUG) zoning district, in which the proposed residential above ground floor residential/commercial

"flex" uses may be allowed. These uses are generally consistent with key objectives of the draft Plan. The proposed 1,720 square feet of ground floor residential/commercial "flex" use supports this vision of a mixed-use neighborhood.

5. **Accessory Uses.** The proposed residential dwelling use (occupying floors two through four) above the ground floor residential dwelling/commercial "flex" units is a principally permitted use. The proposed residential dwelling/commercial "flex" units located on the ground floor may be permitted as principally permitted residential dwellings with accessory commercial space subject to the limitations established in Planning Code Sections 204.1 and 803.3(b)(1)(C)(i) including, but not limited to, the requirement that the commercial floor area not exceed 1/3 of the total floor area of the dwelling unit. The floor plans currently lack sufficient detail to demonstrate compliance with the accessory use provisions.
6. **Eco-District.** An Eco-District is a neighborhood or district where residents, community institutions, property owners, developers, and businesses join together with city leaders and utility providers to meet sustainability goals and co-develop innovative projects at a district or block-level. The Planning Department has identified the Central SoMa Plan area as a Type 2 Eco-District. All major new development in the Plan area will be expected to participate in the Eco-District program and the Sustainability Management Association set up to guide it. Please see <http://www.sfplanning.org/index.aspx?page=3051> or contact Jonathan Swae at (415) 575-9069 for more information.
7. **Interdepartmental Project Review.** The subject property falls within a seismic hazard zone. An Interdepartmental Project Review is required for all proposed new construction in seismic hazard zones. An application is available in the Planning Department lobby at 1650 Mission Street, Suite 400 or at the Planning Information Center (PIC) at 1660 Mission Street and online at www.sfplanning.org.
8. **Open Space – Residential.** Planning Code Section 135 requires a minimum of 80 square feet of open space (if not publically accessible) per dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). Based on a total of up to 17 dwelling units, 1,360 square feet is required (17 du x 80 sf = 1,360 sf). As proposed, the project only provides a total of 1,200 square feet of non-publically accessible open space at the roof deck, and therefore, does not comply. The applicant may elect to modify the project plans to comply with minimum residential open space requirement or seek and justify a Variance pursuant to Planning Code Section 305.
9. **Obstructions.** Planning Code Section 136(c)(2),(3) establishes specific dimensional design criteria, as well as glazing area requirements for bay windows. As proposed, the bay windows do not appear to comply with the bay window dimensional and glazing area standards. The applicant may elect to modify the bay window standards to comply with the applicable Code section or seek and justify a Variance in accordance with Planning Code Section 305 (Variances) to allow the bay windows as proposed.
10. **Street Trees/Streetscape Plan.** Planning Code Section 138.1 outlines the requirements for streetscape and pedestrian improvements, including the requirement for new street trees. The project would be required to provide one street tree for every 20 feet of frontage for new construction with any

remaining fraction of 10 feet or more of frontage requiring an additional tree. Therefore, the project would be required to provide five street trees ($90'/20 = 4.5$ or 5) along Shipley Street and three street trees ($60'/20 = 3$) along Falmouth Street. Please consult with the Department of Public Works regarding the placement of the street trees. As proposed, the project satisfies the minimum number of street trees, however the project plans should be amended to demonstrate compliance with all applicable criteria, including specifying a typical 24-inch box size for street trees.

11. **Bird Safety.** Planning Code Section 139 outlines the standards for new construction to reduce bird mortality and bird hazards. Please refer to these standards to ensure compliance with the standards for bird-safe buildings.
12. **Street Frontage.** As new construction located within an Eastern Neighborhoods Mixed Use District, the proposed project would be subject to the street frontage requirements of Planning Code Section 145.1. As proposed, the project currently does not comply following subsections:
 - ***Above-Grade Parking Setback.*** Pursuant to Planning Code Section 145.1(c)(1), when three or more parking spaces are proposed, off-street parking at street grade must be setback at least 25 feet on the ground floor from any façade facing a street at least 30 feet in width. The proposed off-street parking area located at street grade facing Shipley Street (a 40-foot wide street) encroaches into the 25-foot required setback area. The applicant may elect to modify the project plans to comply or seek and justify a Variance to allow the ground floor parking area to encroach into the required 25-foot setback from the Shipley Street-facing façade.
 - ***Active Uses Required.*** Pursuant to Planning Code Section 145.1(c)(3), active uses are required within the first 25 feet of building depth on the ground floor from any façade facing a street at least 30 feet in width. The proposed off-street parking area located on the ground floor facing Shipley Street (a 40-foot wide street) does not qualify as an active use, and therefore, not permitted within the first 25 feet of building depth on the ground floor from the Shipley Street-facing façade. The applicant may elect to modify the project plans to comply or seek and justify a Variance to allow the proposed non-active off-street parking use within the first 25 feet of building depth from the Shipley Street facing façade.
13. **Parking.** Under the current MUR zoning district, as well as the potential new MUG zoning district under the Central Corridor planning process, there is no parking required. However, each of these zoning districts has parking maximums, which are listed in Planning Code Section 151.1. Within both the MUR and the MUG zoning districts, the maximum permitted number of parking spaces is one car for each four dwelling units. With 17 dwelling units, the maximum number of parking spaces permitted "by right" is four spaces ($17 \text{ dwelling units} / 4 = 4.25$ or 4 spaces). Within both the MUR and MUG zoning districts, the maximum number of parking spaces that may be permitted subject to the approval of a Conditional Use Authorization is .75 cars for each dwelling unit. Accordingly, the maximum number of parking spaces permitted subject to the approval of a Conditional Use Authorization is 13 spaces ($17 \text{ dwelling units} \times .75 = 12.75$ or 13 spaces). As proposed, the project includes nine mechanized parking spaces which may only be permitted subject to the approval of a Conditional Use Authorization.

It appears that the existing parking easement (effective February 19, 2013), which established off-street employee and visitor parking for the adjacent Fire Station within the northern-most 20 feet of the subject property, is located within the required rear yard of the subject property. Pursuant to Planning Code Section 155(n), off-street parking shall not occupy any required open space and may therefore, only be permitted subject to the approval of a Variance. Please submit any additional materials and/or documentation pertaining to this issue to Chris Townes (Tel: 415-575-9195, Email: Chris.Townes@sfgov.org) to assist in staff consideration of this matter further.

14. **Bicycle Parking.** Planning Code Section 155.2 requires this project to provide one Class I bicycle parking space per dwelling unit. With 17 dwelling units, 17 Class I bicycle parking spaces are required. The project plans depict 19 bicycle parking spaces in the bicycle storage mezzanine level. The proposed location conflicts with bicycle parking locational standards which require bicycle racks be located in highly visible areas on the ground floor within 100 feet of the major entrance to the lobby. The standards further require that direct access for bicycles be provided without requiring the use of stairs and the use of elevators to access bicycle parking spaces shall be minimized. Lastly, the bicycle parking spaces should be labeled as "Class I" bicycle parking spaces specifically and designed in accordance with the design standards for Class I bicycle parking spaces established in Zoning Administrator Bulletin #9 (see attached).
15. **Unbundled Parking.** Pursuant to Planning Code Section 167, all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more 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 units and the parking space.
16. **Affordable Housing.** Pursuant to Planning Code Section 415, any housing project which consists of ten or more dwelling units shall satisfy the Inclusionary Housing Program requirements outlined in Planning Code Section 415.3(b), Table 415.3. Table 415.3 provides alternatives which include payment of a 20% fee, providing 12% (of the total # of units) on-site as affordable, or 20% (of the total # of units) off-site as affordable. Please see Planning Code Section 415 for further Inclusionary Housing Program Code requirements which may also include submission of an Affidavit of Compliance to the Planning Department depending on the alternative sought. 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:

- a. Direct financial construction from a public entity

- b. 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.

17. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Section 423 et seq.
18. **Recycled Water.** The City requires property owners to install dual-plumbing systems for recycled water use in accordance with Ordinances 390-91, 391-91, and 393-94, within the designated recycled water use areas for new construction projects larger than 40,000 square feet. Please see the attached SFPUC document for more information.

PRELIMINARY DESIGN COMMENTS:

The subject property is located in the Central SoMA area in a neighborhood comprised of primarily one- to four-story residential buildings. The adjacent ground floor uses are garage and residential in nature. The architectural context includes vertical bay window elements in nearby residential buildings and a variety of material types. The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Site Design, Open Space, and Massing.** The current proposal describes the ground floor unit uses as residential/commercial "flex" spaces. Whether commercial or residential, all ground floor uses must present active uses to the street frontage for a depth of 25 feet. If the project decides to proceed with residential dwelling units at the ground floor, these dwelling units must comply with the Ground Floor Residential Design Guidelines referenced in Planning Code Section 145.1 which establishes specific design criteria, including a minimum 3-foot setback and elevated entries. If commercial, these units should provide direct access from the street and meet the visual transparency and fenestration street frontage requirements established in Planning Code Section 145.1.
2. **Parking and Access.** Pursuant to Planning Code Section 145.1, the parking area abutting Shipley Street is not considered an "active use", and therefore, not permitted within the first 25' of frontage. The Planning Department recommends limiting the quantity of parking spaces to the minimum allowed "by right" thereby eliminating the need for a Conditional Use Authorization and reconfiguring the parking area to provide additional "active" ground floor uses. The Planning Department also encourages the applicant to relocate the bicycle parking to the ground floor level to improve accessibility.
3. **Architecture.** The building is not sufficiently described for design review comments to be provided at this time.

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 29, 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.

Links: Neighborhood Group Mailing List

<http://www.sf-planning.org/index.aspx?page=2471#n>

Interdepartmental Project Review Application

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

Conditional Use Authorization Application

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=481>

Environmental Evaluation Application

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8253>

Variance Application

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=548>

Planning Bulletin #4: Review of Projects in Identified Areas Prone to Flooding

http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf

Planning Bulletin #9: Bicycle Parking Requirements: Design & Layout

[http://www.sf-](http://www.sf-planning.org/ftp/files/publications_reports/bicycle_parking_reqs/ExhibitC_ZAB.pdf)

[planning.org/ftp/files/publications_reports/bicycle_parking_reqs/ExhibitC_ZAB.pdf](http://www.sf-planning.org/ftp/files/publications_reports/bicycle_parking_reqs/ExhibitC_ZAB.pdf)

SFPUC Recycled Water Information Sheet

<http://www.sfwater.org/modules/showdocument.aspx?documentid=1293>

Tree Disclosure Affidavit

<http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>

cc: V Shipley LLC , Property Owner
Chris Townes, Current Planning
Laura Lynch, Environmental Planning
Maia Small, Design Review
Jonas Ionin, Planning Commission Secretary
Jerry Robbins, MTA
Jerry Sanguinetti, DPW