



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: June 30, 2014
Case No.: **2014.666U**
Project Address: 241 10th Street
Block/Lot: 3518/020,038
Zoning: Regional Commercial District (RCD)
Western SoMa
55-X
Area Plan: West SoMa
Project Sponsor: Sean Sullivan (JS Sullivan Development, LLC)
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DISCLAIMERS:

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

PROJECT DESCRIPTION:

The proposal is to demolish the existing 10,189 square foot car-rental office building and construct a new 5-story, 55-foot tall, 32-dwelling unit, mixed-use building. The existing building on the subject 9,000 sf lot was constructed in 1921. The project includes 24 accessory off-street parking spaces and 1,813 sf of commercial tenant space at the first floor along 10th Street.

ENVIRONMENTAL REVIEW:

Community Plan Exemption

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an Environmental Evaluation Application (EEA) for the full scope of the project (demolition and construction). Environmental Evaluation Applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center (PIC) at 1660 Mission Street, and online at www.sf-planning.org under the "Publications" tab. See "Environmental Applications" on page 2 of the

current Fee Schedule for calculation of environmental application fees¹. Please note that the environmental coordinator will review only the Project Description of a filed EEA and no further environmental assessment will be conducted until an entitlement application or building permit (in the case where no entitlement is required) has been received.

Section 15183 of the 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 Western SoMa Community Plan Area, which was evaluated in *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report (Western SoMa FEIR)*, which was certified in 2012.² Projects that are consistent with the development density identified in the area plan are 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 *Western SoMa FEIR*, and there would be no new significant impacts that are peculiar to the proposed project or project site that were not identified in the *Western SoMa FEIR*. In these situations, all pertinent mitigation measures and CEQA findings from the *Western SoMa 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 *Western SoMa 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 *Western SoMa FEIR* and if these new significant impacts can be mitigated to a less-than-significant level, then a Focused Mitigated Negative Declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Western SoMa FEIR*. In this case, pertinent mitigation measures and CEQA findings from the *Western SoMa FEIR* are 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 *Western SoMa 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 checklist is prepared to address all other impacts that were encompassed by the *Western SoMa FEIR*. In this case all pertinent mitigation measures and CEQA findings from the *Western SoMa FEIR* are applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE

¹ San Francisco Planning Department. Schedule for Application Fees. Available online at: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=513>

² Available for review on the Planning Department's Area Plan EIRs web page: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=9034>

determination fee (currently \$13,339), (b) the standard environmental evaluation fee (which is based on construction value), (c) one-half of the standard EIR fee (which is also based on construction value), and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the *Western SoMa FEIR*.

Below is a list of topic areas that would require additional study or may necessitate the implementation of mitigation measures from the *Western SoMa FEIR* based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated May 1, 2014.

- **Historic Resources.** The project site encompasses two separate parcels which were evaluated in the *South of Market Historic Resource Survey*, which was adopted by the Historic Preservation Commission in February 2011³. The parking lot at 239 10th Street has been evaluated with a California Historic Resource Status Code (CHRSC) of "6Z," which defines the property as ineligible for National Rating, California Register, or Local Designation. However, based upon this survey, the existing two-story masonry commercial building at 241 10th Street was assigned a CHRSC of "3D," which defines the subject property as "appears eligible for National Register as a contributor to a National Register-eligible district through survey evaluation." As analyzed within the *Western SoMa FEIR*, the subject property is a contributing resource to the Western SoMa Light Industrial and Residential Historic District, which is eligible for listing in the California Register of Historical Resources. Therefore, a historic resource is located on the project site. The demolition of a historic resource within the *Western SoMa Area Plan* may require implementation of *Western SoMa Mitigation Measure M-CP-1a, M-CP-1b* and/or *M-CP-1c*. These mitigation measures require documentation of the property and additional analysis of the property such as an oral history project and an on-site interpretive program. Additionally, *M-CP-7a* and *M-CP-7b* were identified to mitigate potential impacts to historic resources adjacent to the project site during construction. An official determination as to whether these mitigation measures are required will be determined during the environmental review process.

To determine whether demolition of the subject property would effect the eligibility of the Western SoMa Light Industrial and Residential Historic District, a Historic Resource Evaluation (HRE) is required. The HRE shall be prepared by a qualified historic resource consultant who meets the Secretary of the Interior's Professional Qualification Standards. The Planning Department will provide the project sponsor with a list of three consultants from the Historic Resource Consultant Pool, which shall be known as the potential consultant list. Once the HRE is submitted, please contact Tina Tam, Senior Preservation Planner, via email (Tina.Tam@sfgov.org) for the list of three consultants. Upon selection of the historic resource consultant, the scope of the HRE shall be prepared in consultation with Planning Department Preservation staff.

- **Archeological Resources.** According to the PPA application, the project would require less than 10 feet of excavation below grade. The exact depth of excavation shall be included as part of the EEA submittal. The Planning Department staff has preliminarily determined that *Western SoMa FEIR Archeological Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment* would be

³ San Francisco Historic Preservation Commission Meeting Minutes, February 16, 2011 <http://www.sf-planning.org/index.aspx?page=2677>

applicable to the proposed project. *Mitigation Measure M-CP-4a* requires the proposed project to conduct 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. The PASS/PAR will determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc. The PASS/PAR would also determine whether or not the project site is located in an area of archeological sensitivity and what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. The availability of geotechnical or soils characterization studies prepared for the project is also helpful. Based on findings within the PASS/PAR, *Mitigation Measure M-CP-4b* may be required. *Mitigation Measure M-CP-4b* outlines procedures for ensuring that appropriate actions are taken in the event that an accidental discovery of archeological resources during construction of the project.

- **Transportation Study.** Based on the information provided in the PPA submittal, the preparation of a transportation study does not appear to be warranted. The project may be required to implement *Mitigation Measure M-C-TR-2* which would impose development impact fees to help offset impacts to transit; however, an official determination will be made subsequent to the submittal of the EEA. Upon submittal of the EEA, please address the following preliminary comments regarding transportation and circulation:
 - a. Show width of existing curb cuts on plans.
 - b. Submit parking stacker specifics.
 - c. Consider reconfiguring and relocating the transformer room to take up less frontage along 10th Street. This space could be used as a more active space, such as bicycle parking.
 - d. Show design of bicycle parking area and spaces.
 - e. Design bicycle area to be accessed from 10th Street.
- **Hazardous Materials.** The project site is occupied by an industrial use. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I 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.

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>. A copy of the submitted Maher Application and Phase I ESA must be submitted with the EEA.

In addition to compliance with the City's Maher Ordinance, the project would need to comply with two mitigation measures from the *Western SoMa FEIR*. *Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement* would require that any hazardous building materials in the existing building be removed in compliance with applicable federal, state, and local regulations. The implementation of

Mitigation Measure M-HZ-3: Site Assessment and Corrective Action would largely be replaced with compliance with the City's newly-amended Maher Ordinance process. However, if the potential exists for any sensitive ecological receptors⁴ to be exposed, clean-up levels shall be determined according to accepted ecological risk assessment methodologies of the lead agency in deference of protection of the on-site ecological receptors.

- **Air Quality Analysis.** The proposed project would involve the construction of 32 residential units, which is below the Bay Area Air Quality Management District's (BAAQMD) construction and/or operational screening levels for criteria air pollutants. Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. Detailed information related to construction equipment, phasing and duration of each phase, and cubic yards of excavation shall be provided as part of the EEA.

In addition, project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of 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 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. Although the proposed project is not within an Air Pollutant Exposure Zone, improvement measures may be recommended for consideration by City decision makers, such as exhaust measures during construction and enhanced ventilation measures as part of building design. Enhanced ventilation measures would be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.⁵

- **Greenhouse Gases.** The City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represent San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a GHG Analysis Compliance Checklist⁶. The project sponsor would be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental case manager during the environmental review process to determine if the project would comply with San Francisco's GHG Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the GHG Reduction Strategy.

⁴ "Ecological Receptors" is defined by the Western SoMa FEIR as sensitive plant or animal species.

⁵ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

⁶ http://sfmea.sfplanning.org/GHG_Checklist_T2.doc and Checklist Cover Sheet: http://sfmea.sfplanning.org/GHG_Checklist.doc

- **Noise.** Construction of the proposed 32-unit mixed-use residential project would generate noise. While construction noise is temporary in nature and regulated by the San Francisco Noise Ordinance, the *Western SoMa FEIR* identified significant construction noise impacts that would result from implementation of the Community Plan and identified two mitigation measures that, when implemented, would reduce these impacts to a less-than-significant level. *Mitigation Measure M-NO-2a: General Construction Noise Control Measures* includes best practices for construction work, such as state-of-the-art noise shielding and muffling devices and the use of electrically- or hydraulically-powered construction equipment to minimize construction noise levels. *Mitigation Measure NO-2b: Noise Control Measures During Pile-Driving* includes a set of site-specific noise attenuation measures for construction projects involving pile-driving. A final determination as to whether the project would include pile-driving would be determined based on recommendations of the geotechnical report for the project.

Mitigation Measure M-NO-1b: 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 proposed project because the project proposes residential uses. *Mitigation Measure M-NO-1b* requires that noise analysis be prepared for new development, including a noise-sensitive use, 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-generating 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 of the California Code of Regulations 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.

Finally, *Mitigation Measure NO-1d: Open Space in Noisy Environments* would apply to the proposed 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: (1) site design that uses the building itself to shield on-site open space from the greatest noise sources, (2) construction of noise barriers between noise sources and open space and (3) appropriate use of both common and private open space in multi-family dwellings. Implementation would also be undertaken consistent with other principles of urban design.

- **Biological Resources.** The project includes the demolition of a structure which would trigger the need to implement two mitigation measures in the *Western SoMa FEIR*: (1) *M-BI-1a: Pre-Construction Special-Status Bird Surveys* and (2) *M-BI-1b: Pre-Construction Special-Status Bat Surveys* require pre-construction surveys be completed by a qualified biologist to determine whether protected bird or bat species are present and the appropriate action to be undertaken if they are. A pre-construction survey for protected bird species would only be required to be completed if demolition of the structure were to occur between February 1 and August 1, in accordance with *M-BI-1a*. Additionally, bird-safe lighting is recommended in order to minimize bird-strikes in compliance with *Improvement Measure I-*

BI-2: Night Lighting Minimization. The proposed project would also be subject to the City's standards for bird-safe buildings, which require the proposed building to incorporate bird-safe design features to reduce potential effects on birds.

- **Shadow Study.** The proposed project would result in construction of a building greater than 40 feet in height, which is the height at which the preparation of a preliminary shadow fan analysis is triggered by Planning Code Section 295. Planning Code Section 295 generally prohibits new structures that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission. Planning Department staff has prepared a preliminary shadow fan analysis that indicates that the proposed 55-foot tall building would not cast shadows on properties subject to Planning Code Section 295 or other public open space. Therefore, a shadow study prepared by the project sponsor is not required.
- **Geotechnical.** The *Western SoMa FEIR* did not identify any significant impacts related to geology, soils, or seismicity. However, the project site is located within a seismic hazard zone for potentially liquefiable soils. Therefore, the applicant shall submit a geotechnical study that investigates the soils underlying the site and identifies any geotechnical concerns related to the proposed project's foundation. The geotechnical study should determine whether the site is subject to liquefaction and should provide recommendations for addressing any geotechnical concerns identified in the study. The investigation of geotechnical and soil conditions and application of the San Francisco Building Code would reduce the potential for impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. The geotechnical study will also help inform the archeological resources review mentioned above. This analysis would be included within the environmental document. This geotechnical study shall be submitted with the EEA.
- **Stormwater Management.** If the project results in a ground surface disturbance of 5,000 sf or greater, it is subject to San Francisco's stormwater management requirements as outlined in the *Stormwater Management Ordinance* and the corresponding San Francisco Public Utilities Commission (SFPUC) *Stormwater Design Guidelines (Guidelines)*. Projects that trigger the stormwater management requirements must prepare of a *Stormwater Control Plan* demonstrating project adherence to the performance measures outlined in the *Guidelines* including: (a) 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, and 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>.
- **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 back-ups or flooding can occur near these streets or sewers. Applicants for building permits for new construction shall be referred to the SFPUC at the beginning of the environmental review process for a review 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.⁷ Please contact Cliff Wong at the San Francisco Public Utilities Commission at (415) 554-8339 in regards to this process.

- **Recycled Water.** The project is located within San Francisco's designated recycled water use areas and is therefore required to install recycled water systems for irrigation, cooling, and/or toilet and urinal flushing in accordance with the *Recycled (or Reclaimed) Water Use Ordinance*, adopted as Article 22 of the San Francisco Public Works Code. New construction or major alterations with a total cumulative area of 40,000 sf or more; any new, modified, or existing irrigated areas of 10,000 sf or more; and all subdivisions are required to comply. The proposed project would include the construction of an approximately 38,119 sf residential building and may be required to comply with this ordinance. For more information please visit sfwater.org/index.aspx?page=687.
- **SFPUC Project Review.** The SFPUC has a separate project review process for projects that propose to use land owned by the SFPUC or subject to an easement held by the SFPUC; or projects that propose to be constructed above, under, or adjacent to major SFPUC infrastructure. For projects meeting the above criteria, please contact SFProjectReview@sfwater.org for a SFPUC Project Review and Land Use Application. For more information regarding the SFPUC's water, sewer, and stormwater requirements, please visit the For Developers webpage at <http://www.sfwater.org/index.aspx?page=574>
- **Required Checklist for 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.⁸ Any tree identified in the *Required Checklist for Tree Planting and Protection* must be shown on the site plans with the size of trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Disclosure Affidavit* with the EEA and ensure that trees are appropriately shown on site plans.
- **Notification of a Project Receiving Environmental Review.** Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site. You will be required to provide mailing labels upon request from the environmental case planner.

Please be advised that as part of the Planning Department's environmental analysis of the project, a copy of the EEA will be referred to the San Francisco Public Utilities Commission (SFPUC) for its review of the project's potential impacts on utilities and water quality.

⁷ Refer to http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf

⁸ San Francisco Planning Department. *Required Checklist for Tree Planting and Protection*. Available online at: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>

If any of the additional analyses determine that the proposed project would result in significant impacts that are not identified in the *Western SoMa FEIR*, the environmental document will be a Community Plan Exemption plus either a Focused Mitigated Negative Declaration, or if the additional impacts cannot be mitigated, a Focused EIR. A Community Plan Exemption and a Community Plan Exemption plus a Focused Mitigated Negative Declaration can be prepared by Planning Department staff, but a Community Plan Exemption with a Focused 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. A **Conditional Use Authorization** from the Planning Commission is required pursuant to Planning Code Section 151.1 Table 151.1 and 151.1 (g) to allow the number of accessory off-street parking spaces to exceed 16 spaces up to a maximum of 24 spaces for the residential use. Planning Code Section 151.1 establishes no off-street accessory parking requirement for uses within the subject Regional Commercial District (RCD). Pursuant to Planning Code Section 151.1 Table 151.1, the maximum number of accessory off-street parking spaces permitted "by-right" for the proposed 32 residential dwelling units is one parking space for every two dwelling units or 16 parking spaces ($32 \text{ du} / 2 = 16 \text{ du} \times 1 \text{ parking space/du} = 16 \text{ parking spaces}$). The maximum number of accessory off-street parking spaces permitted for the proposed 1,813 sf of commercial gross floor area is one parking space per 500 sf or 4 parking spaces ($1,813 \text{ sf} / 500 = 3.6$ rounds up to 4 parking spaces). Assuming the proposed parking plan assigns the maximum number of spaces to the commercial component (4 spaces), the remaining 20 spaces still exceed the maximum number of spaces permitted "by-right" by 4 spaces; and therefore, a Conditional Use Authorization is required.

The Conditional Use Authorization is subject to a public hearing before the Planning Commission and must meet the findings of Sections 303 and 101.1(b) and be consistent with the General Plan.

2. A **Variance** from the Zoning Administrator, which may be coupled with the Conditional Use Authorization, is required pursuant to Planning Code Section 305 to:
 - a) Allow the building to encroach into the minimum required rear yard. Planning Code Section 134(a)(1)(B) requires the project to provide a rear yard of at least 25% of the lot depth or 25 feet ($.25 \times 100 \text{ feet} = 25 \text{ feet}$) at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit. As proposed, the rear-most 10 feet of the subject building from the second through fifth floors encroach into the minimum 25-foot required rear yard. The applicant may elect to modify the project to comply with Code or seek and justify a Variance.
 - b) Allow 16 dwelling units (Units #202, 204, 206, 208, 302, 304, 306, 308, 402, 404, 406, 408, 502, 504, 506, and 508 specifically) to encroach into the minimum exposure dimensional

requirement. Pursuant to Planning Code Section 140, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly on a Code-compliant rear yard of 25 feet (.25 x 100 = 25 feet). As proposed, 16 dwelling units (cited above) encroach 10 feet into the minimum 25-foot exposure dimension, thereby only providing a 15-foot exposure dimension from the required window to the rear property line. The applicant may elect to modify the project to comply with Code or seek and justify a Variance.

- c) Allow 24 dwelling units to not satisfy the minimum square footage of required usable open space. Planning Code Section 135(d) Table 135A, establishes a minimum amount of usable open space for dwelling units in the RCD District as 80 sf per dwelling unit if all private (or 80 sf x 24 du= 1,920 sf) and the ratio of common usable open space that may be substituted for private is 1.33 of the minimum 80 sf per dwelling unit requirement (or 1.33 x 1,920 sf = 2,554 sf). Furthermore, Planning Code Section 823(c)(2)(B), (Western SoMa SUD- Controls- Open Space- Roof Decks) does not allow roof decks do not qualify as required private or common usable open space. As proposed, 24 dwelling units do not meet the minimum usable open space requirement and; therefore, requires a Variance.

The Planning Department recommends a Code complying amount of usable open space, as well as, a rear yard that is 25% of the depth of the lot and located at-grade, per the Western SoMa Plan. Please see the Preliminary Design Comments section contained within this report for further detail.

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.

Conditional Use Authorization applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center (PIC) at 1660 Mission Street, and online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

1. Conditional Use Authorization
2. Variance
3. Building Permit (Section 312)

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. **Rear Yard.** As proposed, the project does not meet the minimum rear yard required pursuant to Planning Code Section 134(a)(1)(B) which requires a rear yard of at least 25% of the lot depth or 25 feet (.25 x 100 feet = 25 feet) at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit. Pursuant to Planning Code Section 823(c)(1)(B) [Western SOMA Special Use District- Controls- Rear Yard- Modification], only corner lots are eligible to request a rear yard modification from the Zoning Administrator pursuant to Planning Code Section 134(e); therefore, a Variance would be required in accordance with Section 305.
2. **Obstructions.** Pursuant to Planning Code Section 136(c)(2)(3), there are a variety of specific criteria that govern the dimensional and design standards of bay windows projecting beyond the property line into the street public right-of-way and required rear yard areas. As proposed, it appears that the bay windows do not comply with various specific standards, including:
 - a. The requirement that at least 1/3 of the required glass area be located on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area.
 - b. The requirement that the maximum length of each bay window be 15 feet at the line establishing the required open area, then be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open areas.
 - c. The requirement that the minimum horizontal distance between bay windows be two feet at the line establishing the required open area and shall be increased in proportion to the distance from such line by means of a 135 degree angle drawn outward from the ends of such two foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.
 - d. The requirement that the maximum length of each bay window not exceed 10 feet, and the minimum horizontal separation between bay windows be at least five feet above all parts of the required open area.
 - e. The requirement that the aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along the rear building wall, 2/3 of the buildable length of a street side building wall.

The applicant may elect to modify the bay windows to comply with Code or seek and justify a Variance. Pursuant to Planning Code Section 305, the Planning Department encourages the provision of Code complying obstructions.

3. **Usable Open Space.** Pursuant to Planning Code Section 135(d) Table 135A, the minimum amount of usable open space for dwelling units in the RCD District is 80 sf per dwelling unit if all private and the ratio of common usable open space that may be substituted for private is 1.33 of the minimum 80 sf per dwelling unit requirement. Furthermore, pursuant to Planning Code Section 823(c)(2)(B), (Western SoMa SUD- Controls- Open Space- Roof Decks), roof decks do not qualify as required private or common usable open space pursuant to Planning Code Section 135. With a total of 32 dwelling units, the project is required to provide a total of either:
 - a. A minimum of 2,560 sf ($32 \text{ du} \times 80 \text{ sf/du} = 2,560 \text{ sf}$) of usable private open space, or
 - b. A minimum of 3,405 sf ($1.33 \times 2,560 \text{ sf} = 3,405 \text{ sf}$) of usable common open space, or
 - c. A mixture of usable private and common open space that satisfies the minimum usable open space amounts established above.

The project plans depict a rectangular-shaped, 2,436 sf common usable roof deck measuring 50' x 56' intended to satisfy the minimum open space requirement for 24 dwelling units; however, as cited above, roof decks do not qualify as required private or common usable open space; therefore, a usable open space Variance is required. Please note that any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

4. **Street Trees.** Planning Code Section 138.1 requires one 24-inch box street tree for every 20 feet of property frontage for new construction. With a property frontage of 90 feet, the project is required to provide five street trees ($90 \text{ feet}/20 = 4.5$ rounds up to 5). The project plans only provide three street trees and therefore does not comply. The applicant may elect to modify the project plans to comply or seek a waiver from the street tree requirement subject to Zoning Administrator approval. To receive a preliminary street tree waiver assessment, the applicant should submit a Tree Referral form (see attached) to the Department of Public Works (DPW).
5. **Exposure.** Pursuant to Planning Code Section 140, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly on a Code-compliant rear yard of 25 feet ($.25 \times 100 = 25 \text{ feet}$). As proposed, 16 dwelling units (cited above) encroach 10 feet into the minimum 25-foot exposure dimension, thereby only providing a 15-foot exposure dimension from the required window to the rear property line. The applicant may elect to modify the project to comply with Code or seek and justify a Variance to allow 16 dwelling units (Units #202, 204, 206, 208, 302, 304, 306, 308, 402, 404, 406, 408, 502, 504, 506, and 508 specifically) to encroach into the minimum exposure dimensional requirement.
5. **Off-Street Accessory Parking.** Pursuant to Planning Code Section 151.1, there is no off-street accessory parking requirement for uses within the Regional Commercial District (RCD). Planning

Code Section 151.1 Table 151.1 establishes the maximum number of parking spaces permitted “by-right” for the proposed 32 residential dwelling units as one parking space for every two dwelling units or 16 parking spaces ($32 \text{ du} / 2 = 16 \text{ du} \times 1 \text{ parking space/du} = 16 \text{ parking spaces}$). The maximum number of parking spaces permitted for the proposed 1,813 sf of commercial gross floor area is one parking space per 500 sf or four parking spaces ($1,813\text{sf}/500 = 3.6$ rounds up to 4 parking spaces). Assuming the proposed parking plan assigns the maximum number of spaces to the commercial component (4 spaces), the remaining 20 parking spaces still exceed the maximum number of parking spaces permitted “by-right” by four spaces. Therefore, a Conditional Use Authorization is required from the Planning Commission pursuant to Planning Code Section 151.1 Table 151.1 and 151.1 (g) to allow the number of accessory off-street parking spaces to exceed 16 spaces up to a maximum of 24 spaces for the residential use.

- Bicycle Parking.** Pursuant to Planning Code Section 155 and based on the proposed number of dwelling units and commercial floor area included, the residential component of the project requires at least 32 Class I bicycle parking spaces ($32 \text{ du} \times 1 \text{ Class I /du} = 32$). The commercial component (assuming general retail) requires at least two Class II bicycle parking spaces.

Upon reviewing the plans, it appears the project provides the requisite number of bicycle parking spaces for the residential component but does not provide the two spaces required for the commercial component. Please amend the plans to demonstrate compliance and be sure to label the bicycle class type (type I or II). Also, please ensure the bicycle parking proposed satisfies the bicycle parking design standards established in Zoning Administrator Bulletin #9 (see attached).

- Bird Safety.** Planning Code Section 139 establishes bird-safe standards for new building construction to reduce bird mortality from circumstances that are known to pose high risk to birds and are considered to be “bird hazards”. The two circumstances regulated by this Section are: 1) location-related hazards, where the siting of a structure creates increased risk to birds, and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located.

The project site does not pose a location-related bird hazard since it is located more than 300 feet beyond an Urban Bird Refuge. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 sf and larger in size. Any structure that contains these elements shall treat 100% of the glazing on feature-specific hazards. Detailed architectural plans that specify the materials, colors and finishes of the project have not yet been provided in order to determine whether the project satisfies this code section.

- Transparency and Fenestration.** Section 145.1 requires that at least 60% of the ground floor street frontage which contains active uses be visually-transparent into the building. Detailed architectural plans that specify the materials, colors and finishes of the project have not yet been provided in order to determine whether the project satisfies this code section.
- Parking Arrangement and Curb Cut Limits.** Section 155 requires that driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit

movements. Staff believes the proposed 20'-0" wide curb cut off of 10th Street could be reduced in width while still providing adequate vehicular access to the site. Please modify the project plans accordingly.

10. **Shadow Analysis.** Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project does not cast shadows on properties under the jurisdiction of the San Francisco Recreation and Park Commission; therefore, a shadow study is not required.
11. **Transit Impact Development Fee.** This project is subject to the applicable fees outlined in Planning Code Section 411 et seq.
12. **Affordability.** This project is subject to the Affordable Housing requirements outlined in Planning Code Section 415 et seq.
13. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable Eastern Neighborhood Impact Fees outlined in Planning Code Section 423 et seq.
14. **Stormwater.** Projects that disturb 5,000 sf or more of the ground surface must comply with the *Stormwater Design Guidelines* and submit a Stormwater Control Plan to the SFPUC for review. To view the guidelines and download instructions for preparing a Stormwater Control Plan, go to <http://stormwater.sfwater.org/>. Applicants may contact stormwaterreview@sfwater.org for assistance.
15. **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 sf. Please see the attached SFPUC document for more information.

PRELIMINARY DESIGN COMMENTS:

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

- a) **Site Design, Open Space, and Massing.** The Planning Department does not support the rear yard as currently designed. The Planning Department recommends a code complying rear yard that is 25% of the depth of the lot and located at-grade, per the Western Soma Plan. Furthermore, it should provide access to, and enhancement of the mid-block open space per the intent of the Western Soma Plan. Furthermore it should provide access to and enhancement of the mid-block open space per the intent of the Western Soma Plan. The rear yard should be designed in such a manner as to be usable as open space for both residents at the immediate level, and common to residents without compromising the privacy or use of either. The Planning Department recommends providing a rear yard large enough to meet exposure and open space requirements.

It is not clear how required usable open space is provided. Roof decks are not acceptable for common open space in Western SoMa districts. The central light well is a clever adaptation to provide dwellings with double aspect exposure. However, the Planning Department recommends the quality of this could be enhanced by making more of it. The Planning Department recommends enlarging and orienting the light well to the street and connecting it with the rear yard open space to provide a significant public gesture and a continuous visual and physical open space. It could also tie into the entry sequence that connects to the street. This would have an added advantage of significantly modulating the building façade.

- b) **Parking and Access.** The Planning Department is concerned by the large amount of parking in the current proposal and strongly urges the sponsor to consider providing parking below the maximum allowed.

There is no minimum parking requirement in the RCD district, and the proposed project provides 0.75 parking spaces per dwelling unit, significantly above 0.5 allowed by right, and at the upper limit of what is permitted in Section 151.1 of the Planning Code by Conditional Use. This high quantity of parking limits the possibility for the building to provide a code complying building and more commercial or residential space on the site. The project design would be greatly improved by reducing the parking ratio and/or the parking footprint. See Section 151.1(g)(2) of the Planning Code.

The bike parking as shown does not seem large enough to accommodate the minimum required number of bike spaces, nor accessible in terms of width. It should be designed to be conveniently and independently accessible from the street or lobby.

- c) **Street Frontage.** The residential lobby should be more spacious and distinguished from the commercial uses on the façade. Explore locating the transformer in a sub-sidewalk vault to provide more active ground floor frontage.
- d) **Architecture.** The Planning Department recommends taking cues from the immediate industrial context for proportions, scale, modulation and hierarchy of building systems at overall, intermediate, and detailed scales. The adjacent building provides an abundance of character, detail, and relationships to exploit in a contemporary architectural language. The top of the building should be thicker and more defined. The ratio of glazing to the solids should be more proportionate with surrounding buildings. Anchor or ground the base of the building with heavier, more solid architectural elements. Explore animating the façade and providing an active interface with the street at the upper stories with balconies.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Historic Resource Evaluation, Maher, Conditional Use Authorization, Variance and Building Permit

Application, as listed above, must be submitted no later than **December, 30, 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>

Environmental Evaluation Application

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

Maher Ordinance/Application

<http://www.sfdph.org/dph/eh/HazWaste/hazWasteSiteMitigation.asp>

Conditional Use Authorization Application

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

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->

[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: JS Sullivan Development, LLC (attn.: Sean Sullivan), Property Owner/Project Sponsor

Chris Townes, Current Planning

Laura Lynch, Environmental Planning

Menaka Mohan, Citywide Planning and Analysis

Jonas Ionin, Planning Commission Secretary

Jerry Robbins, MTA

Jerry Sanguinetti, DPW

June Weintraub, SFDPH

Jonathan Piakis, SFDPH