



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: August 24, 2015  
TO: Warner Schmalz, Forum Design  
FROM: Lisa Gibson, Planning Department  
RE: PPA Case No. 2015-006512PPA for 1075 Folsom & 1089 Folsom  
& 40 Cleveland Streets

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

Reception:  
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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Debra Dwyer, at (415) 575-9031 or [Debra.Dwyer@sfgov.org](mailto:Debra.Dwyer@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

  
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Lisa Gibson, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* August 24, 2015  
*Case No.:* **2015-006512PPA**  
*Project Address:* 1075 and 1089 Folsom Street, and 40 Cleveland Street  
*Block/Lots:* 3754/029, 038 and 039  
*Zoning:* SOMA NCT (Neighborhood Commercial Transit) and MUG (Mixed-Use General)  
SoMa Youth and Family Special Use District (SUD)  
65-X and 45-X  
*Area Plan(s):* East SOMA Area Plan and South of Market Redevelopment Area  
*Project Sponsor:* Warner Schmalz, Forum Design, LTD.  
415-252-7063  
*Staff Contact:* Debra Dwyer – 415-575-9031  
[Debra.Dwyer@sfgov.org](mailto:Debra.Dwyer@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 May 15, 2015 with plans dated May 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 approximately 8,600-square-foot project site consists of three lots, two fronting on Folsom Street and one fronting on Cleveland Street, in the East South of Market (East SoMa) area. The proposal is to demolish the three existing industrial buildings on the project site totaling 13,960-square feet (sf) and to construct a 6-story, 65-foot-tall mixed-use building. The project site is within the West SoMa Light

Industrial and Residential Historic District. The existing building at 1075 Folsom Street was constructed in 1924 and is considered an historic resource for the purposes of CEQA. The existing buildings at 1089 Folsom Street and 40 Cleveland Street were constructed in 1951 and 1938, respectively, but are not considered historic resources for the purposes of CEQA. The proposed new building would be approximately 65 feet tall on Folsom Street and 42 feet tall on Cleveland Street, exclusive of permitted obstructions. The new building would include 34 dwelling units, 15 parking spaces, and 2,330-sf of ground floor commercial space. Two of the 34 residential units would be two-bedroom townhouses accessed from Cleveland Street. The residential lobby for the other 32 units and the commercial space would be accessed from separate entrances on Folsom Street. The ground floor garage would be accessed from a curb cut on Cleveland Street and would provide 15 parking spaces through the use of three-level mechanical car stackers. Three motorcycle parking spaces and 40 bicycle parking spaces would also be provided in the garage. Approximately 2,400-sf of common open space would be provided in a roof deck on the top of the Folsom Street structure. Private open space would be provided for 10 of the 34 units. Approximately 1,150 cubic yards of soil would be excavated for the project. The proposed project would be supported by a mat foundation and would require three feet of excavation across the project site. In addition, the depth of excavation for the mechanical parking stackers would be up to eight feet below grade.

## BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Mission, East South of Market (SOMA) (location of project site), Showplace Square/Potrero Hill, and Central Waterfront neighborhoods. On August 7, 2008, the Planning Commission certified the *Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)* by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>1,2</sup> The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008.

## 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.

As discussed above, the proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the *Eastern Neighborhoods PEIR*. If the proposed project is consistent with the development density identified in the area plan, it would be eligible for a community plan exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified

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<sup>1</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>2</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

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 PEIR*, 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 PEIR* 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; \$14,017 as of August 31, 2015) and (b) the CPE certificate fee (currently \$7,580; \$7,779 as of August 31, 2015).
- 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 PEIR*, 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 PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659; \$14,017 as of August 31, 2015) and (b) the standard environmental evaluation fee (which is based on construction value).
- 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 PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659; \$14,017 as of August 31, 2015); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool ([http://www.sfplanning.org/ftp/files/MEA/Environmental\\_consultant\\_pool.pdf](http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf)). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)**. The EEA can be submitted at the same time as the PPA Application. The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned**

**Environmental Coordinator.** EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org) under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.<sup>3</sup>

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 proposes demolition of a contributor to the Western SOMA Light Industrial and Residential Historic District; therefore, the proposed project is subject to review by the Department's Historic Preservation staff to determine whether the proposed demolition would materially impair the historic district. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The HRE scope will require a compatibility analysis of the new construction with the historic district and an impact analysis of the new construction on the historic district. The HRE scope will also require an individual evaluation of the subject building which was not completed as part of the previous survey. The qualified 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. The selected consultant must scope the HRE in consultation with Department Historic Preservation staff. 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 HRE is received.
- 2. Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the *Eastern Neighborhoods PEIR*. 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

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

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 class of resource established under the California Environmental Quality Act (CEQA) in 2015. 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 PPA submittal with plans dated May 8, 2015, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA. However, the project site is located on a high injury corridor as mapped by Vision Zero.<sup>4</sup> Planning staff have reviewed the proposed site plans and offer the following recommendations for the project sponsor, some of which address the safety of persons walking and cycling to and from project site and vicinity:
  - Consider providing a direct connection to the bike parking from the northeast access point/ the driveway along Folsom Street.
  - Show existing and proposed curb cut widths on the project plans. In particular, closure of the curb cut on Folsom Street should be shown on project plans and included in the project description.
  - Describe the loading plan for residential move in/move out activities.

In addition, the environmental case planner should conduct a site visit with a transportation planner to review pedestrian safety issues in the project vicinity. Consideration should be given to the project site's proximity to Victoria Manalo Draves Park and Bessie Carmichael Elementary School.

5. **Noise.** *Eastern Neighborhoods PEIR Noise Mitigation Measure F-1: Construction Noise* addresses requirements related to the use of pile-driving. The project sponsor has indicated that the project would not involve pile driving. Therefore, *Noise Mitigation Measure F-1* would not apply to the proposed project.

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<sup>4</sup> SFMTA. 2015. *Vision Zero San Francisco: A Two year Action Strategy*. This document is available online at: <http://www.sfmta.com/sites/default/files/projects/2015/vision-zero-san-francisco.pdf>. Accessed August 17, 2015.

*Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure is applicable to the proposed project and requires that a plan for such measures be submitted to the Department of Building Inspection (DBI) prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

*Eastern Neighborhoods PEIR Noise Mitigation Measure F-4: Siting of Noise-Sensitive Uses* is intended to reduce potential conflicts between existing noise-generating uses and new sensitive receptors. This measure would apply to the proposed project because the project includes a noise-sensitive use. *Noise Mitigation Measure F-4* requires that the project sponsor conduct a detailed analysis of noise reduction requirements for new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). The analysis must demonstrate with reasonable certainty that the California Noise Insulation Standards in Title 24 of the California Code of Regulations can be met.

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

Finally, *Eastern Neighborhoods PEIR Noise Mitigation Measure F-6: Open Space in Noisy Environments* would apply to the proposed project because it includes new development of a noise-sensitive use. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels. 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.

6. **Air Quality.** The proposed project's 34 dwelling units and 2,400-sf of ground floor commercial space are below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.<sup>5</sup> Therefore, an analysis of the project's criteria air pollutant emissions is not required.

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.

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<sup>5</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.



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 a new sensitive land use (i.e., residential). Therefore, the project is 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>6</sup> In addition, pursuant to *Eastern Neighborhoods PEIR Mitigation Measure G-1: Construction Air Quality*, equipment exhaust reduction measures during construction will likely be required. Please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA.

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 contaminants that may affect both on-site and off-site sensitive receptors. Please provide detailed information related to any proposed stationary sources with the EEA.

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>7</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. **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 the playground at Bessie Carmichael Elementary School and on Victoria Manalo Draves Park. Bessie Carmichael Elementary School is a property under the jurisdiction of the San Francisco Unified School District. Victoria Manalo Draves Park is a property under the jurisdiction of the San Francisco Recreation and Park Department and is 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 to assess potential shadow impacts on the public school playground as well as on the park. The consultant must submit a Shadow Study Application, which can be found on the Planning Department's website (<http://www.sf->

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

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

[planning.org/Modules/ShowDocument.aspx?documentid=8442](http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8442)). A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.<sup>8</sup> A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The proposed project would add a sensitive use (residential) to a site identified as being 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: [https://www.sfdph.org/dph/files/EHSdocs/ehsForms/FormsChemHz/2015-03\\_Maher\\_app.pdf](https://www.sfdph.org/dph/files/EHSdocs/ehsForms/FormsChemHz/2015-03_Maher_app.pdf). Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <https://www.sfdph.org/dph/EH/Fees.asp>. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

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

Because the existing buildings were 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

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<sup>8</sup> San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>.

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.

11. **Tree Planting and Protection.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the site plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit the *Tree Planting and Protection Checklist* with the EEA and ensure that trees are appropriately shown on site plans. Also see the comments below under "Street Trees."
12. **Disclosure Report for Developers of Major City Projects.** The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any "major project." A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

#### PLANNING DEPARTMENT APPROVALS:

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

1. A **Building Permit Application** is required for the demolition of the existing building on the subject property.

2. A **Building Permit Application** is required for the proposed new construction on the subject property.
3. As proposed a **Variance Application** in which a hardship is demonstrated is required for rear yard and dwelling unit exposure. However, the Department recommends that you provide a Code-complying rear yard to ensure Code-complying exposure for all units.

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

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

1. **Pre-Application Meeting.** This project sponsor is required to meet with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Resource Center" tab.
2. **Neighborhood Notification.** Because the project proposes new construction, owners and occupants within 150 feet of the project site must also be notified, in accordance with Planning Code Section 312; this notification shall be conducted in conjunction with the notification under the Large Project Authorization.
3. **Posted Notice.** As part of the neighborhood notification per Section 312 a public notice shall be posted on site for 30 days.
4. **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.

Please note that neighborhood notifications may be conducted concurrently and the Zoning Administrator has the authority to modify the notice if overlapping requirements apply.

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

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

1. **Area Plan.** The proposed project is located within the boundaries of the East SOMA Area Plan of the Eastern Neighborhoods, and will further be reviewed against the objectives and policies contained therein (See Citywide Policy & Analysis).

2. **SoMa Youth and Family SUD and Affordable Housing.** The project site falls within the SoMa Youth and Family Special Use District (SUD). As such, it is subject to the criteria of Section 249.40A. The SUD requires a conditional use authorization for a variety of uses. It also requires certain projects to provide a larger amount of affordable housing. The subject property currently does not fall on a site that triggers this requirement (see Subsection (c)(1)(C)).
3. **Vision Zero.** The project is located on a “high-injury corridor”, identified through the City’s Vision Zero Program. The Sponsor is encouraged to incorporate pedestrian safety streetscape measures into the project. Please see the additional comments under item 4. Transportation in the Environmental Review section of this letter.
4. **Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls. The Interdepartmental Project Review application is available online at the Planning Department’s web site at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>.
5. **Flood Notification.** The project site is in a block that has the potential to flood during storms. The San Francisco Public Utilities Commission (SFPUC) will review the permit application to comment on the proposed application and the potential for flooding during wet weather. Applicants for building permits for either new construction, change of use, or change of occupancy, or for major alterations or enlargements must contact the SFPUC at the beginning of the process to determine whether the project would result in ground-level flooding during storms. Requirements may include provision of measures to ensure positive sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. The side sewer connection permits for such projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, DBI, or the Successor Agency to the San Francisco Redevelopment Agency. For information required for the review of projects in flood-prone areas, the permit applicant shall refer to Bulletin No. 4: [http://www.sf-planning.org/ftp/files/publications reports/DB 04 Flood Zones.pdf](http://www.sf-planning.org/ftp/files/publications%20reports/DB%2004%20Flood%20Zones.pdf).
6. **Stormwater.** The project would result in a ground surface disturbance of 5,000-sf or greater, and it is subject to San Francisco’s stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding 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. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. 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. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

7. **Recycled Water.** Projects located in San Francisco's designated recycled water use areas are required to install recycled water systems for irrigation, cooling, and/or toilet and urinal flushing in accordance with the Recycled (or Reclaimed) Water Use Ordinance, adopted as Article 22 of the San Francisco Public Works Code. New construction or major alterations with a total cumulative area of 40,000 square feet or more; any new, modified, or existing irrigated areas of 10,000 square feet or more; and all subdivisions are required to comply. To determine if the proposed project is in a designated recycled water use area, and for more information about the recycled water requirements, please visit [sfwater.org/index.aspx?page=687](http://sfwater.org/index.aspx?page=687).
8. **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  
50 Van Ness Avenue, San Francisco, CA 94102  
(415) 581-2303

9. **Shadow Analysis (Section 295).** Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project may cast new shadow on Victoria Manalo Draves Park (see Shadow Fan enclosure). Therefore, a detailed shadow analysis would need to be prepared to determine if the project would create new shadow that results in an adverse impact to Victoria Manalo Draves Park pursuant to Section 295. The project sponsor is therefore required to hire a qualified consultant to prepare a detailed shadow study to assess potential shadow impacts on the park. The sponsor must submit a Shadow Study Application as discussed in item 8. Shadow under Environmental Review above. If this detailed shadow analysis finds that the project would cast shadow on Victoria Manalo Draves Park, the sponsor should explore sculpting of portions of the project to avoid casting new shadows on the park. The shadow analysis required by this section should be coordinated with the shadow analysis required for the environmental review such that one analysis would satisfy the requirements for both CEQA and the Planning Code.
10. **Shadow Analysis (Section 147).** Section 147 requires that new buildings and additions to existing buildings in C-3, South of Market Mixed Use, and Eastern Neighborhoods Mixed Use Districts that exceed 50 feet shall be shaped to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. Department staff has prepared a shadow fan that indicates the project may cast new shadow on the Bessie Carmichael Elementary School playground. Therefore, a detailed shadow analysis would need to be prepared to determine if the project would create new shadow that results in an adverse impact to Bessie Carmichael Elementary School, pursuant to Section 147. If this detailed shadow analysis finds that the project would cast shadow on Bessie Carmichael Elementary School, the sponsor should explore sculpting of portions of the project to avoid casting new shadows on the open space. In addition, as stated above, the shadow analysis required by this section should be coordinated with the shadow

analysis required for the environmental review such that one analysis would satisfy the requirements for both CEQA and the Planning Code.

11. **Rear Yard.** Planning Code Section 134 requires the project to provide a rear yard of **at least 25 percent** of the lot depth but in no case less than 15 feet and extending the full width of the lot within a SOMA NCT and MUG Zoning District. Rear yards shall be provided at the lowest story containing a dwelling unit and at each succeeding level of the building. Currently, the proposed project does not meet the rear yard requirement. For the property fronting on Folsom Street, having an approximate lot depth of 90 feet, the Planning Code would require a 22.5 foot rear yard extending the full 75-foot lot width to meet the 25 percent requirement; cumulatively requiring 1,687.5 square feet of rear yard. Currently, a 15-foot depth is provided at the first residential level, extending 75 feet; cumulatively providing 1,125 square feet of rear yard. For the property fronting on Cleveland Street, having an approximate lot depth of 75 feet, the Planning Code would require an 18.75 foot rear yard extending the full 25-foot lot width to meet the 25 percent requirement; cumulatively requiring 468.75 square feet of rear yard. Currently, a 15-foot depth is provided at the first residential level courtyard, extending the full 25-foot width; cumulatively providing 375 square feet at the first residential level.

A total rear yard of 2,156.25 square feet is required. The proposed rear yard is only 1,500 square feet, which is a deficit of 656.25 square feet. The rear yard provided is neither equal nor comparable. The Department recommends that you provide a Code-complying rear yard. A modification per 134(f) cannot be sought in conjunction with exposure variance. Currently, 16 of the 34 units do not meet the exposure requirement (please see exposure restriction section below). As proposed, you must seek and justify a variance as set forth in Planning Code Section 305. However, the Department recommends that you provide a Code-complying rear yard.

12. **Open Space – Residential.** Sections 135 and 735.93 (SOMA NCT) and 840.11 (MUG) require 80 square feet of private or 100 square feet of common open space (SOMA NCT only) for each dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). The project as proposed appears to meet this requirement. Please be sure to label all dimensions in any subsequent plans submitted in addition to any table that demonstrates how the project meets the open space requirements.
13. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for permitted obstructions over streets, setbacks, rear yards, and useable open space. Upon submitting your site permit application, please provide additional information, including dimensions of the balconies and interior courtyard walkways to determine whether these elements meet the requirements of the Planning Code.
14. **Standards for Bird Safety.** Adopted on July 14, 2011, the Standards for Bird Safe Buildings, Section 139, specify requirements for a bird safe building. Please review the standards and indicate the method of glazing treatment where applicable.
15. **Exposure.** Planning Code 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