



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 3, 2014
TO: Marc Dimalanta
FROM: Joshua Switzky, Planning Department
RE: PPA Case No. 2014.1279U for
249 Pennsylvania Avenue & 201-935 Mariposa Street

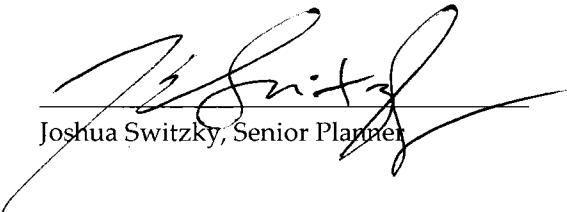
1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find attached the Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Paolo Ikezoe, at (415) 575-9137 or Paolo.Ikezoe@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.


Joshua Switzky, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: December 4, 2014
Case No.: **2014.1279U**
Project Address: 249 Pennsylvania Avenue & 201-935 Mariposa Street
Block/Lot: 3999/010, 3999/013, 3999/014
Zoning: UMU (Urban Mixed Use) Zoning District
40-X Height and Bulk District
Area Plan: Showplace Square/Potrero Hill Area Plan
Project Sponsor: Marc Dimalanta, D-Scheme Studio Architects
415-252-0888
Staff Contact: Paolo Ikezoe – 415-575-9137
paolo.ikezoe@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DISCLAIMERS:

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

PROJECT DESCRIPTION:

The proposal is to demolish the two existing, 1-story commercial/industrial buildings totaling 19,125 square feet to construct a new 5-story, mixed-use building that includes 65 dwelling units above ground floor commercial tenant space, off-street accessory parking, and accessory residential spaces. The existing buildings on the subject properties were constructed in 1953 and are tentatively categorized as "C- Not a Historic Resource" on the Planning Department's Property Information Map (PIM). The site is composed of three rectangular-shaped lots of different sizes that will be merged into a single parcel. The site occupies 21,625 sf and is located entirely within the UMU (Urban Mixed Use) Zoning District. The project includes 65 accessory off-street parking spaces and a total of 4,129 sf of commercial tenant space at the first floor.

ENVIRONMENTAL REVIEW:

Community Plan Exemption

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental

impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

The proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR* (FEIR), certified in 2008.¹ Because the proposed project is consistent with the development density identified in the area plan, it is eligible for a community plan exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases beyond the CPE project description in project size or intensity after project approval will require reconsideration of environmental impacts and issuance of a new CEQA determination. Within the CPE process, there can be three different outcomes as follows:

1. **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in *the Eastern Neighborhoods Rezoning and Area Plans Final EIR* ("*Eastern Neighborhoods FEIR*"), and there would be no new "peculiar" significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from *the Eastern Neighborhoods FEIR* are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659); (b) the CPE certificate fee (currently \$7,580); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in *the Eastern Neighborhoods FEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by *the Eastern Neighborhoods FEIR*, with all pertinent mitigation measures and CEQA findings from *the Eastern Neighborhoods FEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659); (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of *the Eastern Neighborhoods FEIR*.
3. **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 Eastern Neighborhoods FEIR*, with all pertinent mitigation measures and CEQA findings from *the Eastern Neighborhoods FEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659); (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also

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

based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the *Eastern Neighborhoods FEIR*.

In order to begin formal environmental review, please submit an **Environmental Evaluation Application**.

This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. See page 2 of the current *Fee Schedule* for calculation of environmental application fees. **Note that until an approval application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned environmental Coordinator.** Below is a list of topic areas that would require additional study based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated August 19, 2014.

1. Historic Resources. The project site is occupied by a one- to two-story wood-frame industrial warehouse constructed in 1953 with adjacent parking lot. The building was evaluated on August 17, 2011 as part of the Showplace Square/Northeast Mission Historic Resource Survey. Based upon this survey, the existing industrial warehouse was assigned a California Historic Resource Status Code (CHRSC) of "6Z," which defines the properties as "found ineligible for NR, CR or local designation through survey evaluation." Furthermore, the project site is not located in or near any historic districts. Therefore, the site is not considered to be a historic resource for the purposes of CEQA. No additional historic resource studies would be required.

2. Transportation and Circulation. Based on a review of the PPA Application, the Department has determined that a transportation study is not likely to be required. However, a formal determination will be made subsequent to submittal of the EE Application. In order to facilitate that determination, Planning staff propose the following recommendations:

- Specify existing, proposed, and removed curb cuts on project plans with associated dimensions;
- Reduce amount of car parking spaces due to ample parking supply in the site vicinity;
- Further separate lobby and driveway entrances to reduce hazards to pedestrians entering and exiting;
- Show trash room on plans;
- Provide specifications for mechanical lifts.

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

4. Geology and Soils. The project site is located on a slope greater than 20%. 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 and recommend minimization measures for potential issues including 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.

5. Air Quality. The proposed project's 65 residential dwelling units and 4,129 square feet of retail space are below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.² Therefore an analysis of the project's criteria air pollutant emissions is not likely to be required.

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 Control 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. 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 project site 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 will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.

6. Hazardous Materials. The site is located on the Maher Map, indicating the presence of contaminated soil and/or groundwater. As the proposed project would disturb more than 50 cubic yards of soil, it is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by DPH, requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

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

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 EE Application.

7. Noise. Based on the *Eastern Neighborhoods* FEIR, the project site is located in an area where traffic-related noise exceeds 60 dBA Ldn (a day-night averaged sound level). *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.

Noise Mitigation Measure F-3: Interior Noise Levels requires that the project sponsor conduct a detail analysis of noise reduction requirements for new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. *Noise Mitigation Measure F-3* would not apply to the proposed project as the project would be subject to the California Noise Insulation Standards.

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 the project includes a noise-sensitive use. *Noise Mitigation Measure F-4* requires that a 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-generation uses within 900 feet of, and that have a direct line-of-sight to, the project site. At least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes) shall be included in the analysis. The analysis shall be prepared by person(s) qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.

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

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

8. 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.³ 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.

9. Stormwater. As the project involves disturbance of more than 5,000 square feet of soil, 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 a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.

10. 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 a *Tree Planting and Protection Checklist* with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.

11. Notification of a Project Receiving Environmental Review. Notice is required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and to the extent feasible occupants of properties within 300 feet of the project site at the initiation of the environmental review.

³ Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

Please be prepared to provide mailing addresses on a CD upon request following submittal of the Environmental Evaluation Application.

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 occurs, 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 focused initial study/mitigated negative declaration with a supporting CPE checklist. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a focused EIR with a supporting CPE checklist. A community plan exemption and a focused initial study/mitigated negative declaration can be prepared by Planning Department staff, but focused EIR with supporting CPE checklist would need to be prepared by a consultant on the Planning Department’s environmental consultant pool (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 **Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 to allow the construction of a new building greater than 75 feet in height or greater than 25,000 gross square feet. As proposed, the project would require specific exceptions from the provisions of the Planning Code with regard to the following:
 - a. Rear Yard
 - b. Exposure

- c. Obstructions
- d. At-Grade Parking
- e. Ground Floor Ceiling Height
- f. Transparency and Fenestration

Although qualifying projects may seek and justify specific exceptions from the provisions of the Planning Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives that avoid the necessity for exceptions, particularly for new construction projects which are unencumbered by existing improvements that may otherwise pose constraints. If specific exceptions are pursued, staff strongly encourages the Project Sponsor to minimize the number of exceptions sought.

2. A **Building Permit Application** is required for the demolition of the existing buildings on the subject property.
3. A **Building Permit Application** is required for the proposed new construction on the subject property.

A Large Project Authorization application is 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 Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

1. Large Project Authorization
2. 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. **Eastern Neighborhoods - Showplace Square/Potrero Hill Area Plan.** The subject property falls within the area covered by the Showplace Square/Potrero Hill Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching land use objectives of the Plan, however, the proposed project is notably inconsistent with key policies related to off-street parking

and urban design. 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 modification to achieve consistency. The project sponsor is encouraged to read the full plan, which can be viewed at:

http://www.sf-planning.org/ftp/General_Plan/Showplace_Square_Potrero.htm.

2. **Building Height.** Planning Code Section 102.12 and 260 establish the building height measurement methodology. The subject property is located within the 40-X Height and Bulk District which establishes a maximum building height of 40 feet. Permitted exemptions above the maximum height limit are outlined in Planning Code Section 260. To ensure a Code-compliant building height, additional Section drawings in accordance with the building height measurement methodology will be required.
3. **Rear Yard.** Planning Code Section 134(a)(1)(C) requires the project to provide a rear yard of at least 25% of the lot depth or 25 feet (.25 x 100 feet = 25 feet) for that portion of the lot 100 feet in depth, and 21.25 feet (.25 x 85 feet = 21.25 feet) for that portion of the lot 85 feet in depth. In the UMU zone, rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or of the building. As proposed, portions of the subject building from the lowest floor containing a dwelling unit to the top floor encroach into the minimum required rear yard. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives. If a rear yard modification is ultimately sought, staff recommends the provision of a comparable amount of square footage as would be created with a Code-compliant rear yard be provided elsewhere within the development.
4. **Exposure.** Planning Code Section 140 outlines requirements for all dwelling units to face an open area that meets specific dimensional requirements (including a requirement that the required windows face an unobstructed open area no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor) . As proposed, it appears numerous dwelling units do not meet the exposure requirement. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives.
5. **Usable Open Space.** Pursuant to Planning Code Section 135(d) Table 135B, the project would be required to provide a minimum of 80 sf of usable open space per dwelling unit (regardless of whether common or private) or 5,200 sf total (80sf per du x 65 du's = 5,200 sf). It appears 14 dwelling units satisfy the minimum open space requirement with private decks that exceed 80 sf, leaving a remainder of 51 dwelling units that must rely on the project's common usable open space areas (i.e.- the rear yard and roof deck) to satisfy the open space requirement. With 80 sf per dwelling unit required, 4,080 sf of additional open space is required. A scaled assessment of the common usable open spaces on the project plans indicates that the project satisfies the minimum open space requirement with a total of 4,805 sf. However, the square footages cited for open space areas (i.e.- at the rear yard and roof deck) appear inaccurate and should be revised for accuracy.

6. **Obstructions.** Planning Code Section 136(c)(1)(B) establishes the maximum distance that overhead horizontal projections (of purely architectural or decorative character with a vertical dimension of no more than 2'-6" and not increasing the floor area or the volume of space enclosed by the building) may project beyond the property line into the street. The maximum projection permitted is three feet at roof level and one foot at every other level. As proposed, there is not sufficient detail provided of the undulating, vertically-oriented glass panels composed across the street-facing elevations to determine compliance. However, it appears that these architectural elements do not meet Code. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives.
7. **Better Streets Plan/Street Trees.** If street improvements are being considered, project sponsors should contact the Department of Public Works (DPW) as early as possible to understand the process and requirements for permitting street improvements. For more information on process, guidelines, and requirements for street improvements, refer to www.sfbetterstreets.org. Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

Pursuant to Planning Code Section 138.1, the project shall provide a minimum of one tree of 24-inch box size for each 20 feet of frontage of the property along each street, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot. With a property frontage of 100 linear feet along Mariposa Street, the project must provide a minimum of five street trees ($100'/20 = 5$ trees) along Mariposa Street and with a property frontage of 250 linear feet along Pennsylvania Avenue, the project must provide a minimum of 13 street trees ($250'/20 = 12.5$ or 13 trees) along Pennsylvania Avenue.

7. **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 requirement.

8. **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 features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to

the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation. Detailed architectural plans that specify the rooftop features of the project have not yet been provided in order to determine whether the project satisfies this Code requirement.

9. **Parking Screening.** Planning Code Section 142 requires the screening of off-street parking and "vehicle use areas" adjacent to the public right-of-way. Every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. Detailed architectural plans that specify the garage door features of the project have not yet been provided in order to determine whether the project satisfies this Code requirement.
10. **At-Grade Parking.** Planning Code Section 145.1(c)(1) requires that at-grade off-street parking be setback at least 25 feet from the street facing façade. As proposed, it appears the at-grade off-street parking is setback slightly less than the required 25 feet from the street facing façade along Pennsylvania Avenue and therefore does not satisfy this Code requirement. The applicant may elect to modify the project plans to comply with Code or seek and justify a modification pursuant to Planning Code Section 329.
11. **Active Uses Required.** Planning Code Section 145.1(c)(3) requires that space for active uses as defined in Subsection (b)(2) and permitted by the underlying zoning district be provided within the first 25 feet of building depth on the ground floor and 15 feet on floor above from any façade facing a street at least 30 feet in width. Please note that spaces accessory to residential uses, such as bicycle/private storage, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Utility installation is not considered active uses. As proposed, it appears various at-grade uses, along the Pennsylvania Avenue elevation do not satisfy this Code requirement. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives.
12. **Ground Floor Ceiling Height.** Planning Code Section 145.1(c)(4) requires that ground floor non-residential uses in the UMU Districts have a minimum floor-to-floor height of 17 feet, as measured from grade. As proposed, it appears the ground floor commercial tenant spaces, with a floor-to-floor ceiling height of 12'-7", do not satisfy this Code requirement. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives.
13. **Transparency and Fenestration.** Planning Code Section 145.1(c)(6) 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. However, it appears that the Pennsylvania Avenue elevation does not satisfy this Code requirement. Although the project may seek and justify an exception from the provisions of this Code pursuant to Planning Code Section 329, staff strongly encourages the Project Sponsor to study and seek Code-compliant design alternatives.

14. **Off-Street Parking.** Planning Code Section 151.1 establishes no minimum parking requirement for any use within the Eastern Neighborhood Mixed Use District, which includes the UMU (Urban Mixed Use) District. However, accessory off-street parking in accordance with the quantities specified in Table 151.1 serve as the maximum amount of accessory off-street parking the project may contain. Based on the proposed plans, the maximum amount of total off-street parking permitted as-of-right is 52 spaces. This is based on the following calculations:

RESIDENTIAL-

$$P \text{ up to } .75 \text{ spaces per du} = .75 \times 65 \text{ du's} = 49 \text{ spaces}$$

$$\text{Total Max. Res. Spaces Allowed} = 49 \text{ spaces}$$

COMMERCIAL-

$$\text{Retail (P up to 1 space per 1,500 sf)} = 4,129\text{sf}/1,500 = 2.75 \text{ spaces (or 3 spaces)}$$

$$\text{Total Maximum Commercial Spaces Allowed} = 3 \text{ spaces}$$

$$\text{Total Combined Maximum Spaces Allowed} = 52 \text{ spaces}$$

Acronyms

P = permitted

DU = dwelling unit

The proposed project would construct 65 new dwelling units; therefore, a maximum of 49 off-street parking spaces would be permitted as-of-right for the residential units. Currently, the project exceeds the maximum number of parking spaces for the residential units by 13 spaces [when subtracting the maximum number of spaces permitted for the commercial component; 65 spaces (proposed) – 3 spaces (for commercial component) = 62 spaces (proposed for residential)] and would therefore require a Large Project Authorization exception subject to the conditions of Planning Code Section 151.1(g). However, any such residential parking exception request shall not exceed the maximum amount stated in Planning Code Section 151.1 (g), Table 151.1. The maximum amount permitted through a Large Project Authorization exception is 50 spaces [59 du's x .75/du = 44.25 spaces + 6 du's x 1/du = 6 spaces; 44.25 spaces + 6 spaces = 50.25 spaces or 50 spaces]. Therefore, the currently proposed number of residential parking spaces exceeds the maximum number of spaces that may be sought through a Large Project Authorization by 12 spaces [62 spaces – 50 spaces = 12 spaces]. Because the Planning Code establishes maximum number of parking spaces based on specific use categories, the project plans should also be amended to specify exactly how many parking spaces are allocated per use (i.e.- residential/commercial).

15. **ADA Parking.** Planning Code Section 155 requires one ADA parking space for each 25 parking spaces provided. With 65 parking spaces proposed, three ADA parking spaces are required. Detailed architectural plans that specify the types of parking spaces have not yet been provided in order to determine whether the project satisfies this Code requirement.

16. **Bicycle Parking.** Pursuant to Planning Code Section 155 and based on the proposed number of dwelling units, at least three Class II bicycle parking spaces are required for the residential component and at least six Class II bicycle parking spaces are required for the commercial component. Therefore, a total of nine Class II bicycle parking spaces are required, whereas the plans indicate only four Class II bicycle parking spaces provided. The project plans must be amended to demonstrate Class II bicycle parking compliance in accordance with the bicycle parking design standards established in Zoning Administrator Bulletin #9 (see hyperlink provided) since a modification from the bicycle parking requirements is not available. The project satisfies the minimum number of Class I bicycle parking spaces, in that a total of 66 Class I bicycle parking spaces are required (65 spaces for residential component, 1 space for commercial component) and 69 Class I bicycle parking spaces are provided.
17. **Unbundled Parking.** Pursuant to Planning Code Section 167, all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to the owners or renters of two bedroom units, and then to the owners or renters of other units. Renters or buyers of on-site inclusionary affordable units provided pursuant to Planning Code Section 415 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, and at a price determined by the Mayor's Office of Housing, subject to procedures adopted by the Planning Commission notwithstanding any other provision of Planning Code Section 415.
18. **Shadow Analysis.** Planning Department staff has prepared a preliminary shadow fan that indicates the project casts shadows on properties under the jurisdiction of the San Francisco Recreation and Park Commission (located to the northeast of the subject property). As a result, a Shadow Study will be required pursuant to Planning Code Section 295.
19. **Transit Impact Development Fee.** This project is subject to the applicable fees outlined in Planning Code Section 411.
20. **Affordability.** This project is subject to the Affordable Housing requirements outlined in Planning Code Section 415 and 419. For your information, if a project proposes rental units, it may be eligible for an on-site alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:
 - a. Direct financial construction from a public entity
 - b. Development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to the Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

21. **Car-Sharing.** Planning Code Section 166 establishes the minimum number of car-sharing spaces required for new construction. Based on the number of residential dwelling units proposed (65 units), one car-share space is required (assumes all parking spaces are provided for residential use). The project plans should specify whether the proposed parking spaces are provided for residential or commercial uses, as well as, how many car-sharing parking spaces would be provided as part of the proposed project to demonstrate compliance.
22. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable Eastern Neighborhood Impact Fees outlined in Planning Code Section 423.
23. **First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct 25,000 gross square feet or more. For more information, please contact:
Ken Nim, Workforce Compliance Officer
CityBuild, Office of Economic and Workforce Development
City and County of San Francisco
1 South Van Ness, San Francisco, CA 94102
Direct: 415.701.4853, Email: ken.nim@sfgov.org
Fax: 415.701.4897
Website: <http://oewd.org/Workforce-Development.aspx>
24. **Anti-Discriminatory Housing Policy.** Pursuant to Administrative Code Section 1.61, the Planning Department must collect an application with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of 10 dwelling units or more. The application form will be made available through the Planning Department website. The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information will be routed to the Human Rights Commission. For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please contact Mullane Ahern at (415) 252-2514 or mullane.ahern@sfgov.org.

Please note that all building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.
25. **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.
26. **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 (see SFPUC document hyperlink provided).

Links:

Large Project Authorization Application

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8175>

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

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>

PRELIMINARY DESIGN COMMENTS:

The site is an up sloping corner lot that slopes up along Pennsylvania, and is adjacent to the 280 freeway to the east. The following comments address preliminary design issues that may significantly impact the proposed project.

- 1. Site Design, Open Space, and Massing.** The Planning Department questions the amenity and quality of the rear yard facing I-280 freeway and believes this compromises the exposure to the units facing onto it with a foreground of concrete, noise, and pollution. A 30' wide by 60' deep massing break is required on frontages over 200'. The existing Pennsylvania Garden to the south presents an opportunity and amenity that the project should embrace. Additionally, the height of the building should step with the topography in increments of 65' for a 15% slope.

The Planning Department recommends reorganizing the site plan to provide two open courtyards a minimum of 30' wide to act as transition space from the street, and provide direct access to dwelling units. Other benefits of this strategy may result in usable common open space adjacent to a maximum number of residential units and common amenities. These would also modulate the long façade and provide more opportunities for double-aspect units.

The East façade abutting the freeway could be more appropriately used as the corridor and core functions. Since the East facade will be visible from the freeway, the Planning Department recommends a sculptural and textural articulation of the building along the freeway edge. Both street frontages appear to have bay projections that may not comply with Section 136 of the Planning Code.

A portion of the property and proposed ground floor appears to extend under the freeway right-of-way. This may be a condition that Caltrans does not allow. Confirm the legality of building in the I-280 right-of-way. The roof labeled as rear yard space may not likely count toward open space.

- 2. Vehicle Circulation, Access and Parking.** Minimize the height and width of the garage access opening. The Planning Department recommends a single 12 foot wide opening for parking ingress and egress, which should be sufficient for the type and quantity of parking spaces.

Bike parking should be as close as possible to the lobbies or garage entrance to maximize convenience, and minimize the travel distance through the garage and conflict with automobiles.

3. **Street Frontage.** The frontage should provide a consistent and active relationship with the fronting streets. *Individual unit stoops.* The Planning Department expects ground floor residential units with setback and raised landscaped entries that range from three to five feet above grade, to provide direct access from the street, per the Draft Ground Floor Residential Design Guidelines.

Per the Ground Floor Residential Design Guidelines, vertically modulate the façade so that residential units are individually legible. A setback and raised terrace at the ground level may count toward open space.

The draft guidelines are located on the Department website under “Resource Center/Department Publications/Guidelines for Ground Floor Residential Design.”

4. **Required Streetscape and Pedestrian Improvements.** Per Planning Code Section 138.1, the project sponsor will be required to submit a Streetscape Plan illustrating the location and design of streetscape improvements appropriate to the street type, including site furnishings, landscaping, corner curb extensions, and sidewalk widening as appropriate. The Planning Department may require these elements as part of conditions of approval.

See <http://www.sfbetterstreets.org/design-guidelines/street-types/> to identify relevant street types for the project frontage.

The Planning Department recommends that the sponsor should consider public realm features, such as corner bulb-outs. Planning staff is happy to review proposals or meet with the project sponsor to explore ideas.

For more information on process, guidelines, and requirements for street improvements, refer to www.sfbetterstreets.org.

Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

5. **Architecture.** The Planning Department expects a high quality of design that responds to its context with a consistent composition of building components, materiality, and other architectural features that reference the scale and proportion of the existing building forms and components.

It is expected that the architecture and quality of execution will be superior. High quality materials combined with exceptional articulation and detailing on all visible facades will be essential to a successful project.

Exceptions from code should be matched by a design and configuration of space and architecture that is exceptional.

At this point the architecture is assumed to be preliminary and the Planning Department would provide further detailed design review on the subsequent submission

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **June 4, 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 this Preliminary Project Assessment.

Enclosure: Neighborhood Group Mailing List

cc: Zack Spencer, Property Owner
 Christopher Townes, Current Planning
 Eric Jaszewski, Environmental Planning
 Jerry Robbins, SFMTA
 Jerry Sanguinetti, SF DPW
 Andrea Bruss, Legislative Aide-Supervisor Malia Cohen

FIRST	LAST	TITLE	ORGANIZATION	ADDRESS	CITY	STATE	ZIP	TELEPH ONE	EMAIL	NEIGHBORHOOD OF INTEREST
Corinne	Woods		0 Mission Creek Harbor Association	300 Channel Street, Box 10	San Francisco	CA	94158	415-902-7635	corinnewoods@cs.com	Potrero Hill, South of Market
Janet	Carpinelli	Board President	Dogpatch Neighborhood Association	934 Minnesota Street	San Francisco	CA	94107	415-282-5516	jc@jcarpinelli.com	Potrero Hill, South of Market
Joyce	Book	President	Vermont St. Neighborhood Association	740 Vermont Street	San Francisco	CA	94107	415-206-9537	joyce@vermontneighbors.com	Potrero Hill
Keith	Goldstein		0 Potrero-Dogpatch Merchants Association	800 Kansas Street	San Francisco	CA	94107		0 keith@everestsf.com	Mission, Potrero Hill, South of Market
Malia	Cohen	Supervisor, District 10	Board of Supervisors	1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94102-4689	415-554-7670	Malia.Cohen@sfgov.org; Yoyo.Chan@sfgov.org; Andrea.Bruss@sfgov.org; cohenstaff@sfgov.org	Bayview, Potrero Hill, Visitacion Valley
Mary	Ratcliff	Editor	SF Bay View Newspaper	4917 Third Street	San Francisco	CA	94124	415-671-0789	editor@sfbayview.com	Bayview, Potrero Hill, Visitacion Valley
Rodney	Minott	Chair	Potrero Hill Neighbors/Save the Hill	1206 Mariposa Street	San Francisco	CA	94107	415-553-5969	rodminott@hotmail.com	Potrero Hill, South of Market
Scott	Simons	Friend	Friends of Kansas Street	903 Kansas Street #201	San Francisco	CA		94107 415-704-4747	friendsofkansasstreet@gmail.com	Potrero Hill
Sean	Quigley	President	Valencia Corridor Merchant Association	1038 Valencia Street	San Francisco	CA	94110		0 seanq@paxtongate.com	Castro/Upper Market, Mission, Potrero Hill
Sue	Mortensen	Secretary	Esprit Owners Association	900 Minnesota Street	San Francisco	CA	94107	916-316-3555	smortens@earthlink.net	Potrero Hill
Tony	Kelly	President	Potrero Boosters Neigborhood Association	1459 - 18th Street, Suite 133	San Francisco	CA	94107	415-861-0345		0 Mission, Potrero Hill, South of Market