



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* ~~August 08, 2014~~ August 29, 2014 (reissued due to wrong PPA expiration date on 08/08/14 letter)

*Case No.:* **2014.0914U**

*Project Address:* 1033 Polk Street

*Block/Lot:* 0694/003

*Zoning:* RC-4 - Residential  
130- V Height and Bulk Districts  
Van Ness Special Use District

*Area Plan:* Van Ness Corridor

*Project Sponsor:* Neil Kaye  
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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 San Francisco Public Utilities Commission, 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:

This project description is based on the Preliminary Project Assessment (PPA) Application submitted on June 09, 2014. It is also based on the project description provided by the project sponsor's representative on June 23, 2014. If any of the underlying project description details change, then the information in this PPA would need to be re-evaluated.

The project site consists of an approximately 2,200 square-feet (sf), parcel located on the northwest corner of Polk and Cedar streets, at 1033 Polk Street (Assessor's Block 06949, Lot 003), in the City's Downtown Civic Center Neighborhood. The site is currently occupied by a two-story residential mixed use historic building that is approximately 5,200-sf. The building is currently vacant but it was previously occupied

by an office. The existing building was constructed in 1920 and it is designated as a historic resource per survey evaluation.

The proposal is to renovate the existing historic building on the site and construct an 85-feet-high (eight story plus mechanical penthouse) tower above the existing building. The new addition would be 14,240-sf with 1,184-sf of dedicated private open space. The new building would contain a total of nine dwelling units. The dwelling unit mix would be comprised of six one-bedroom and three two-bedroom rental units. Open space would be provided in the form of nine private decks for units one through nine on the third to the ninth floors. The renovated building would accommodate 1,300-sf of retail space on the first floor and 1,875-sf of office space on the second floor. Off-street parking would not be provided. The project construction would require excavation depths of approximately four feet below ground surface to accommodate the necessary foundation work, and approximately 235 cubic yards of soil removal. Project construction is expected to last 14 months.

## ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EE Application)**.<sup>1</sup> The following issues will be investigated as part of the environmental review process.

See page 2 of the current *Fee Schedule* for calculation of environmental application fees.<sup>2</sup>

### Environmental Topics

Below is a discussion of the main topic areas that may be addressed in the environmental document, based on the preliminary review of the project as it is proposed in the PPA Application.

1. **Historic Architectural Resources.** The existing building, on the project site, was previously determined to be eligible for national, state, or local listing;<sup>3</sup> therefore, the project is subject to the Department's Historic Preservation review, which would include preparation of an Historic Resource Evaluation (HRE) by a qualified professional 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 or PCL. Once the EE Application is submitted, please contact Tina Tam, Senior Preservation Planner, via email ([tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)) for the list of three consultants. Upon selection of the historic resource consultant, the scope of the Historic Resource Evaluation shall be prepared in consultation with Department Preservation staff.

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<sup>1</sup> Available at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8253>.

<sup>2</sup> Available at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=512>.

<sup>3</sup> *Van Ness Auto Row Support Survey*. The survey record is available at:  
<http://50.17.237.182/docs/DPRForms/0694003.pdf>.

2. **Transportation.** Based on the PPA submittal, a transportation study is not anticipated to be needed. However, an official determination will be made following submittal of the EE Application.
3. **Air Quality (AQ) Analysis.** The proposed project, which includes the renovation of an existing two-story building (1,300-sf of retail and 1,875-sf office spaces) and the construction of a new eight-story tower of approximately 14,240-sf (comprised of nine dwelling units), does not exceed the Bay Area Air Quality Management District's (BAAQMD) construction and/or operational screening levels for criteria air pollutants.<sup>4</sup> 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 with the EE Application.

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 a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, 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.

Lastly, if the project would generate new sources of toxic air contaminants (TACs) including, but not limited to: diesel generators or boilers, or any other stationary sources, the project would result in TAC emissions that may affect both on-site and off-site sensitive receptors. Given the proposed project's height of 85 feet, the proposed project would likely require a backup diesel generator and additional measures will likely be necessary to reduce its emissions. Detailed information related to any proposed stationary sources shall be provided with the EE Application.

4. **Greenhouse Gases:** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>5</sup> The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide

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<sup>4</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

<sup>5</sup> Refer to <http://sfplanning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

5. **Wind.** The proposed project would involve construction of a building over 80 feet in height. The project therefore would require an initial review by a wind consultant, including a recommendation as to whether a wind tunnel analysis is needed. The consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planning case manager prior to preparing the analysis.
6. **Geology.** The project sponsor is required to prepare a geotechnical investigation report to identify the primary geotechnical concerns associated with the proposed project and the site. The geotechnical report would identify hazards (among them, those related to project site location within an area identified as having potential for liquefaction) and recommend minimization measures for potential issues regarding, but not limited to, soil preparation and foundation design. This report will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions. The geotechnical report should be prepared by a qualified consultant and submitted with the EE Application.
4. **Noise.** The project site is located along Polk Street where traffic-related noise exceeds 60 dBA  $L_{dn}$  (a day-night averaged sound level). The proposed project would include residential uses, which are considered to be noise-sensitive uses for purposes of CEQA analysis; therefore, an acoustics analysis should be prepared for the new development to be incorporated into the environmental review document. The acoustics analysis should be prepared by person(s) qualified in acoustical analysis and/or engineering. It shall include, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and 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 include any recommendations regarding building design to ensure that the interior noise environment does not exceed 45 dBA  $L_{dn}$  per San Francisco acoustical requirements. This analysis must be completed during the environmental review process for inclusion in the environmental document.

In addition, the proposed project would be subject to the San Francisco Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008, which includes restrictions on noise levels of construction equipment and hours of construction activity. Detailed information related to construction equipment, phasing, hours of construction, and duration of each phase may be required as part of the environmental evaluation to assess construction noise levels and methods to reduce such noise, as feasible.

7. **Hazardous Materials.** The proposed project would disturb more than 50 cubic yards of soil on a site that could have housed land uses associated with hazardous materials. Therefore, the project may be 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. These steps are required to be completed prior to the issuance of any building permit.

DPH requires project sponsors, for 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 (if required) and Phase I ESA with the EE Application.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The BAAQMD is responsible for regulating airborne pollutants including asbestos. Please contact the BAAQMD for the requirements related to demolition of buildings that may contain asbestos-containing materials.

8. **Tree Planting Protection Checklist.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any tree identified in the *Tree Planting and Protection Checklist* must be shown on site plans with size of the trunk diameter, tree height, and accurate canopy drip line. The project sponsor is required to submit a completed *Tree Planting and Protection Checklist*<sup>6</sup> with the EEA.
9. **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 at the initiation of the Community Plan Exemption process. Please provide these mailing labels.

EE Application forms 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](http://www.sfplanning.org). The San Francisco Preservation Bulletin No. 16 is available at [www.sfplanning.org](http://www.sfplanning.org) under "Historic Preservation".

All privately-sponsored projects with EE Applications submitted on or after August 1, 2008, will be required to use environmental, transportation, and historic preservation consultants from the Planning Department's consultant pools. Private projects sponsors will have the opportunity to select a consultant from a subset of three consultants chosen by the Department

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<sup>6</sup> San Francisco Planning Department Required Checklist for Tree Planting and Protection. Available online at: <http://www.sf-planning.org>.

## PLANNING DEPARTMENT APPROVALS:

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

1. **Building Permit Application.** The project requires a building permit in order to alter the existing building on the subject property.
2. **Conditional Use Authorization.** The project requires Conditional Use Authorization pursuant to Planning Code Section 253.2(a) for a building exceeding a height of 50 feet in the Van Ness Special Use District. Section 253.2(3) notes that the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.
3. **Variances.** The project as proposed requires variances from Planning Code Sections 134 and 243(c) (7) for Rear Yard; Section 151 for Off-street Parking; and Section 155 for Bicycle Parking.
4. **Shadow Analysis.** A shadow analysis is required pursuant to Planning Code Section 295 as the project proposes a building that exceeds 40 feet in height, as measured by the Planning Code. The attached shadow analysis indicates that no public space under the jurisdiction of the Recreation and Parks Department will be shadowed by the proposal, as represented in the plan set submitted with the PPA Application. Therefore, a shadow analysis application **would not** be required.

Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

## DISCLOSURE REPORT FOR DEVELOPERS OF MAJOR CITY PROJECTS

The San Francisco Ethics Commission, S.F. Camp. & Govt. Conduct Code § 3.520 et seq., requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any “major project.” A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be

triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units.

## 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](http://www.sfplanning.org) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://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 Requirement.** Planning Code Section 134(a) (1), requires a 25% or 15-foot (whichever is greater) required rear yard setback at all residential levels of the building. Pursuant to Planning Code Section 243(c) (7) a Variance from the requirement must be sought and justified and must consider the additional criteria provided. While a mid-block open area does not exist in the immediate vicinity of the lot, the Department notes that an adjacent property at the rear contains light wells that appear to be necessary to provide light and air to neighboring residential units.
2. **Floor Area Ratio.** Pursuant to Planning Code Section 243(c) (1), the basic floor area ratio for the property is 7:1 and includes residential uses. Please ensure this consideration is incorporated into the development's design, and include the calculation in the application packet and/or plans.
3. **Rooftop Screening.** Planning Code Section 141 requires that rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. The plans are unclear about how much rooftop mechanical equipment would be necessary. Please incorporate this consideration into the plans when submitted.
4. **Street Frontages.** Planning Code Section 145.1 requires a minimum 14 foot floor-to-ceiling ground floor height. The plans are unclear about the existing and proposed ground-floor ceiling height. Please incorporate this consideration into the plans when submitted. Note that openings for garages are regulated by this section of the Planning Code.

5. **Off-street Parking.** Planning Code Section 151 requires one off-street parking space for each dwelling unit. Planning Code Section 243(c) (9) (F) allows for parking reduction pursuant to Planning Code Section 307(g); however, the Zoning Administrator cannot reduce the parking to less than one parking space for every four units. Note that Planning Code Sections 154, 155 and 155(l) provide standards for parking space size, arrangement and curb cuts.
6. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 bicycle parking space for each dwelling unit. As the plans do not show bicycle parking it should be incorporated into the proposal or a variance must be sought and justified.
7. **Building Height.** Planning Code Section 253.2 requires Conditional Use authorization for any building exceeding a height of 50 feet in the Van Ness Special Use District. Section 253.2(3) notes that the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.
8. **Ground Level Wind Currents.** Planning Code Section 243(c) (10) requires that new buildings and additions to existing buildings be shaped, or that other wind baffling measures shall be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.
9. **Street Trees.** Planning Code Section 138.1 requires 1 24 inch-box tree per 20 feet of street frontage. The proposed Project requires 5 street-trees. As submitted, it appears this requirement is met.
10. **Standards for Bird Safe Buildings.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. Please refer to the published document "*Standards for Bird-Safe Building*," available online at [www.sfplanning.org](http://www.sfplanning.org), under the "Resource Center/Department Publications" tab.
11. **Inclusionary Housing.** Affordable housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program,' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. This project is subject to the affordable housing requirements per Planning Code Section 419 et seq. as a Tier A site, which requires 3 on-site units (14.4%), or 5 off-site units (23%) or payment of an in-lieu fee.



12. **Tree Disclosure Affidavit.** A Tree Disclosure Affidavit must be filled out and submitted with the Building Permit Application for New Construction. This form is available online at [www.sfplanning.org](http://www.sfplanning.org), under the "Resource Center/Department Publications" tab.

Please be advised that additional comments may result pending a formal submittal.

## PRELIMINARY DESIGN COMMENTS:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends retaining a greater extent of the existing building – the building is a known Historic Resource in an Historic District- and encourages a scheme that re-uses all or most of the original building. If the project proceeds as proposed, the Planning Department has some fundamental concerns about the compatibility of the new building with the existing building and the surrounding context.

The massing should reflect massing proportions of nearby buildings. As currently proposed, the main massing of the tower reads on balance as vertical in contrast to the predominately horizontally massed surrounding buildings.

Bike storage, is not shown in the plans. Bike storage should be provided and it should be large enough to accommodate the required amount of bike parking, and as close and accessible as possible to the lobby for convenience of use.

2. **Architecture.** The District consists of mainly of three- to five-story masonry buildings that form a consistent street wall and are characterized by tripartite façade compositions of vertically articulated structure with deep inset windows. The Planning Department recommends that the proposed project respect the context, with particular attention to the massing, scale, proportions, and materials of the prevalent built form on Polk. An architectural approach that presents more solid and vertically articulated facades may help achieve that aim. As proposed, the glass tower setback from the street wall does not adequately address this consistent part of the context. The glass facade should be tempered by more solid materials that reference the proportions of the urban fabric.

Defining features of the proposed addition are concrete balconies projecting from a taut glass skin. Demonstrate how this composition responds to, or reference the existing building or the context.

The Planning Department recommends the upper portion of the Cedar façade be retained and the new architecture to re-emerge and express itself on the ground floor of the Cedar façade.

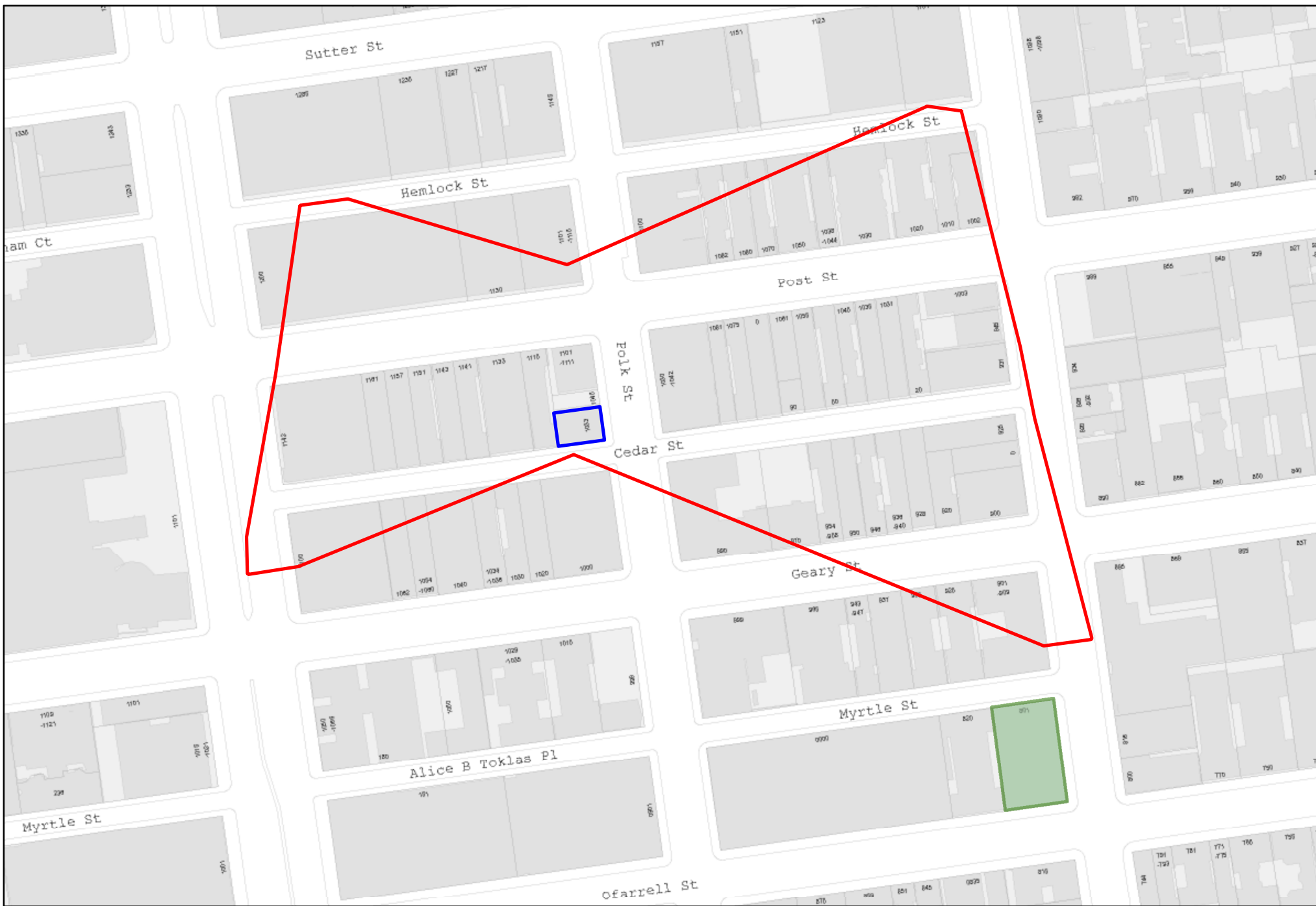
## PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**, and Environmental Evaluation, Lager Project Authorization, or Building Permit Application, as listed above, must be submitted no later than **February 8, 2015 2016**. 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 the Preliminary Project Assessment.

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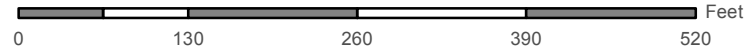
Sara Vellve, Current Planning  
Kearstin Dischinger, Citywide Planning and Analysis  
David Winslow, Design Review  
Jonas Ionin, Planning Commission Secretary  
Jerry Robbins, SFMTA  
Jerry Sanguinetti, DPW



Title: 2014.0914U, 1033 Polk Street PPA

Comments: Analyzed building height of 90 feet

Printed: 21 July, 2014



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