



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** November 16, 2015  
**TO:** Jess Corpus, New Ninth Street LLC  
**FROM:** Mr. Chris Kern, Planning Department  
**RE:** PPA Case No. 2015-008551 for 237 – 239 9<sup>th</sup> Street

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, Rachel A. Schuett, at (415) 575-9030 or [rachel.schuett@sfgov.org](mailto:rachel.schuett@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in black ink, appearing to be "Chris Kern", written over a horizontal line.

Mr. Chris Kern, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* 11/16/2015  
*Case No.:* **2015-008551PPA**  
*Project Address:* 237-239 9<sup>th</sup> Street  
*Block/Lot:* 3729/058 & 060  
*Zoning:* Regional Commercial (RCD)/Residential Enclave-Mixed (RED-MX)  
Western SoMa SUD  
55-X/45-X  
*Area Plan:* Western SoMa (Eastern Neighborhoods)  
*Project Sponsor:* Mr. Jess Corpus  
415.703.0328  
*Staff Contact:* Rachel Schuett – 415.575.9030  
[rachel.schuett@sfgov.org](mailto:rachel.schuett@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 July 6, 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 build a total of 14 new residential units on a vacant lot facing Tehama Street (239 9<sup>th</sup> Street) and above the existing two-story building, which faces onto 9<sup>th</sup> Street (237 9<sup>th</sup> Street). The revised drawings did not identify the number of bedrooms included in each unit. The existing building at 237 9<sup>th</sup> Street includes 2,933 square feet (sf) of retail space on the ground floor and 3,581 sf of office uses on the

second floor and was likely constructed in 1906. The existing ground floor commercial and second floor office space at 237 9<sup>th</sup> Street would be retained and 10 new residential units would be constructed above, on three additional floors which would be served by a new elevator. On the 239 9<sup>th</sup> Street lot, which is currently vacant and used for parking, four new residential units would be constructed on three floors over a 768 sf ground floor commercial space. The two buildings would be internally connected to accommodate secondary egress requirements.

The buildings would be up to 65 feet at the top of the elevator penthouse. The proposed project would include both common and private open space. The revised drawings did not identify the dimensions of each of the proposed open spaces or the total amount of open space proposed. No off-street vehicular parking is proposed. Depth of excavation is likely to be around nine feet. Details regarding bicycle parking, closure of curb cuts, and/or driveway access are not known at this time.

### **BACKGROUND:**

The project site is within the Western SoMa Plan Area of the Eastern Neighborhoods Area Plans. The Western SoMa Community Plan covers the Western SoMa Special Use District (SUD) which is an irregularly shaped area generally north of Townsend Street, west of 4<sup>th</sup> Street, south of Mission Street, and east of 13<sup>th</sup> Street.<sup>1</sup> The Planning Commission certified the *Western South of Market (SoMa) Community Plan, Rezoning of Adjacent Parcels and 350 Eight Street Project Final Environmental Impact Report (Western SoMa PEIR)* on December 6, 2012.<sup>2</sup> The Western SoMa Community Plan was adopted by the Board of Supervisors on March 19, 2013 [Board of Supervisors Resolution No. 731-04.] The Western SoMa Community Plan and its associated rezoning became effective April 27, 2013.

### **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 Western SoMa Plan Area, which was evaluated in the *Western SoMa 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 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.

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<sup>1</sup> San Francisco Planning Department. Western South of Market Special Use District Plan Area map. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=7405>.

<sup>2</sup> San Francisco Planning Department. Western South of Market (SoMa) Community Plan, Rezoning of Adjacent Parcels and 350 Eight Street Project Final Environmental Impact Report (FEIR), Planning Department Case No. 2008.0877E, certified August 7, 2008.

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 *Western SoMa 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 *Western SoMa 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) and (b) the CPE certificate fee (currently \$7,580).
- 2. Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Western SoMa 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 *Western SoMa PEIR*, with all pertinent mitigation measures and CEQA findings from the *Western SoMa PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$13,659) 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 *Western SoMa PEIR*, with all pertinent mitigation measures and CEQA findings from the *Western SoMa PEIR* 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) 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>

<sup>3</sup> San Francisco Planning Department. *Schedule for Application Fees*. Available online at:

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, and revised plan set submitted subsequent to the PPA application.

- 1. Historic Resources.** The project proposes demolition of a contributor to the West SOMA Light Industrial and Residential Historic District; therefore, the proposed demolition and/or alteration project is subject to review by the Department's Historic Preservation staff. 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 Western SoMa Community Plan area and is subject to *Cultural and Paleontological Resources Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment* of the *Western SoMa 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 treatment plan, implementation of project mitigation measures (such as archeological testing, or monitoring), or other appropriate measures.

*Cultural and Paleontological Resources Mitigation Measure M-CP-4b: Procedures for Accidental Discovery of Archeological Resources* of the *Western SoMa PEIR* would also apply during project construction.

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<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>.

3. **Transportation.** Based on the PPA submittal, a full transportation impact study is not likely to be required; however an official determination will be made subsequent to submittal of the EEA. The official determination will require a detailed site circulation plan which shows the path of travel from the project site to the nearest pedestrian and bicycle facilities, as well as any on-street loading facilities. The submittal will also require a confirmation of the residential unit count and mix (i.e. studios, 1-bedroom, and 2+bedroom units), the square footage and exact use type (i.e. retail, office, etc.) of all non-residential uses (existing and proposed), and whether or not the existing uses are to be retained or replaced. If existing uses are to be retained, please confirm whether the uses are currently active. Please also confirm the proposed closure of any existing curb cuts.

The project site is located on a high injury corridor as mapped by Vision Zero.<sup>4</sup> Planning staff will review the detailed site circulation plan and may conduct a site visit in order to formulate recommendations which address the safety of persons walking and cycling to and from project site and vicinity.

It is possible that the proposed project would require additional transportation analysis to determine whether the project may result in a significant impact. This transportation analysis, a Transportation Technical Memorandum, would be prepared by a consultant listed in the Planning Department's Transportation Consultant Pool prepare. If required, you may be required to pay additional fees for the Memorandum; contact Virnaliza 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 memorandum, if required.

4. **Noise.** If pile driving is to be used during the construction, measures to reduce construction noise may be required as part of the proposed project. The EEA application should indicate whether pile driving or other particularly noisy construction methods are required. *Western SoMa PEIR Noise Mitigation Measure M-NO-2b: Noise Control Measures During Pile Driving* addresses requirements related to the use of pile-driving. If pile driving is required for the proposed project *Mitigation Measure M-NO-2b* would apply. This mitigation measure prohibits the use of impact pile drivers wherever feasible and requires that contractors use pile driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

*Western SoMa PEIR Noise Mitigation Measure M-NO-2a: General Construction Noise Control Measures* 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

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<sup>4</sup> This document is available at: <http://www.sfmta.com/sites/default/files/projects/2015/vision-zero-san-francisco.pdf>.

for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

Construction noise would be also 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.

Based on the General Plan's Background Noise Levels map, the project site is located along a segment of 9<sup>th</sup> Street with noise levels above 75 dBA Ldn (a day-night averaged sound level). *Western SoMa PEIR Noise Mitigation Measure M-NO-1b: 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 new residential units, a noise-sensitive use. *Noise Mitigation Measure M-NO-1b* 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.

*Western SoMa PEIR Noise Mitigation Measure M-NO-1c: Siting of Noise-Generating Uses* would apply to the proposed project if the project would 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. It is unclear from the PPA application whether or not such uses would be included as part of the proposed project.

Finally, *Western SoMa PEIR Noise Mitigation Measure M-NO-1d: 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 to the maximum extent feasible. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles or urban design.

5. **Air Quality.** As proposed, the project size does not exceed the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants.<sup>5</sup> Also, the project site is not greater than a ½ acre in size, and the proposed project would not likely require excavation of more than 10,000 cubic yards of soil. Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. However, to confirm, please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA.

However, 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

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



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 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>6</sup> In addition, equipment exhaust measures during construction, such as those listed in *Western SoMa PEIR Air Quality Mitigation Measure M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants* would likely be required.

Since the proposed project would not include residential uses above 75 feet, it is unlikely that a backup diesel generator would be required. However, 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. If new sources of toxic air contaminants are included additional measures, such as those described in *Western SoMa PEIR Air Quality Mitigation Measure M-AQ-4: Siting of Uses that Emit PM 2.5 or DPM and Other TACs*, will likely be necessary to reduce its emissions. Please provide detailed information related to any proposed stationary sources with the EEA.

6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<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.
7. **Wind.** The proposed project would not result in construction of a building greater than 85 feet in height. Therefore, no wind analysis would be required.

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<sup>6</sup> Refer to <http://www.sfdph.org/dph/eh/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."

8. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. However, a preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project would not cast shadows on a park or open space. Therefore, no additional shadow analysis would be required.
9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.<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 project site is located within an area that 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.

Given that the existing building on the project site was constructed prior to 1980, *Western SoMa PEIR Hazardous Materials Mitigation Measure HZ-2: Hazardous Building Materials Abatement* 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.

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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>.

Also, given the age of the existing building it is likely that 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.

11. **Naturally Occurring Asbestos.** The project site is not located in an area that contains serpentine soils, therefore no measures are required to address naturally occurring asbestos (NOA).
12. **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."
13. **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 alteration of the existing building on the subject property at 9<sup>th</sup> Street.
2. A **Building Permit Application** is required for the proposed new construction on the subject property at Tehama Street.
3. A **Variance Application** is required for exemptions from the rear yard, open space and exposure requirements on the subject property at 9<sup>th</sup> 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.

This project is required to conduct a **Pre-application** meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Resource Center" tab.

### PRELIMINARY PROJECT COMMENTS:

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

1. **Open Space.** Section 135 requires 80 square feet of private open space for each dwelling unit, or 100 square foot of open space for common areas. As the Planning Department views these projects as two separate buildings on two separate lots, useable open space shall be provided on each lot for which the dwelling units are located. The proposed plans show common open space on the roof; however, useable open space on the roof is not permitted to count towards the required amount within the Western SOMA Special Use District. The new units on the lot fronting 9<sup>th</sup> Street do not appear to meet the useable open space requirements. Please revise plans in subsequent submittals to show the compliance with required open space minimum dimensions, or seek and justify an Open Space Variance.
2. **Rear Yard.** Per Planning Code Section 134(a)(1)(B), for the lot fronting 9<sup>th</sup> Street, the rear yard shall be provided at the second story for 25% of the lot, and at each succeeding story of the building. The lot facing Tehama Street appears to be code-complying; however, the proposed addition fronting 9<sup>th</sup> Street does not comply. Please revise plans to show compliance with the rear yard requirements, or seek and justify a Rear Yard Variance.

3. **Exposure.** Planning Code Section 140 requires that all dwelling units have at least one room, with a minimum area of 120-square-feet, with a window of at least 10-square-feet that faces onto an open area with minimum horizontal dimensions of 25 feet or a code-complying rear yard. As currently proposed, the rear units of the addition on the subject lot fronting 9<sup>th</sup> Street do not meet this requirement. Please revise the plans or submit and justify an Exposure Variance.
4. **Street Frontage.** As new construction located within an Eastern Neighborhoods Area Plan, the proposed project would be subject to the requirements for street frontage, as outlined in Planning Code Section 145.1, including the requirements for active uses, ground floor ceiling heights, transparency and fenestration, among others. Please refer to Planning Code Section 145.1. Regarding transparency, 60% of the front façade must comply with the transparency requirement.
5. **Bicycle Parking.** Planning Code Section 155.2 requires the proposed project to provide Class 1 and Class 2 bicycle parking. For the residential uses, a total of 14 Class 1 bicycle parking spaces are required. For the non-residential uses, the Planning Code requires some commercial uses to provide Class 1 spaces in addition to Class 2. On a subsequent submission please indicate the type of commercial use in order to determine the required amount of bicycle parking.
6. **Narrow Streets.** As Tehama is a narrow street, Planning Code 261.1(d)(1) requires that all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street. Southern sides of east-west streets shall use a 45 degree plane measured from the opposite northern property line, and the proposed building shall not penetrate that plane. Please refer to Planning Code Section 261.1, and revise plans to show compliance in subsequent submissions.
7. **Shadow Analysis.** Planning Code 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 will not cast new shadow on any property under the jurisdiction of the Recreation and Parks Department.
8. **Bird Safety.** Standards for Bird Safe Buildings. Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. Any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
9. **Formula Retail.** Per Planning Code Section 803.6, formula retail uses require the review of the Planning Commission as a conditional use. In subsequent submittals, please use the affidavit below:  
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8313>

- 10. Inclusionary Housing.** Affordable housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The minimum Affordable Housing Percentages are 20% fee, 12% on-site, or 20% off-site. Therefore, as proposed, the project would have a minimum requirement of 2 units if provided on-site.

For your information, if a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable unit is either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- a. direct financial construction from a public entity
- b. development bonus or other form of public assistance

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

- 11. Priority Processing.** Please be advised that in response to the *Mayor's Executive Directive 13-01* the Planning Department now facilitates priority processing for market-rate projects that include at least 20 percent on-site below-market-rate units (3 units for this proposal) or 30 percent off-site below-market-rate units. Priority processing for these housing projects will be the highest of the priority processed projects, excepting 100-percent affordable projects, and will have a target timeline of one week for application assignment and two weeks for application review. The project's obligations with respect to affordable housing shall be memorialized as Conditions of Approval and shall be recorded as a Notice of Special Restrictions with the County Recorder's Office in a form approved by the Zoning Administrator.

An application for Priority Application Processing must be filed prior to the submittal of the associated permit and/or entitlement applications. Please review Director's Bulletin No. 2 (Priority Processing Bulletin) to obtain an application and review the procedures.

- 12. First Source Hiring.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please see contact information below:

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>

13. **Transportation Impact Development Fee.** The project is not subject to the Transportation Impact Development Fee as outlined in Planning Code Section 411 for the commercial space fronting Tehama Street, if under 800 square feet. The exact fee is determined by the final area of each use subject to the Fee and rate in effect at the time of building permit issuance.
14. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Section 423. The exact fee is determined by the final area of each use subject to the Fee and rate in effect at the time of building permit issuance. Fees would be assessed at a Tier 1 rate.
15. **Stormwater.** Projects that disturb 5,000 square feet 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](mailto:stormwaterreview@sfwater.org) for assistance.
16. **Neighborhood Notification Materials.** This project is subject to neighborhood notification as required by Planning Code Section 312.

**PRELIMINARY DESIGN COMMENTS:**

The project is located in the Western SoMa Special Use District. The area is characterized by mixed-use with smaller-scale masonry buildings.

The project site contains one or more structures considered to be a potential historic resource; therefore, the proposed project is subject to further design review by the Department's Historic Preservation staff. Please refer to the Environmental Planning Review – Historic Resources section of the Preliminary Project Assessment for further instruction.

The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends complying with preservation standards that would require a more significant setback from the façade of the resource. We recommend that this should align with the first adjacent light well -- 30 feet or more depending on further preservation analysis. It may be appropriate to shift some of the addition further toward the rear property line. The Planning Department encourages 3'-5' side setbacks along the north and east property lines of the 9th street parcel to provide a fenestrated walls on all visible sides, as well as augmenting the visible addition from the corner of Tehama.

The Planning Department recommends that the 9th street parcel provide approximately 500 SF of open space at grade in the rear that joins with the adjacent property. This could preserve the walls of the existing building to create a courtyard. The project should match the light wells of adjacent building.

2. **Street Frontage.** The Planning Department supports the project's ground floor as proposed.
3. **Architecture.** The architecture is a preliminary and will be subject to additional design review upon further development.