



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 9, 2015
TO: Michael Leavitt, Leavitt Architecture, Inc.
FROM: Julian Bañales, Planning Department
RE: PPA Case No. 2015.010361PPA for 606 Capp Street


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, Esmeralda Jardines, at (415) 575-9144 or esmeralda.jardines@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Julian Bañales, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: November 9th, 2015
Case No.: **2015-01036PPA**
Project Address: 606 Capp Street
Block/Lot: 3615/055
Zoning: RTO-M (Residential Transit Oriented-Mission)
40-X Height and Bulk District
Area Plan: Eastern Neighborhoods Area Plan (Mission Sub-Area)
Project Sponsor: Michael Leavitt, Leavitt Architecture Inc.
(415) 674-9100
Staff Contact: Esmeralda Jardines– (415) 575-9144
Esmeralda.Jardines@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 August 10th, 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 lot fronting Capp Street in San Francisco's Mission neighborhood, on the block bounded by 21st Street to the north, South Van Ness Avenue to the east, 22nd Street to the South, and Mission Street to the west. The project site currently contains a surface parking lot. The proposal is to demolish the lot and construct a 40 foot tall, exclusive of elevator and stair penthouses, 16,725 square foot residential building with no parking. The project would construct 20 residential dwelling units, consisting of 12 one-bedroom and 8 two-bedroom units.

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 \$14,017) and (b) the CPE certificate fee (currently \$7, 779).
- 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

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.

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 \$14,017) 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 \$14,017); (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 subject property is a vacant lot located within a previously surveyed area. Although the subject property is not located within a historic district it is next to an individually eligible historic resource. Therefore, the proposed new construction is subject to review by the Department's Historic Preservation staff for potential impacts to the adjacent resource.
2. **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with site preparation and building construction, including excavation that would reach a depth of approximately 5 feet below grade. The project site is located in an area where little archeological

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

testing or data recovery has been undertaken. Therefore, the proposed project would be subject to Archeological Mitigation Zone J-2: Properties with no Previous Studies of the *Eastern Neighborhoods PEIR*. The proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.

3. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a 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. For the EEA, make sure the plans show existing and proposed sidewalk widths; show existing curb cuts and proposed curb cut closure; and that the Class I bike parking spaces meet code requirements for enclosure.
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. If the project does utilize pile driving, *Noise Mitigation Measure F-1* would apply to the proposed project. 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.

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. As this project is adjacent to sensitive land uses, *Mitigation Measure F-2* likely applies. 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.

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 r.

6. **Air Quality.** The project size is below the construction and operational criteria air pollutant screening size for a mid-rise residential building. However, detailed information related to cubic yards of excavation must be provided 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 San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

In addition, 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 an inventory and modeling assessment 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, no additional measures or analysis related to local health risks are anticipated. 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. Detailed information related to any proposed stationary sources must be provided 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. The project sponsor may 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.** Planning Code Section 295 restricts new shadowing on public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height. The Planning Department conducted a preliminary shadow fan analysis and determined that the proposed project would not cast new shadow on public spaces protected under Section 295, or other public open spaces. Therefore, further shadow analysis will not be required for this project.
9. **Geology.** The project site is located on a slope of 20% or greater, therefore, the project sponsor is required to prepare a geotechnical investigation report to identify the primary geotechnical concerns associated with the proposed project and the site. The geotechnical report would identify hazards and recommend minimization measures for potential issues regarding, but not limited to, soil preparation and foundation design. This report will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions. The geotechnical report should be prepared by a qualified consultant and submitted with the EE Application or upon receipt of this PPA letter, whichever is later.
10. **Hazardous Materials.** The proposed project is located on the Maher map and may contain hazardous materials. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure

risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

11. **Stormwater.** The project would result in a ground surface disturbance of 5,000 sf or greater, therefore, it would be subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding San Francisco Public Utilities Commission (SFPUC) Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact stormwaterreview@sfwater.org for assistance.
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. 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 proposed new construction on the subject property.
2. A **Variance** is required if the proposed project does not satisfy rear yard, exposure or bicycle parking requirements. The department recommends that you redesign the project to eliminate variances from the Planning Code.

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.

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.

Neighborhood Notification (311). In the Residential Transit-Oriented Mission District (RTO-M) all building permit applications for new construction shall be subject to the provisions of Subject 311. Upon

determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a written notice, to be posted on the site, describing the proposed project and to be sent to the notification group. The notification area shall be all properties within 150 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot.

PRELIMINARY PROJECT COMMENTS:

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

- 1. Mission Area Plan.** The subject property falls within the area covered by the Mission Area Plan in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The project sponsor is encouraged to read the full plan, which can be viewed at on the Department's website (<http://www.sf-planning.org/ftp/GeneralPlan/Mission.htm>).
- 2. Front Setback.** Planning Code Sections 132 and 209.4 require that when one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. The adjacent building to the north has a 12'-0 1/2" front setback; the required front setback for the subject property is 6'. The proposed 6'-1" complies with the required front setback dimensional requirements.
- 3. Landscaping and Permeability.** Per Planning Code 132(g), the construction of a new building requires that landscaping and permeable surface requirements be met. Please confirm compliance with Sections 132 (g) and (h). Demonstrate that 20% of the required front setback shall remain unpaved and devoted to landscaping and at least 50% will be permeable.
- 4. Rear Yard.** Planning Sections 134 and 209.4 require the project to provide a rear yard of at least 45 percent of the lot depth or the average of the adjacent neighbors; if averaged, no less than 25% of lot depth or 15 feet, whichever is greater. For a lot depth of 122'-6", the required rear yard is 55'- 1 1/2". However, the north neighboring building extends 4'-5" into the required rear yard, providing a rear yard of 50'-8 1/2". The south neighboring building extends 23'-1 1/2" into the required rear yard, providing a rear yard of 32'. Upon averaging the rear yards, as both neighboring walls are qualifying rear walls, the required rear yard for 606 Capp Street is 41'-4". The proposed rear yard of 41'-5" is a permitted depth. However, per Planning Code Section 134 (c)(1), in any case in which a rear yard requirement is thus reduced, the last 10 feet of the building depth thus permitted on the subject lot shall be limited to 30 feet, and measured as prescribed by Section 260 of the Planning Code. Please demonstrate a permitted height at the rearmost 10 feet of the building, per the alternative method of averaging to ensure a code-complying rear yard in its entirety or you may seek and justify a Variance for rear yard. However, providing a permitted rear building height may ensure a code-complying rear yard that will satisfy exposure requirements as well.

5. **Open Space – Residential.** Planning Code Sections 135 and 209.4 require 100 square feet of open space, if private, for each dwelling unit; and 133 square feet per dwelling unit if common. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). For 20 dwelling units, 2,660 square feet of usable open space is required, if common. Upon revising the rearmost building façade to comply with height requirements of Planning Code Section 134 in the rear yard to meet the allowable height, it may provide additional space for private usable open space. Ensure compliance with 135 (g) private usable open space additional standards. Per the submitted plans, the rearmost ground floor units have their own private rear yards and the 4th floor units have private rear decks, which measure approximately 200 square feet each. Six of the proposed 20 units provide at least 100 square feet for each dwelling unit and comply with private usable open space requirements. The remaining 14 dwelling units are required to provide 1,862 square feet of common usable open space and must meet common usable open space additional standards, a minimum dimension of 15 feet in every horizontal dimension per PC 135 (g). Upon your submittal, please demonstrate compliance with the common usable open space additional standards at the common roof deck. To assist in the review of this proposal, please provide the amount of private open space, common open space, and the overall dimensions for all open space elements on the project site in your formal submittal.
6. **Permitted Obstructions.** Ensure compliance with all permitted obstructions including: fences in the rear yard per §136 (18) and bay windows §136 (c)(2)(A-G). Pursuant to Planning Code Section 136 (18) fences no more than six feet in height above grade are permitted obstructions in the yards and usable open space. Per Planning Code Section 136 (c)(2)(A-G), the bay windows are permitted obstructions in the front setback pending a qualifying sidewalk depth and are permitted obstructions in the required rear yard pending dimensional requirements. Upon submittal of your application, please ensure the bay windows are code-complying (size and glazing), and demonstrate the sidewalk footprint and provide dimensions for these elements on the architectural plans.
7. **Street trees.** The Department of Public works requires the planting of Street Trees pursuant to Article 16, Sections 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: [http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article16urbanforestryordinance?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_806](http://www.amlegal.com/nxt/gateway.dll/California/publicworks/article16urbanforestryordinance?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_806).
8. **Bird Safety.** Planning Code Section 139 includes feature-related standards for Bird-Safe buildings. Depending on the proposed glazing in the formal submittal, the project may be required to implement Bird-Safe measures into the façade glazing. Please refer to §139 and the Planning Department webpage at <http://www.sf-planning.org/index.aspx?page=2506> for further information. The formal plan submittal will need to include details and specifications to demonstrate that the project complies with the requirements of the Planning Code.
9. **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 Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard is not code-complying, due to the rearmost buildings walls

exceeding height requirements, and does not provide a compliant rear yard to meet the exposure requirement for those units that only have windows fronting the rear yard area. As proposed, 12 dwelling units would not have code complying exposure. Therefore, the proposed project requires a revision to meet the minimum exposure requirement, or you may seek and justify a Variance for exposure. The Department generally encourages projects to minimize the number of units needing an exposure Variance. Providing a permitted rear building height will ensure a code-complying rear yard that will satisfy exposure requirements.

10. **Street Frontages.** Per Planning Code Sections 144 and 209.4, to assure the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, no less than one-third of the width of the ground story along the front lot line and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage. Further, the subject property's lot width at 60 feet is extraordinarily wide for the RTO-M zoning district; consider modulating the building to reference the smaller abutting lot widths.

In Residential Districts, Ground Floor Design Guidelines supplement and build on existing guidelines in the Residential Design Guidelines. Façade Modulation, per the Ground Floor Design Guidelines, should result in a fine-grain rhythm of the urban environment, a scale of larger buildings that are consistent with the smaller typical lot pattern, a varied and changing pedestrian experience along the length of a block and emphasize the recognizable presence and delineation of the individual residential units. An opportunity exists to provide ground floor residential walk-ups which could assist in modulating the building façade. Please demonstrate compliance with street frontage requirements and the aforementioned design guidelines.

11. **Parking and Curb Cuts.** Per Planning Code Section 151.1, there is no required off-street parking; maximum permitted is set forth per 151.1. Upon submittal of your application, please demonstrate if the existing curb cut will be removed, per Planning Code 155 (l) and replaced with a sidewalk curb and gutter per the Department of Public Works specifications.
12. **Bicycle Parking.** Planning Code Section 155.5 requires the provision of one Class I bicycle parking space per dwelling unit and 1 Class II bicycle parking space for every 20 units. Thus, 20 Class I and one Class II bicycle parking spaces are required. The proposed project bicycle lockers are not considered active uses. Revise plans to specify a more appropriate location for bicycle parking. Please confirm compliance with the bicycle parking requirements or seek and justify a variance as set forth in Planning Code Section 305. However, the Department would not support a bicycle parking variance.
13. **Dwelling Unit Density.** Per Planning Code Section 207, there is no density limit within the RTO-M zoning district. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.

14. **Dwelling Unit Mix.** Planning Code Section 207.6 outlines requirements for minimum dwelling unit mixes for new residential units in the RTO districts. In a RTO-M zoning district, no less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or, no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Of the 20 dwelling units proposed, 8 are 2-bedroom units, 12 are 1-bedroom units. As proposed, the project complies with dwelling unit mix requirements providing at least 40% of 2-bedroom units.
15. **Height.** Planning Code Section 260 outlines requirements for measuring height; when the lot is level with the street at the centerline of the building, such point shall be taken at curb level on such a street. Per Planning Code Section 209.4, height varies based on height and bulk map; the maximum height at 606 Capp Street is 40 feet exclusive of additional height exemptions such as elevator and stair penthouses. The latter of which shall be limited to the top 10 feet of such features where the height limit is 65 feet or less. As proposed, the elevator penthouse measures at 10'-6", exceeding the exempted height limit. Please revise design to comply with height restrictions and demonstrate compliance with a longitudinal section extending the full lot depth to the street curb with a section cut through the centerline of the building. Height is not variable under the San Francisco Planning Code.
16. **Impact Fees.** This project will be subject to various impact fees. Please refer to the [Planning Director's Bulletin No. 1](#) for an overview of Development Impact Fees, and to the Department of Building Inspection's [Development Impact Fee webpage](#) for more information about current rates.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

- a) **Inclusionary Affordable Housing.** Inclusionary 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 affordable housing fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units; unless a Costa Hawkins agreement is possible. 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% affordable housing fee, 12% on-site, or 20% off-site. Therefore, as proposed, the project would have a minimum requirement of 4 units if provided on-site, and 2 units if provided off-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 units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- direct financial construction from a public entity
- 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.

- b) **Eastern Neighborhood Affordable Housing Fee.** Per Planning Code Section 417, the alternate Affordable Housing Fee described shall only apply to development projects that are subject to Eastern Neighborhood Controls as defined in 175.6(c)(1); consist of 20 units or less or less than 25,000 square feet, and are subject to the requirements of Sections 415 through 415.9, and any stated exceptions elsewhere in the Code. Because the project is less than 25,000 square feet and proposing 20 dwelling units exactly, it may choose to pay an alternate fee equal to \$48.54 per gross square foot (updated annually per SF DBI's fee register) of net new residential development instead of the standard Affordable Housing Fee requirements set forth in Section 415.5, the 20% in-lieu fee stated above. The calculation of gross square feet shall not include nonresidential uses, including any retail, commercial, or PDR uses, and all other space used only for storage and services necessary to the operation or maintenance of the building itself. (If applicable).
- c) **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Planning Code Section 423 et seq., Eastern Neighborhoods Impact Fees and Public Benefits Fund. These fees shall be charged per the Mission Area Plan. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. For the most up-to-date schedule, please refer to the Department of Building Inspection (DBI) fee register: <http://sfdbi.org/index.aspx?page=617>. The proposed project site is a Tier 1 site; see Planning Code Section 423.2(a)(1). The Impact Fee shall be paid before the City issues a first construction document.

Planning Code Section 423.3(d) provides an option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Mission Area Plan Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website (see also Public Realm Improvements, below, in the section on Preliminary Design Comments).

17. **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

18. **SFPUC Requirements & Project Review.** The SFPUC administers San Francisco's various water, sewer, and stormwater requirements such as the Stormwater Design Guidelines, construction site runoff, sewer connections, recycled water and onsite water reuse, water efficient irrigation, and hydraulic analysis for fire suppression systems. To assist developers and property owners in meeting these requirements, the SFPUC provides project plan review, technical assistance, and incentives. The SFPUC also has a separate project review process for projects that propose to use land owned by the SFPUC or are subject to an easement held by the SFPUC; or projects that propose to be constructed above, under, or adjacent to major SFPUC infrastructure. For projects meeting these criteria, please contact SFPProjectReview@sfgwater.org for a SFPUC Project Review and Land Use Application. For more information regarding SFPUC Project Review or any of the SFPUC requirements, please visit www.sfgwater.org/reqs.
19. **Anti-Discriminatory Housing:** Pursuant to Administrative Code Section 1.61, all permit applications for residential or mixed-use projects of ten dwelling units or more that the Planning Department or Planning Commission processes must complete and submit an Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application.
20. **Noise Regulations Relating to Residential Uses Near Places of Entertainment (POE).** New residential development within 300 feet of a Place of Entertainment must go through an Entertainment Commission outreach process ([Ordinance Number 070-015](#)). In addition, new residential development will also be required to record a Notice of Special Restrictions (NSR) on the site. The subject site is located within 300 feet of an existing POE, see enclosed map. Please note that the Planning Department will not consider an entitlement application complete until the following are completed:
 - (A) The Entertainment Commission has provided written notification to the Planning Department indicating that it either did not wish to hold a hearing, or that it held a hearing and the Project Sponsor attended; and
 - (B) The Project Sponsor has included a copy of any comments and/or recommendations provided by the Entertainment Commission regarding the proposed Project as well as the date(s) when those comments were provided. This shall be done as an additional sheet in any plan set submitted to the Planning Department and as an attachment in an entitlement application.

You may contact Entertainment Commission staff at (415) 554-6678 or visit their webpage at <http://www.sfgov2.org/index.aspx?page=338> for additional information regarding the outreach process.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may substantially affect the proposed project:

Site Design, Open Space, and Massing. Consider adjusting the rear building wall(s) to provide a code-complying rear yard that appropriately responds to the neighboring properties' rear yards and to ensure a continuous mid-block open space. One design solution is staggering the building such that the building wall to the north is reduced and extending further into the rear yard towards the south side lot line, whilst staying within the buildable area. Consider matching the setback of the adjacent building (a historic resource) to the north with a similar side yard. Further historic review may inform the design and placement of the rear yard.

Street Frontage. In order to qualify as active uses, residential units shall comply with the Ground Floor Residential Design Guidelines which are intended to supplement the Residential Design Guidelines. The Planning Department recommends providing raised and setback entries a minimum of three feet above grade that are directly accessible from the street. Per the Ground Floor Residential Design Guidelines, vertically modulate the façade so that residential units are individually legible. The Planning Department recommends using the setback along the Capp Street to allow for usable transition space to access individual ground floor entries. Projections as permitted in Planning Code Section 136, may extend into this setback to modulate the building. Minimize blank walls and building service functions at the street frontage. The current orientation and expression of the stair may need to be reconsidered.

Vehicle Circulation and Parking. The Planning Department lauds the project provides no parking. Bike parking in the front setback is not an active use, nor allowed by Code. Bike parking should be located in the interior of the building as close and conveniently accessible to the residential lobby as possible.

Architecture. Modulate the frontage to be in keeping with the 25'-30' wide pattern of residential development in the context. Pair the bay windows to augment the modulation. Scale, shape, and detail the bays to respond more to context. Proportions of windows at the ground floor should be more in keeping with those found in context. Provide a purposeful building roof termination element.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

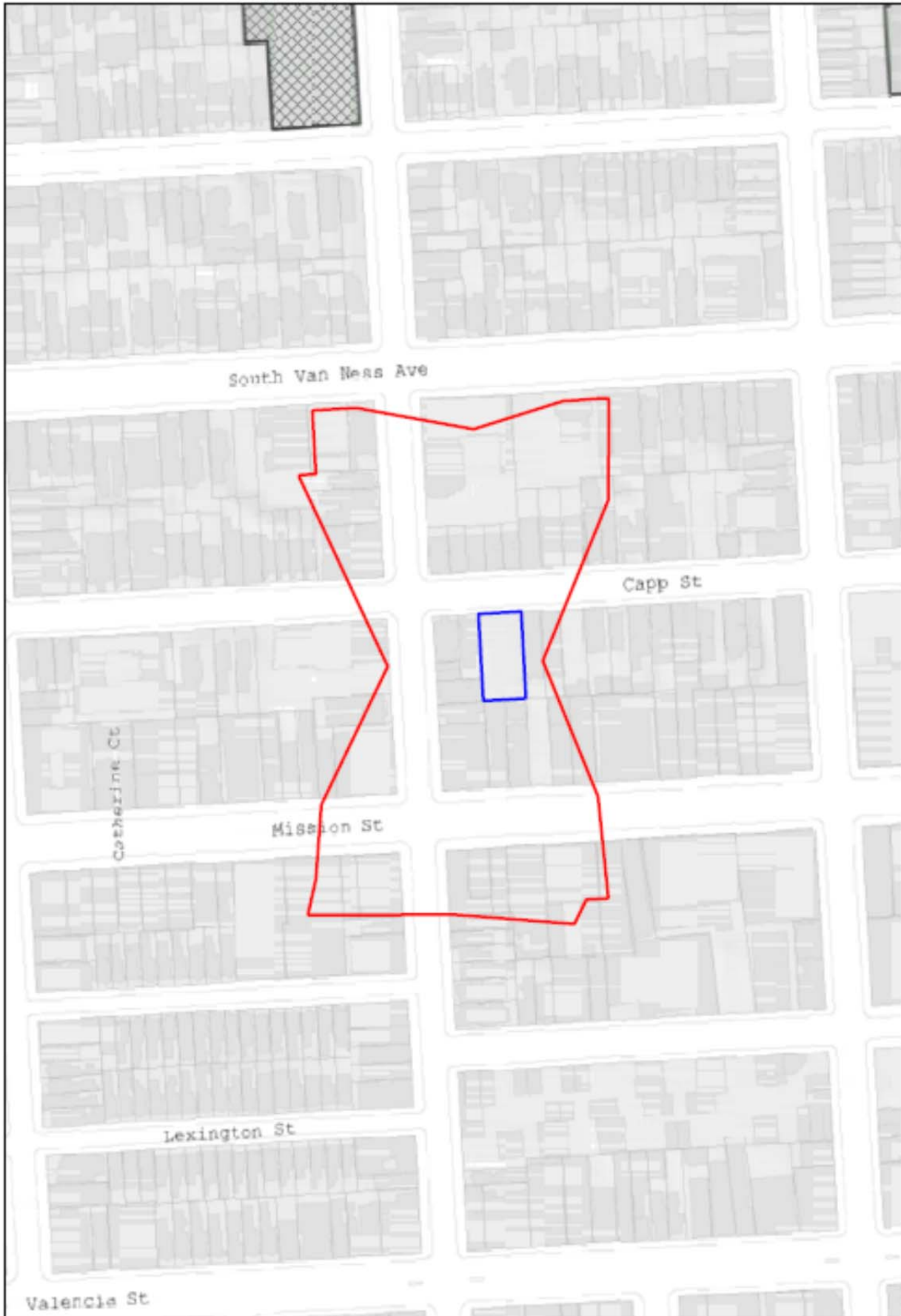
This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation with Historic Resource Supplemental Application and a Building Permit Application, as listed above, must be submitted no later than **May 9, 2017**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure:

Shadow Fan Analysis
Places of Entertainment 300' Radius Map
Neighborhood Group Mailing List

cc: 606 Capp Street, LLC, Property Owner
Esmeralda Jardines, Current Planning
Lana Russell-Hurd, Environmental Planning
Scott Edmondson, Citywide Planning and Analysis
Jonas Ionin, Planning Commission Secretary
Charles Rivasplata, SFMTA
Jerry Sanguinetti, Public Works
Pauline Perkins, SFPUC
Planning Department Webmaster (planning.webmaster@sfgov.org)

Shadow Fan Analysis



Title: 606 Capp Street Shadow Study
Comments: Shadow Study taken at 51 feet to incorporate the elevator penthouse height.
Printed: 6 October, 2015

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Places of Entertainment 300' Radius Map



POE within 300' from 606 Capp Street



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Printed: 27, October 2015

Neighborhood Group Mailing List

Neighborhood Groups Map Link: <http://www.sf-planning.org/index.aspx?page=1654>

ORGANIZATION	ADDRESS	CITY	STAT	ZIP	TELEPHONE	EMAIL	NEIGHBORHOOD OF INTEREST
People Organizing to Demand Environmental and Economic Rights (PODER)	474 Valencia Street #125	San Francisco	CA	94103	415-431-4210	podersf.org	Excelsior, Mission, South of Market
Wild Equity Institute	474 Valencia Street Suite 295	San Francisco	CA	94103		0 bplater@wildequity.org	Bayview, Bernal Heights, Glen Park, Golden Gate Park, Lakeshore, Mission, Outer Sunset, Presidio, Seacliff, Twin Peaks
Coleridge St. Neighbors Board of Supervisors	157 Coleridge Street 1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94110	415-282-2990 415-554-5144	choytate@gmail.com David.Campos@sfgov.org; Hillary.Ronen@sfgov.org; Nate.Allbee@sfgov.org; Carolyn.Goossen@sfgov.org	Bernal Heights, Mission, Noe Valley Bernal Heights, Mission, Outer Richmond
2887 Folsom Street Concerned Residents	2887 Folsom Street	San Francisco	CA	94110	415-282-5393	eddiestiel@yahoo.com	Mission
SoMaBend Neighborhood Association	P.O. Box 410805	San Francisco	CA	94141	415-669-0916	somabend.na@gmail.com	Downtown/Civic Center, Mission, South of Market
Calle 24 Merchants and Neighbors Association	1065 A Hampshire Street	San Francisco	CA	94110	415-323-8939	eriq94110@aol.com	Mission
HERE Local 2	209 Golden Gate Avenue	San Francisco	CA	94102		0	0 Chinatown, Downtown/Civic Center, Marina, Mission, Nob Hill, North Beach, Pacific Heights, Presidio, South of Market
Market/Octavia Community Advisory Comm.	300 Buchanan Street, Apt. 503	San Francisco	CA	94102	415-722-0617	jhenderson@sbcglobal.net	Castro/Upper Market, Downtown/Civic Center, Mission, South of Market, Western Addition
Friends of Upper Douglass Dog Park	750 27th Street	San Francisco	CA	94131	415-215-1711	limehouse10@gmail.com	Castro/Upper Market, Diamond Heights, Glen Park, Mission, Noe Valley
SOMA Leadership Council	201 Harrison Street Apt. 229	San Francisco	CA	94105	415-935-5810	somajournal@yahoo.com	Mission, South of Market
Liberty Hill Resident Association	50 Liberty Street	San Francisco	CA	94110	415-695-0990	villarbarbei@earthlink.com	Mission
East Mission Improvement Association (EMIA)	1322 Florida Street	San Francisco	CA	94110	415-824-0617	sfberk@mac.com	Mission
Potrero-Dogpatch Merchants Association	800 Kansas Street	San Francisco	CA	94107		0 keith@everestsf.com	Mission, Potrero Hill, South of Market
Mission Dolores Neighborhood Association	3676 20th Street	San Francisco	CA	94110	415-863-3950	missiondna@earthlink.net, peter@missiondna.org	Castro/Upper Market, Mission
Mission Economic Development Association	2301 Mission Street #301	San Francisco	CA	94110	415-282-3334		0 Excelsior, Mission, Outer Mission
Alliance for a Better District 6	230 Eddy Street #1206	San Francisco	CA	94102-6526	415-674-1935	marvisphillips@gmail.com	Downtown/Civic Center, Mission, South of Market, Western Addition
Alabama Street Pioneers	1014 Alabama Street	San Francisco	CA	94110	415-826-4854	a1zealot@sonic.net	Citywide, Mission
Dolores Heights Improvement Club-DRC	P.O. Box 14426	San Francisco	CA	94114		0 plu@doloresheights.org	Castro/Upper Market, Mission, Noe Valley
Liberty Hill Neighborhood Association	30 Hill Street	San Francisco	CA	94110		0 libertyhillneighborhood@gmail.com	Castro/Upper Market, Mission, Noe Valley
Noe Street Neighbors	33 Noe Street	San Francisco	CA	94114	415-722-0617	pcohensf@gmail.com	Castro/Upper Market, Mission, Western Addition
Mission Merchants Association	555 Laurel Avenue #501	San Mateo	CA	94401	415-979-4171	phnsan@msn.com; mma@prolocal-sf.com; info@prolocal-sf.com	Mission
Native American Health Center	333 Valencia Street, Suite 240	San Francisco	CA	94103	415-503-1046 x2714	podget@nativehealth.org	Mission
-	1333 Florida Street	San Francisco	CA	94110		0	0 Mission
Valencia Corridor Merchant Association	1038 Valencia Street	San Francisco	CA	94110		0 seanq@paxtongate.com	Castro/Upper Market, Mission, Potrero Hill
Pacific Felt Factory	2830 - 20th Street	San Francisco	CA	94110	415-935-3641	pacificfeltfactory@gmail.com	Mission
Market/Octavia Community Advisory Comm.	30 Sharon Street	San Francisco	CA	94114-1709	415-407-0094	olssonted@yahoo.com	Castro/Upper Market, Downtown/Civic Center, Mission
19th Street/Oakwood Neighborhood Association	3642 19th Street	San Francisco	CA	94110	415-863-8653	tishakenny@att.net	Mission
Potrero Boosters Neighborhood Association	1459 - 18th Street, Suite 133	San Francisco	CA	94107	650-704-7775	president@potreroboosters.org	Mission, Potrero Hill, South of Market
Central 26th Street Neighborhood Coalition	3443 26th Street	San Francisco	CA	94114	415-285-3960	za@intersticearchitects.com	Mission