



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: October 9, 2015
TO: Michael Benjamin
FROM: Wade Wietgreffe, Planning Department
RE: PPA Case No. 2015.009459PPA for 3620 Cesar Chavez

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

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Brett Bollinger, at (415) 575-9024 or brett.bollinger@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Wade Wietgreffe, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: October 15, 2015
Case No.: **2015.009459PPA**
Project Address: 3620 Cesar Chavez
Block/Lot: 6568/032
Zoning: NCT – Valencia Street Neighborhood Commercial Transit
65-X Height and Bulk District
Area Plan: Mission (Eastern Neighborhoods)
Project Sponsor: Mitchell Benjamin
415-882-9783
Staff Contact: Brett Bollinger – 415-575-9024
brett.bollinger@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 14, 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 project site is located on a block bounded by Cesar Chavez to the south, Guerrero Street to the west, Valencia Street to the east and 26th Street to the north. The proposal is to demolish the existing 3,200-square-foot (sf) office building and construct a 6-story, 65-foot-tall mixed use building. The existing building on the 6,564-sf subject lot was constructed in 1959. The proposed new building would include 28 dwelling units, 940 sf of commercial space along Cesar Chavez, 14 parking spaces, and 28 Class I bicycle parking spaces. The ground floor garage would be accessed via Cesar Chavez. Proposed construction would result in excavation of approximately four feet below ground surface (bgs).

BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Mission (location of project site), East South of Market (SoMa), 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.^{1,2} 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 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) 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 *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

¹ 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.

² 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.

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 *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); (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). 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 under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.³

Below is a list of topic areas 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 existing building on the project site is less than 45 years of age and/or was previously evaluated in a historical resources survey and found ineligible for national, state, or local listing. Thus, the proposed project is not subject to review by the Department's Historic Preservation staff; no additional analysis of historic architectural resources is required.
- 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

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

information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.

3. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a 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 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, 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.⁴ Planning staff have reviewed the proposed site plans and request that the project sponsor incorporate pedestrian safety streetscape measures into the project design.
5. **Noise.** *Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

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.

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

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 at 28 new residential units (24,600 sq ft) and 940 sq ft of retail space is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.⁵ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. Please provide detailed information related to construction equipment, phasing and duration of each phase, and the volume of excavation as part of the EEA.

In addition, project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the proposed project will be required to adhere to the dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6.

The project site is not 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. Given that the project site is not within an Air Pollutant Exposure Zone, additional measures or analysis related to local health risks are not likely to be required. However, if the project would include new sources of toxic air contaminants including, but not limited to, emissions from 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

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

Analysis Compliance Checklist.⁶ The project sponsor will be 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 the project will not cast new shadow on any property under the jurisdiction of the Recreation and Parks Department.
9. **Geology.** The project site has a slope greater than 20%, therefore, 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.

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

10. **Tree Planting and Protection.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the site plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit the *Tree Planting and Protection Checklist* with the

⁶ Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

EEA and ensure that trees are appropriately shown on site plans. Also see the comments below under "Street Trees."

11. **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.

Large Project Authorization applications 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. Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

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

Neighborhood Notification Materials. This project is subject to neighborhood notification as required by Planning Code Section 312.

Notification of a Project Receiving Environmental Review. Notice may be required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and, to the extent feasible, occupants of properties within 300 feet of the project site at the initiation of the environmental review process. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.

PRELIMINARY PROJECT COMMENTS:

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

1. **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. The required open space is 2,800 square feet for the residential use, if provided as common. The proposed plans show open space calculations on the roof of approximately 2,400, and 4 private open space areas at the second level. Common areas for useable open space, such as the roof, shall not have any horizontal dimension less than 15 feet. It is unclear if the proposed roof plan is counting the area between the stair penthouse and the elevator penthouse, which seems to be less than 15 feet. Please revise plans in subsequent submittals to show the compliance with required open space minimum dimensions.
2. **Rear Projections.** Per Planning Code Section 136(c)(2)(F), for the rear bay windows, the minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area. Please revise plans to show compliance with the separation and depth requirements of permitted rear projections.
3. **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.
4. **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 28 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.

5. **Unbundled Parking.** Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street parking spaces accessory to residential uses shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.
6. **Shadow Analysis.** 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.
7. **Bird Safety.** Standards for Bird Safe Buildings. Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. Any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
8. **Street trees.** The Department of Public works requires the planting of Street Trees pursuant to Article 16, Section 805(a) and (d) and 806 (d). Generally, one street tree for every 20 feet of frontage for new construction will be required. You may contact Carla Short at the Department of Public Works for additional information (carla.short@sfdpw.org). You may also view the code requirements at the following link: [view the requirements at the following link: \[http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article16urbanforestryordinance?f=templates\\\$fn=default.htm\\\$3.0\\\$vid=amlegal:sanfrancisco_ca\\\$sanc=JD_806\]\(http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article16urbanforestryordinance?f=templates\$fn=default.htm\$3.0\$vid=amlegal:sanfrancisco_ca\$sanc=JD_806\)](http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article16urbanforestryordinance?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_806)
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 3 units if provided on-site.

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

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

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

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 (6 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. **Mission Interim Controls and Moratorium:** The Mission Neighborhood may be subject to one of the following this November.
 - a. The Planning Commission is currently considering adopting Interim Controls for the residential projects with 5 or more units located within the Mission. I have provided a link to the staff reports regarding the proposed controls for your reference. If adopted as proposed, the project will require a Conditional Use Authorization application to be filed. Link:
<http://www.sf-planning.org/index.aspx?page=4226>
 - b. There is also Voter Ballot Initiative that may be on the November Ballot this year. As proposed it would put a hold on residential development of more than 5 units for 18 months with a possible extension.
14. **Transportation Impact Development Fee.** The project is subject to the Transportation Impact Development Fee as outlined in Planning Code Section 411 for the commercial space. 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.
15. **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 2 rate.
16. **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 for assistance.

PRELIMINARY DESIGN COMMENTS:

The project is located in the Valencia-NCT District in an area that is primarily residential with a hospital under construction across the street. The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Site Design, Open Space and Massing.** The Planning Department suggests removing the parking on the ground floor and adding residential units in and a rear yard at grade. Underground parking is especially encouraged for development on lots greater exceeding 5,000 square feet.
2. **Street Frontage.** The Planning Department recommends more active use at the ground floor, specifically commercial space with frontage. If the parking removal is considered, the space currently shown for the driveway could be used for another commercial space. The Mission Area Plan also specifies that where height districts end in five feet, as in this 65' district, interior ground floor heights should maximize a fifteen foot envelope. The proposed 14' ground floor height does not meet this design guidance. The Mission Area Plan specifies that ground-level facades should be 75% transparent. The proposed development does not meet this requirement.
3. **Architecture.** The Planning Department supports the architecture as shown but would like further refinement in the façade including storefront detailing. The Planning Department requests the use of high quality materials and significant depth in the fenestration detailing. Bedrooms in all rear-facing units do not have windows with exterior openings for natural light and ventilation, as is generally required.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, or Building Permit Application, as listed above, must be submitted no later than **April, 15, 2017**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

cc: Mitchell Benjamin, Property Owner
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