



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** July 21, 2015  
**TO:** Adam Tartakovsky, 10 SVN, LLC  
**FROM:** Lisa Gibson, Planning Department  
**RE:** PPA Case No. 2015-004568PPA for 10 South Van Ness Avenue

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

Reception:  
**415.558.6378**

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Melinda Hue at (415) 575-9041 or [melinda.hue@sfgov.org](mailto:melinda.hue@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, appearing to read "Lisa Gibson", written over a horizontal line.

Lisa Gibson, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* July 21, 2015  
*Case No.:* **2015-004568PPA**  
*Project Address:* 10 South Van Ness Avenue  
*Block/Lot:* 3506/004, 003A  
*Zoning:* C-3-G (Downtown-General) District  
Van Ness & Market Downtown Residential SUD  
120-R-2 and 120/400-R-2 Height and Bulk District  
*Area Plan:* Market and Octavia Area Plan  
*Project Sponsor:* Adam Tartakovsky, Crescent Heights – (415) 527-9742  
atartakovsky@crescentheights.com  
*Staff Contact:* Melinda Hue – (415) 575-9041  
[Melinda.Hue@sfgov.org](mailto:Melinda.Hue@sfgov.org)

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### DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on April 8, 2015 as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not 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, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

### PROJECT DESCRIPTION:

The proposal is to demolish the existing, approximately 50,000-square-foot (sf) auto dealership building and construct a 40-story, 400-foot-tall (440 feet with roof features) mixed-use building. The existing building on the approximately 50,800-sf subject lot was constructed in 1927. The proposed new building would include 767 dwelling units, up to 275 parking spaces, and 20,400 sf of commercial space along

Market Street and South Van Ness Avenue. Existing curb cuts along South Van Ness and 12<sup>th</sup> Street would be removed and a new curb cut would be installed along 12<sup>th</sup> Street to provide vehicle access to the two-level, below-grade parking garage.

## BACKGROUND:

The project site is located within the Market and Octavia Area Plan, a community plan that was evaluated in the *Market and Octavia Area Neighborhood Plan Final Environmental Impact Report*<sup>1</sup> (Market and Octavia FEIR). On April 5, 2007, the Planning Commission certified the Market and Octavia FEIR for the Market and Octavia Area Neighborhood Plan by Motion 17406.<sup>2</sup> The certification of the FEIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. Subsequent to the certification of the FEIR, on May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, amendments to the Planning Code, Zoning Maps, and General Plan.

## ENVIRONMENTAL REVIEW:

The proposed project requires environmental review individually, with either a project-specific Initial Study/Mitigated Negative Declaration (IS/MND) or Environmental Impact Report (EIR). If an EIR is prepared, a public scoping meeting would be required. The IS/MND or EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool. Please contact Devyani Jain at (415) 575-9051 for a list of three eligible consultants.

The proposed project is located within the Market and Octavia Area Neighborhood Plan, which was evaluated in the Market and Octavia FEIR. However, the proposed project is not consistent with the applicable height limits (per Item #2 under the "Preliminary Project Comments" section) contained in the Market and Octavia Area Neighborhood Plan, and it is therefore not eligible for a Community Plan Exemption (CPE) under the Market and Octavia FEIR. Nonetheless, because the project site is within the geographic area evaluated in the Market and Octavia FEIR, 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 Market and Octavia FEIR that may be applicable to the proposed project are discussed below, under the applicable environmental topic.

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)** for the full scope of the project. 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](http://www.sfplanning.org) under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for calculation of environmental application fees.<sup>3</sup>

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<sup>1</sup> The Market and Octavia Area Neighborhood Plan Final Environmental Impact is available online at: <http://www.sf-planning.org/index.aspx?page=1893>

<sup>2</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/index.aspx?page=1714>, accessed December 3, 2014.

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

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.

Below is a list of topic areas addressed through the environmental review process. Some of these would require additional study based on the preliminary review of the project as it is proposed in the PPA application.

- 1. Historic Resources.** The project site contains one or more structures considered to be a potential historic resource (building constructed 45 or more years ago); therefore, the proposed demolition is subject to review by the Department's Historic Preservation staff. While a previous evaluation was completed in 2010, the building's potential significance was not fully assessed and further analysis needs to occur for the proposed demolition of the existing building. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department's Historic Resource Consultant Pool. Please contact Tina Tam, Senior Preservation Planner, via email ([tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)) for a list of three consultants from which to choose. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received. If the building is found to be a historic resource, its demolition would be considered an unavoidable significant impact and preparation of an EIR would be required.
- 2. Archeological Resources.** The project site lies within the Archeological Mitigation Zone C2: General Soil Disturbing Activities of the *Market and Octavia FEIR*. Therefore, the proposed project will 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. Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a new class of resource that must be considered under the California Environmental Quality Act (CEQA). TCRs are defined as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native

American tribe, that is either included on or eligible for inclusion in the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines is a TCR. Planning Department staff will review the proposed project to determine if it may cause an adverse effect to a TCR; this will occur in tandem with preliminary archeological review. No additional information is needed from the project sponsor at this time. Consultation with California Native American tribes regarding TCRs may be required at the request of the tribes. If staff determines that the proposed project may have a potential significant adverse impact on a TCR, mitigation measures will be identified and, where feasible, required. Mitigation measures may include avoidance, protection, or preservation of the TCR and development of interpretation and public education and artistic programs.

4. **Transportation.** Based on the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review,<sup>4</sup> the project will require additional transportation analysis to determine whether the project may result in a significant impact. Therefore, the Planning Department requires that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Impact Study. You are required to pay additional fees for the study; please contact Vernaliza Byrd at (415) 575-9025 to arrange payment. Once you pay the fees, please contact Manoj Madhavan at (415) 575-9095 or [manoj.madhavan@sfgov.org](mailto:manoj.madhavan@sfgov.org) so that he can provide you with a list of three consultants from the pre-qualified Transportation Consultant Pool. Upon selection of a transportation consultant, the Department will assign a transportation planner who will direct the scope of the consultant-prepared study.

Additionally, the proposed project is located on a high injury corridor as mapped by Vision Zero.<sup>5</sup> Planning staff have reviewed the proposed site plans and offer the following recommendations, some of which address the safety of persons walking and bicycling to and from the project site and vicinity:

- Clarify whether the public plaza on 12<sup>th</sup> Street would be closed to traffic
- Coordinate with Charles Rivasplata ([charles.rivasplata@sfmta.com](mailto:charles.rivasplata@sfmta.com)) at the San Francisco Municipal Transportation Agency (SFMTA) in regards to nearby SFMTA planning efforts (Better Market Street, etc.)
- Provide more detailed plans to show bike parking configuration
- Driveway width should be a maximum of 10-12 feet
- Show dimensions of loading spaces on plans
- Provide parking stackers specifications
- Conduct a site visit to observe pedestrian conditions and safety issues

Further site design/access comments may be forthcoming during the review of the transportation analysis.

5. **Noise.** The *Market and Octavia FEIR* shows that the noise level at South Van Ness Avenue and 12<sup>th</sup> Street is between 70-75 dBA Ldn (a day-night averaged sound level). The *Market and Octavia FEIR* indicated that future housing uses would be required by Title 24 of the California Code of

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

<sup>5</sup> This document is available at: <http://www.sfmta.com/sites/default/files/projects/2015/vision-zero-san-francisco.pdf>.

Regulations to provide an interior environment with reduced noise levels. Therefore, an acoustical analysis is required for the proposed new residential development to demonstrate with reasonable certainty that the California Noise Insulation Standards in Title 24 of the California Code of Regulations can be met.

Additionally, the Planning Department requires that residential open space required under the Planning Code be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Measures to protect required open space from noise include 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.

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 should indicate whether pile driving or other particularly noisy construction methods are required.

6. **Air Quality.** The proposed project's 767 dwelling units exceed the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.<sup>6</sup> Please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA.

In addition, project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the proposed project will 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 the San Francisco Department of Public Health (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 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.<sup>7</sup> In addition, equipment exhaust measures during construction will likely be required.

If the project would generate new sources of toxic air contaminants including, but not limited to diesel generators or boilers, or any other stationary sources, the project would result in toxic air

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<sup>6</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

<sup>7</sup> Refer to <https://www.sfdph.org/dph/eh/Air/default.asp> for more information.

contaminants that may affect both on-site and off-site sensitive receptors. Given the proposed project's height of 400 feet, the proposed project would likely require a backup diesel generator. Please provide detailed information related to any proposed stationary sources with the EEA.

Given the size of the project, the proposed project will require an Air Quality Technical Report (AQTR) with an analysis of the project's criteria air pollutant emissions. A determination regarding whether or not the AQTR would need to include a Health Risk Assessment will be made upon evaluation of information related to construction equipment, phasing, and duration of each phase, and volume of excavation by an environmental planner. For the preparation of the AQTR, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any analysis and/or modeling.

7. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>8</sup> 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.
8. **Wind.** As discussed below under "Preliminary Project Comments," the project site is in the C-3-G (Downtown-General) zoning district, and is subject to Planning Code limits on ground-level wind speeds. A wind tunnel analysis will be required in order to determine project compliance with these Planning Code provisions. Additionally, ground-level wind speeds will be assessed as part of the project's environmental review. The project will therefore require a consultant-prepared wind tunnel analysis. The consultant will be required to prepare a proposed scope of work for review and approval by the assigned Current Planning and Environmental Planning staff prior to proceeding with the analysis.
9. **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 Department staff indicates that the proposed project could cast shadows on Patricia's Green, Koshland Park, and Page and Laguna Mini Park, which are San Francisco Recreation and Park properties subject to Planning Code Section 295. For more information on Planning Code Section 295, see "Preliminary Project Comments" below. The project sponsor is therefore required to hire a qualified consultant to prepare a detailed shadow study. Please refer to the Planning Department's "Shadow Analysis Procedures and Scope

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<sup>8</sup> Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."



Requirements” ([http://www.sf-planning.org/ftp/files/publications\\_reports/Shadow\\_Analysis\\_Memo-07-10-14.pdf](http://www.sf-planning.org/ftp/files/publications_reports/Shadow_Analysis_Memo-07-10-14.pdf)) for more information. The consultant must also prepare a proposed scope of work for review and approval by Current Planning and Environmental Planning staff prior to preparing the analysis. The project sponsor must submit a Shadow Study Application, which can be found here: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8442>. A separate fee is required for the Shadow Study Application.

10. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.<sup>9</sup> (See Item #23 under “Preliminary Project Comments”) 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 San Francisco Building Code 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 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.
11. **Hazardous Materials.** The proposed project would include residential uses on a site that is currently an auto dealership with a car repair service. 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.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, because of its age (constructed prior to 1978), lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

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

12. **Cumulative Impacts.** As required under CEQA, the environmental review will assess the impacts of the proposed project in combination with other closely related past, present and reasonably foreseeable probable future projects. The project site is located in an area that is expected to experience significant growth in the next decade, with several high-rise development projects and infrastructure/transit improvements in the pipeline. Therefore, as part of the preparation of the scopes of work for environmental review and technical studies, the consultant shall review with Environmental Planning staff a list of cumulative projects to be considered in the environmental analysis. Additionally, consultants will be expected to coordinate technical study approach/methodology with other studies being undertaken for projects in the nearby vicinity.
13. **Water Supply Assessment.** The California Water Code Sections 10910-10915 require that a Water Supply Assessment be prepared for any proposed project that meets the definition of a "water demand project" under Section 10912(a). The assessment determines whether available water supplies are sufficient to serve the demand generated by projects of a specified size, as well as the reasonably foreseeable cumulative demand in the service area over the next 20 years under a range of hydrologic conditions. Please coordinate with Environmental Planning staff and visit [sfwater.org/index.aspx?page=75](http://sfwater.org/index.aspx?page=75) for more information.
14. **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 Item #14 under "Preliminary Project Comments."
15. **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>.

### 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. **Downtown Project Authorization.** In order for the project to proceed, the Planning Commission would need to determine that the project complies with Planning Code Section ("Section") 309, through a Downtown Project Authorization. This Section establishes a framework for review of projects within C-3 Districts to ensure conformity with the Planning Code and the General Plan, and modifications may be imposed on various aspects of the project to achieve this conformity. These aspects include overall building form, impacts to public views, shadows and wind levels on sidewalks and open spaces, traffic circulation, relationship of the project to the streetscape, design of open space features, improvements to adjacent sidewalks (including street trees, landscaping, paving material, and street furniture), quality of residential units, preservation of on-site and off-site historic resources, and minimizing significant adverse environmental effects. Through the Downtown Project Authorization process, the project sponsor may also request exceptions from certain requirements of the Planning Code, as described under "Preliminary Project Comments" below.
2. **Conditional Use Authorization.** The project exceeds the amount of principally-permitted off-street parking spaces to serve the residential units, pursuant to the regulations of Section 151.1. Up to .5 parking spaces per dwelling unit may be sought through Conditional Use Authorization. As noted under "Preliminary Design Comments" below, staff would not be supportive of parking that exceeds the principally permitted amounts.
3. **Height Reclassification/General Plan Amendment.** As noted under "Preliminary Project Comments" below, the project does not comply with the existing height limits that apply to the property. In order for the project to proceed as proposed, the Board of Supervisors would need to approve reclassifications of the Height and Bulk Districts, as well as amendments to several associated exhibits in the General Plan (including the Downtown Plan and the Market and Octavia Area Plan).
4. **Variance.** As currently proposed, and as discussed under "Preliminary Project Comments" below, several aspects of the project do not comply with the requirements of the Planning Code. If these aspects are not eligible for an exception through a Downtown Project Authorization, then the project must be revised to comply with the Planning Code, or a Variance must be sought and justified for those aspects of the project.
5. **Building Permit Applications** are required for the demolition of the existing building on the subject property, and for the proposed new construction.

Applications for Downtown Project Authorization are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

#### **NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:**

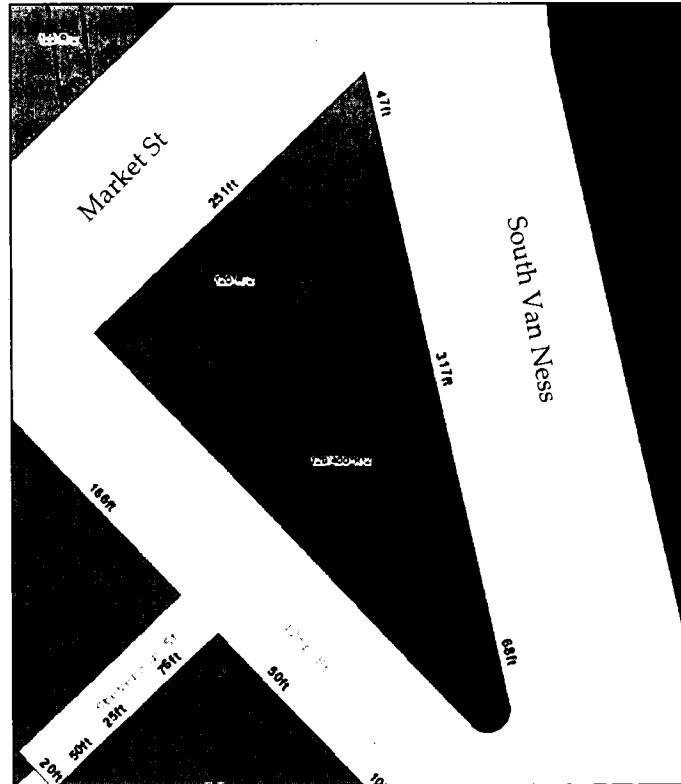
Project sponsors are encouraged, and in some cases required, to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood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

**Notification of a Project Receiving Environmental Review.** Notice may be 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 process. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.

#### **PRELIMINARY PROJECT COMMENTS:**

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

1. **FAR/Fees in SUD.** Per Planning Code Section 124, buildings within the C-3-G District may reach a base Floor Area Ratio ("FAR") of 6.0 to 1. Per Section 249.33, buildings within the Van Ness & Market Residential Special Use District ("SUD") may exceed the base Floor Area Ratio, up to a ratio of 9.0 to 1, through in-lieu contributions to the Citywide Affordable Housing Fund (Sections 424.3 and 424.4). Buildings within the SUD may exceed a Floor Area Ratio of 9.0 to 1 through in-lieu contributions to the Van Ness and Market Neighborhood Infrastructure Fund (Section 424.5). Future submittals should provide a detailed calculation of the gross floor area of the project, including floor plans which clearly indicate those areas included within the calculation of "gross floor area" pursuant to the definition in Section 102.
2. **Height.** Multiple Height and Bulk Districts apply to the project site. The northern portion of site is zoned 120-R-2 (with a 120' height limit), and the southern portion of the site is zoned 120-400-R-2 (120' podium height, with a tower of up to 400' in height). Portions of the northern tower are located within the 120-R-2 District, and exceed the allowable height for this District. The boundaries for the 120-R-2 District on the subject block are shown below:



In addition, the sloping parapets of both towers reach a maximum height of 440 feet, exceeding the allowances for features above the roof height limit described in Section 260(b). The project would need to be redesigned to comply with the applicable height limits, or the project sponsor would need to pursue Legislative Amendments (Height Reclassification and General Plan Amendments) in order to proceed as proposed. It should also be noted that the project does not comply with the tower separation requirements applicable to the 120-400-R-2 Height and Bulk District, as discussed below.

3. **Bulk Limitations/Tower Spacing.** Planning Code Section 270 establishes bulk controls by district. Within the "R-2" Bulk Districts, there are no bulk limitations at the podium portions of the building below a height of 120 feet. Above the podium height, for a building between 351 and 550 feet in height, the floorplates may not exceed a plan length of 115 feet, a diagonal dimension of 145 feet, and a maximum average floor area of 10,000 gross square feet. In addition, Section 270(e)(2)(F) requires that the gross floor area of the top one-third of the tower be reduced by 10 percent from these maximum floor plates, unless the overall tower floor plate is reduced by an equal or greater volume. It appears that the project generally complies with these bulk limitations; however, future submittals should provide dimensional and volumetric depictions verifying that the project complies with these requirements.

In order to provide adequate sunlight and air to streets and open spaces, the Planning Code requires that a minimum distance of 115 feet be preserved between all structures above levels above 120 feet in height. Spacing is measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 120 feet in height. While the spacing

between the proposed northern and southern towers varies, at the closest point of separation, the buildings are located within 95 feet of each other. Therefore, the project would not comply with the tower separation requirements in this area, and must be redesigned to comply with these standards.

It should be noted that, within the SUD, no exceptions to the bulk limitations and tower spacing requirements are permitted; such deviation would be possible only through legislative amendments (Bulk Reclassification and General Plan Amendments).

4. **Density.** Per the SUD regulations of Section 249.33, there is no density limit for residential uses by lot area. Instead, density is controlled by application of other requirements and limitations of the Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principles for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. Therefore, it is critical that the project be designed in a manner that minimizes design-related exceptions and requests for Variances, as noted elsewhere in this letter.
5. **Lot Coverage.** Within the SUD, the rear yard requirements of Section 134 do not apply. Instead, Section 249.33 limits lot coverage to 80 percent at all residential levels, except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Preliminary calculations indicate that the project has a lot coverage of approximately 81.5 percent at the second floor, exceeding the lot coverage maximum. Future submittals should be redesigned to comply with this standard, and should include graphics and calculations to demonstrate compliance with this requirement.
6. **Mid-Block Alley.** Section 270.2 requires that the project include a mid-block pedestrian alley that meets certain design and performance standards. This Section includes design and performance standards for the alley, which include the following:
  - Generally be located as close to the middle portion of the subject block face as possible, perpendicular to the subject frontage and connect to existing adjacent streets and alleys.
  - Provide pedestrian access.
  - Provide no, limited or full vehicular access, as specific conditions warrant.
  - Have a minimum width of 20 feet from building face to building face, exclusive of those obstructions allowed pursuant to Section 136, and a minimum clearance height from grade of 15 feet at all points.
  - Be ungated and publicly accessible 24 hours per day, as defined elsewhere in this Section.
  - Be provided with appropriate paving, furniture, and other amenities that encourage pedestrian use, and be landscaped to greatest extent feasible.
  - Be fronted by active ground floor uses, as defined in Section 145.1, to the extent feasible.
  - New buildings abutting mid-block alleys provided pursuant to this Section 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

Please refer to Section 270.2(e) for a complete list of the design and performance standards. As the project evolves through the design review process, staff will want to work with the sponsor further to ensure that the mid-block alley meets these standards and provides a comfortable and attractive pedestrian amenity.

7. **Residential Open Space.** Per Section 135, within C-3 Districts, a minimum of 36 square feet of private open space must be provided per dwelling unit, or 47.88 square feet of common open space must be provided per dwelling unit. Both private and common open space must meet standards for location, dimensions, usability, and access to sunlight. With 767 dwelling units, the project would require 36,724 square feet of common open space.

The “Zoning Information” table in the PPA plan set calls out a total of 36,900 square feet of open space in the project. However, the plans do not depict roof areas at the 2<sup>nd</sup> and 10<sup>th</sup> floors as open space, and the plans do not include a roof plan which would presumably host some amount of the project open space. Future submittals should clearly depict all proposed open space areas, and should discuss how the ground-level open spaces would function as both publicly-accessible features as well as residential amenities.

8. **Exposure.** Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The majority of the units face onto a right-of-way and therefore comply with the requirement. However, several of the units at each floor of the podium levels face solely onto a courtyard at the northern portion of the site. The courtyard is not sufficiently sized to meet the requirements of Section 140. Therefore, the project must be revised to meet the minimum exposure requirements, or the sponsor may request and justify a Variance. The Department generally encourages projects to minimize the number of units needing an exposure exception.
9. **Off-Street Parking Maximums.** Per Section 151.1, off-street parking within the SUD is principally permitted at a ratio of one space for each four dwelling units. Subject to the criteria of Section 151.1(f), up to .5 parking spaces per dwelling unit may be sought through Conditional Use Authorization. Non-residential uses within the project are allowed a maximum parking area equivalent to 7 percent of the gross floor area of the non-residential uses in the project. The project proposes up to 255 parking spaces to serve 767 residential units (at a ratio of approximately .33 parking spaces per dwelling unit). Future submittals should either reduce the parking to comply with the principally-permitted parking ratio, or should demonstrate how the project complies with the criteria of Section 151.1(f). As noted under “Preliminary Design Comments” below, staff would not be supportive of parking that exceeds the principally permitted amounts.
10. **Car Sharing.** Planning Code Section 166 requires this project to provide at least five car share parking spaces; however, only four spaces are shown. Future submittals should identify one additional car share space.
11. **Bicycle Parking.** Per Section 155.2, a total of 270 Class 1 bicycle parking spaces and 46 Class 2 bicycle parking spaces would need to be provided for the project. Future submittals would need to identify

