



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: July 9, 2015
Case No.: **2014.1239U**
Project Address: 225-227 Shipley Street
Block/Lot: 3753/099 and 100
Zoning: MUR
45-X
Area Plan: East SoMa, Eastern Neighborhoods
Project Sponsor: William Pashalsky
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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 subject property at 225-227 Shipley Street is located on a block bounded by Shipley Street to the north, Fifth Street to the east, Clara Street to the south and Sixth Street to the west in the city's South of Market Area. The proposal comprises two lots totaling 3,800 square feet. Built in 1922, 227 Shipley Street is a two-story, wood frame, industrial-turned residential building that contains two residential units. Adjacent is 225 Shipley Street, a single-story, 1,700-square-foot warehouse building constructed in 1900. The proposal entails demolition of the residential and warehouse buildings and the construction of a 4-story, 45-foot-tall, 12,052-square-foot residential building that would contain 21 single-room residential occupancy dwelling units. All units would be 350 square feet and would include kitchen and bathroom. The residential building would have its common, ground-floor entrance fronting Shipley Street. The rear 25 percent of the property would be reserved for open space. An approximately 1,700-square-foot deck would provide common open space on the roof to building residents. No off-street parking is included as part of the proposal.

PLANNING CONTEXT:

The proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)*, certified in 2008.¹ The project site also lies within the proposed Central SoMa Plan area, a community planning process initiated in 2011. The Central Corridor Plan Draft for Public Review² (Draft Plan) was released in April 2013, with proposed changes to the allowed land uses and building heights in the Plan area, including a strategy for improving the public realm within the Plan area and vicinity. The Draft Plan is available for download at <http://centralsoma.sfplanning.org>. The Central SoMa Plan will be evaluated in an Environmental Impact Report (EIR), which is currently underway. The Draft Plan and its proposed rezoning are anticipated to be before decision-makers for approval in 2016.

The existing zoning for the project site is MUR (Mixed-Use Residential), which allows residential uses. The Draft Plan proposes to convert existing Mixed-Use Residential districts to Mixed-Use General zoning districts in the blocks bounded by Howard, Harrison, Fifth and Sixth streets. The MUR zoning district currently requires a ratio of three square feet of housing for every square foot of other uses; the MUG zoning designation would remove this restriction and allow for greater flexibility in the mix of land uses, including limited office development as well as new all-commercial buildings (neither of which are land uses included in the current proposal). The Draft Plan also includes two height alternatives that may affect building height limits in areas immediately adjacent to the site; however, the Plan's two alternatives do not propose to alter the existing 45-X height district on the project site. At this point, it is unknown which height option, if any, or any other land use changes as part of the Central Soma planning process would ultimately be approved by the Planning Commission and Board of Supervisors. Further comments in this Preliminary Project Assessment (PPA) are based on the Draft Plan concepts published to date, which are contingent on the approval of the proposed Central SoMa Plan rezoning by the Planning Commission and Board of Supervisors.

ENVIRONMENTAL REVIEW:

The proposed project requires environmental review either individually, with a project-specific Initial Study/Mitigated Negative Declaration or Environmental Impact Report (EIR), or in a Community Plan Exemption (CPE) if the project is consistent with an adopted community plan. The proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the Eastern Neighborhoods PEIR. However, the proposed project is not consistent with the land use or development density (zoning, specifically height limit) identified in the Eastern Neighborhoods Area Plan, and it is therefore not eligible for a Community Plan Exemption (CPE) under the Eastern Neighborhoods PEIR.

The Project's proposed 45-foot building height would be consistent with the height limit alternatives currently being studied in the Central SoMa Plan EIR. Thus, it is possible that the proposal, as currently presented, would qualify for a CPE under the proposed Central SoMa Plan EIR once that EIR is certified

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

² Please note that the Central SoMa Plan was formerly called the Central Corridor Plan. To avoid ambiguity, this letter uses the current "Central SoMa Plan" when referring to the ongoing planning process, while "Draft Plan" refers to the document published in April 2013 under the name "Central Corridor Plan Draft for Public Review."

and the Planning Commission and Board of Supervisors have adopted new zoning controls. However, the proposed project would be assessed based on the height limits for the project site in place at the time that the Planning Department entitlements for the proposed project are sought.

Due to the project's location within the geographic area evaluated in the Eastern Neighborhoods PEIR, any development on the project site would potentially be subject to the mitigation measures identified in that document. Potentially significant project environmental impacts that were identified in and pertinent mitigation measures and CEQA findings from the Eastern Neighborhoods PEIR that may be applicable to the proposed project are discussed below, under the applicable environmental topic. However, mitigation measures from the Eastern Neighborhoods PEIR that are applicable to the proposed project area could be refined, augmented, or superseded under the future Central SoMa Plan EIR, which would become applicable to the proposed project if the Draft Plan is approved.

If the proposed project is not consistent with the height and density identified for the project site in the adopted Central SoMa Plan, the proposed project would be precluded from qualifying for a CPE under the Central SoMa Plan. The proposed project would be analyzed in a separate environmental document that would not rely on the environmental analysis undertaken for the Central SoMa Plan. In this case, the applicable fees would be (a) the standard environmental evaluation (EE) fee based on the cost of construction; and (b) the standard EIR fee, if an EIR is required.

In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)**. The EEA can be submitted at the same time as the PPA Application. The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.** EEAs 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 under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.³

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

1. **Historic Resources.** At the time of this review, the existing buildings on the project site range between 93 and 115 years of age. The California Environmental Quality Act requires that lead agencies evaluate buildings of 45 years of age or older for their potential to be considered historical resources. The two buildings on the site were evaluated as part of the South of Market Area Historic Resource Survey and were rated 6Z, meaning both buildings have been found ineligible for national, state, or local listing. Further, the project site is not located in an existing or proposed historic district. Thus, the proposed project would likely not be subject to review by the

³ San Francisco Planning Department. *Schedule for Application Fees*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>.

Department's Historic Preservation staff; no additional analysis of historic architectural resources would likely be required.

2. **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with excavation, grading, building construction as well as other types of soils movement. The project site lies within *Eastern Neighborhoods PEIR Archeological Mitigation Zone J-2: Properties with No Previous Studies*. Therefore, the proposed project would require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.
3. **Transportation.** Based on the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review,⁴ the project would not require additional transportation analysis to determine whether it may result in a significant impact to traffic congestion and levels of service. However, as part of any requisite review, a transportation planner may find it appropriate to conduct a site-visit to observe existing traffic flows, site access, and to identify any possible pedestrian-bicycle-vehicle conflicts.
4. **Noise.** Construction noise would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during the construction, measures to reduce construction noise may be required as part of the proposed project. The EEA application should indicate whether pile driving or other particularly noisy construction methods are required. *Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

⁴ This document is available at: <http://www.sf-planning.org/index.aspx?page=1886>.

Based on the General Plan's Background Noise Levels map, the project site is located along a segment of Shipley Street with noise levels above 65 dBA Ldn (a day-night averaged sound level). Therefore, an acoustical analysis is required for the proposed new residential development. *Eastern Neighborhoods PEIR Noise Mitigation Measure F-4: 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 residential use is a noise-sensitive land use. Noise Mitigation Measure F-4 requires that the project sponsor conduct a detailed analysis of noise reduction requirements for new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). The analysis must demonstrate with reasonable certainty that the California Noise Insulation Standards in Title 24 of the California Code of Regulations can be met.

Eastern Neighborhoods PEIR Noise Mitigation Measure F-5: Siting of Noise-Generating Uses would not apply to the proposed project because the project would not include commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average, in the project site vicinity.

Finally, *Eastern Neighborhoods PEIR Noise Mitigation Measure F-6: Open Space in Noisy Environments* would apply to the proposed project because it includes new development of a noise-sensitive use. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels and would apply to the outdoor open space proposed on the building's rooftop level. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles or urban design.

5. **Air Quality.** The proposed project's 21 dwelling units fall below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants.⁵ Therefore, an analysis of the project's criteria air pollutant emissions is likely not required. Furthermore, 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 proposed project would be required to adhere to the dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6. The proposed project is also required to prepare a Construction Dust Control Plan for review and approval by DPH.

The project site is also located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code, Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to construct new sensitive land uses (i.e., residential), which are subject to enhanced ventilation measures pursuant to

⁵ BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

Health Code Article 38. The project sponsor will be required to submit an Article 38 application to DPH prior to the issuance of any environmental determination. Please provide a copy of the Article 38 application with the EEA.⁶ In addition, equipment exhaust measures during construction, such as those listed in *Eastern Neighborhoods PEIR Air Quality Mitigation Measure M-AQ-G1, Construction Air Quality* will likely be required.

6. **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.⁷ The project sponsor is 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 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.
7. **Wind.** The proposed project would involve construction of a 45-foot-tall building. Buildings of this height are not anticipated to cause high wind speeds or contribute to adverse wind impacts. Therefore, no special studies or wind tunnel testing is warranted.
8. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department⁸ staff indicates that the proposed project could cast shadows on surrounding public streets and sidewalks but would not impact an open space under jurisdiction of the San Francisco Recreation and Parks Department. Therefore, no further review of the project's Proposition K conformity would be required.
9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.⁹ A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would

⁶ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

⁷ Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

⁸ Preliminary Shadow Fan Analysis – 225-227 Shipley Street, prepared by Christopher Townes, November 14, 2014. This document is available for review at the Planning Department in Case File No. 2014.1239PPA.

⁹ San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>

result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.

10. **Hazardous Materials.** The proposed project would disturb over 50 cubic yards of soil as part of its construction in an area of known ground contamination. 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. 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 EEA.

Eastern Neighborhoods EIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials would be applicable to the demolition of the site's two existing structures. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

11. **Tree Planting and Protection.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the site plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit the Tree Planting and Protection Checklist with the EEA and ensure that trees are appropriately shown on site plans. Also see the comments below under "Street Trees."
12. **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. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

If any of the additional analyses determine that mitigation measures not identified in the area plan EIR are required to address peculiar impacts, the environmental document will be a community plan exemption plus a focused initial study/mitigated negative declaration. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a community plan exemption with a focused initial study/EIR. A community plan exemption and a community plan exemption plus a focused initial study/mitigated negative declaration can be prepared by Planning Department staff, but a community plan exemption with a focused initial study/EIR would need to be prepared by a consultant on the Planning Department's environmental consultant pool.¹⁰ Please see "Studies for Project inside of Adopted Plan Areas - Community Plan Fees" in the Planning Department's current *Fee Schedule for Applications*. Environmental evaluation applications are available at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

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

1. A **Building Permit Application** is required for the demolition of the existing building on the subject property.
2. A **Building Permit Application** is required for the proposed new construction on the subject property.
3. A **Variance Application** is required for bicycle parking, and the eastern bay window design on the front façade.

¹⁰ Please refer to: http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf

4. Please be advised a **Lot Merger** may be required to allow the SROs to straddle the property line between Lots 098 and 099, if DBI and DPW determine one is required. An application to merge the two lots will be subject to Planning Department approval.

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. **East Soma Area Plan.** The subject property falls within the area covered by the East Soma Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency.
2. **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 beneficial to the stakeholders, the district, and the City by formulating a portfolio of innovative projects at a district or block-level. The Planning Department has identified the Central SoMa Plan area as a Type 2 Eco-District—an area composed of many smaller parcels and property owners. Benefits to the district include greater resilience, economic prosperity, higher quality built environment, and community cohesion and capacity. The volunteer Central SoMa Task Force produced a set of Recommendations in November of 2013 (<http://www.sfplanning.org/index.aspx?page=3051>). All major new development in the Central Corridor Area Plan area will be expected to participate in some capacity in the Eco-District program and the Sustainability Management Association set up to guide it once the program is formulated in parallel with the Area Plan process. For more information please see: <http://www.sfplanning.org/index.aspx?page=3051>.
3. **SRO Unit Size.** Single Room Occupancy (SRO) units are defined at a maximum 350 square feet. Proposed plans show Unit 101 with a living area of 353 square feet. To consider Unit 101 as an SRO unit, please revise plans to comply with the floor area requirement.

4. **Bicycle Parking.** Planning Code Section 155.2 requires the proposed project to provide Class 1 and Class 2 bicycle parking. For 21 SRO dwelling units (with kitchens), a total of 21 Class 1 and one Class 2 bicycle parking space is required. The proposed plans do not indicate a number of bicycle spaces, but plans appear to be non-complying. Please revise plans to comply, or seek and justify a Variance. Also, on a subsequent submission please indicate with dimensions the bicycle parking spaces comply with size and access standards described in Zoning Administrator Bulletin Number 9 (see link below). http://www.sf-planning.org/ftp/files/publications_reports/ZAB_BicycleParking_9-7-13.pdf
5. **Narrow Streets.** Section 261.1 requires buildings with frontages on narrow streets (40 feet or less in width) 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. Shipley Street is 35 feet in width where the subject property has frontage. Please revise the massing to comply. This provision is not variable.
6. **Projections into Public Realm.** Section 136.1 establishes dimensional controls for awnings, canopies and marquees within the public right of way. In subsequent submittals, please classify the projection over the front entry as an awning, canopy, or marquee, and show the design meets the dimensional controls of Section 136.1. Also, per Section 136(c)2(G), bay windows must have a setback of 1 foot from interior side property lines. Please revise the eastern bay window on the front façade to comply, or seek and justify a variance.
7. **Bird Safety.** 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. Any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
8. **Street Trees.** Pursuant to Section 138.1 of the Planning Code, new construction projects or the addition of a new dwelling unit requires the installation of 1 street tree for every 20 feet of frontage. Please include the tree specifications as required on revised plans. San Francisco Friends of the Urban Forest may be able to assist you directly with the entire permit process including tree planting. FUF is a non-profit, neighborhood tree-planting organization which also offers tree-maintenance programs. FUF can be reached at (415) 561-6890. Otherwise applications for street trees are available from the Department of Public Work's Bureau of Urban Forestry at 2323 Cesar Chavez Street or on their website at www.sfdpw.org.
9. **Inclusionary Housing.** Affordable housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The minimum Affordable Housing Percentages are 20% fee, 12% on-site, or 20% off-site.

Therefore, as proposed, the project would have a minimum requirement of 3 units if provided on-site.

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 unit is 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.

10. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Section 423. The exact fee is determined by the final area of each use subject to the Fee and rate in effect at the time of building permit issuance. Fees would be assessed at a Tier 1 rate. The Eastern Neighborhoods Impact Fees shall be paid before the City issues a first construction document.

Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. This process is further explained in Section 423.3(d) of the Planning Code. More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website.

11. **Neighborhood Notification Materials.** This project is subject to neighborhood notification as required by Planning Code Section 312. In addition, a Pre-Application Meeting is required before submitting a Building Permit Application.
12. **Interdepartmental Project Review Meeting.** Interdepartmental Project Reviews are mandatory for new construction projects that propose buildings eight stories or more and new construction on parcels identified by the State of California Department of Conservation, Division of Mines and Geology as Seismic Hazard Zones in the City and County of San Francisco. Project Sponsors may elect to request an interdepartmental review for any project at any time; however, it is strongly recommended that the request is made prior to Planning Department approval of the first construction building permit.

Also note that the proposal is subject to an interim moratorium in the South of Market that prohibits conversion or replacement of Production, Distribution and Repair (generally,

industrial) uses in the area bounded by Market Street on the north, Townsend Street on the south, Second Street on the east and Sixth Street on the west. The moratorium is schedule to sunset in October 2016.

PRELIMINARY PROJECT DESIGN COMMENTS:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends conforming to sun angle requirements, Planning Code Section 261.1, on narrow streets and alleys which would likely result in a stepping down on the northwest side of the building.
2. **Street Frontage.** The Planning Department recommends providing a residential entry from Shipley Street into the ground floor unit with a landscape buffer as per the Planning Department Ground Floor Residential Guidelines. The Planning Department encourages the use of a larger window at the bike storage area to promote it as a more active space and help connect the building to the public realm.
3. **Architecture.** The Planning Department recommends changing the ground level material at the residential terrace as chain link is an unacceptable option. Instead, the Planning Department prefers this to be inviting and open to the public realm along Shipley and, to assist with privacy to the interior, the use of landscape elements as buffers. The street facade should include the use of high-quality materials and significant depth to promote the pedestrian experience.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. As illustrated on page 8 of this PPA, the list of applications applicable to the project must be submitted no later than **January 9, 2017**. 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.

Enclosure: Neighborhood Group Mailing List
 Interdepartmental Project Review Application
 Flood Notification: Planning Bulletin
 SFPUC Recycled Water Information Sheet