



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** August 12, 2016

**TO:** Jeremy Schaub / Gabriel Ng Architects on behalf of Majority  
Investment Inc. KVA Corp Ltd. Carland, Inc.

**FROM:** Joshua Switzky, Planning Department

**RE:** PPA Case No. 2016-000636PPA for 351 9<sup>th</sup> Street

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

Reception:  
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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Mat Snyder, at (415) 575-6891 or [mathew.snyder@sfgov.org](mailto:mathew.snyder@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

  
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Joshua Switzky, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* August 12, 2016  
*Case No.:* 2016-000636PPA  
*Project Address:* 351 9<sup>th</sup> Street  
*Block/Lot:* 3756/010  
*Zoning:* RCD (Regional Commercial)  
55-X  
*Area Plan:* Western Soma  
*Project Sponsor:* Jeremy Schaub / Gabriel Ng Architects on behalf of  
Majority Investment Inc.  
*Staff Contact:* Mat Snyder – (415) 575-6891  
[mathew.snyder@sfgov.org](mailto:mathew.snyder@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 January 12, 2016, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

### PROJECT DESCRIPTION:

The proposal is to add an addition to the existing commercial structure and reconfigure the building's uses, in part, by adding 31 dwelling units. Constructed in 1929, the existing commercial structure includes three stories (approximately 37-feet tall) and contains approximately 25,300 gsf of office and retail uses. The proposal would add two additional stories setback from the front and rear existing building walls by 18-feet and 25-feet respectively. The existing interior would be reconfigured by

removing a portion of the retail use at the ground floor, and removing the office and church uses on the existing second story. As proposed, the resulting five-story building would include 31 units (6 studios, 13 one-bedrooms, and 12 two-bedrooms), and approximately 3,600 gsf of retail. While the interior of the existing building would be reconfigured, the front façade would largely be retained. The rear façade would also be changed.

## BACKGROUND:

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

## ENVIRONMENTAL REVIEW:

### *Community Plan Exemption*

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

As discussed above, the proposed project is located within the Western SoMa Plan Area, which was evaluated in the *Western SoMa PEIR*. If the proposed project is consistent with the development density identified in the area plan, it would be eligible for a community plan exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases beyond the CPE project description in project size or intensity after project approval will require reconsideration of environmental impacts and issuance of a new CEQA determination.

Within the CPE process, there can be three different outcomes as follows:

1. **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the *Western SoMa PEIR*, and there would be no new significant impacts “peculiar” to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the *Western SoMa PEIR* are applied to the

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

<sup>2</sup> San Francisco Planning Department, *Western South of Market (SoMa) Community Plan, Rezoning of Adjacent Parcels and 350 Eight Street Project Final Environmental Impact Report (FEIR)*, Planning Department Case Nos. 2008.0877E and 2007.1035E, certified December 6, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>.

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 *Western SoMa PEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Western SoMa PEIR*, with all pertinent mitigation measures and CEQA findings from the *Western SoMa PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$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 *Western SoMa PEIR*, with all pertinent mitigation measures and CEQA findings from the *Western SoMa PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$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. The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)**. The EEA can be submitted at the same time as the PPA Application.

The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.** EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org) under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.<sup>3</sup>

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

1. **Historic Resources.** The project proposes alteration of a contributor to the Western SOMA Light Industrial and Residential Historic District; therefore, the proposed project is subject to review by the Department's Historic Preservation staff. To assist in this review, the project sponsor must hire a

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

qualified professional to prepare a Historic Resource Evaluation (HRE) report. The HRE scope will require an individual evaluation of the subject building which was not completed as part of the previous survey. The HRE scope will also require a project analysis. The qualified professional must be selected from the Planning Department's Historic Resource Consultant Pool. Please contact Tina Tam, Senior Preservation Planner, via email ([tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)) for a list of three consultants from which to choose. The selected consultant must scope the HRE in consultation with Department Historic Preservation staff. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete HRE is received.

2. **Archeological Resources.** According to the PPA application, the project would require approximately four feet of excavation below existing grade. The exact depth of soil-disturbing activities associated with the building addition and the proposed foundation system (expected to be spread footing and tie beams) would be required as part of the EEA submittal. The Planning Department staff has preliminarily determined that Western SoMa PEIR Archeological Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment would be applicable to the proposed project. Mitigation Measure M-CP-4a requires the proposed project to conduct either Preliminary Archeological Review (PAR) conducted in-house by the Planning Department archeologist or the preparation of a Preliminary Archeological Sensitivity Study (PASS) by a Department Qualified Archeological Consultant subject to the review and approval by the Department archeologist. The PASS/PAR will determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc. The PASS/PAR would also determine whether or not the project site is located in an area of archeological sensitivity and what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to this process is the availability of geotechnical or soils characterization studies prepared for the project. Based on findings within the PASS/PAR, Mitigation Measure *M-CP-4b* may be required. Mitigation Measure M-CP-4b outlines procedures for ensuring that appropriate actions are taken in the event that an accidental discovery of archeological resources during construction of the project.
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.<sup>4</sup> In order to facilitate that determination, Planning staff propose the following recommendations:
  - Planning Code Section 151 requires bicycle parking for residential and retail uses. All proposed bicycle parking spaces must be included and shown on the plans.
  - Residential and Retail loading (if required) must be shown on plans.
  - Location of garbage and recycling pick-up is unclear on plans.
5. **Noise.** Construction of the proposed project would generate noise. *Western SoMa PEIR Noise Mitigation Measure M-NO-2a: General Construction Noise Control Measures* would apply to the proposed project and requires the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant, and that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved. Construction noise would be also subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction.
6. **Air Quality (AQ) Analysis.** The proposed project at 31 dwelling units is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.<sup>5</sup> Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. Detailed information related to the amount (in cubic yards) of excavation must be provided as part of the EEA.

The project site is 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. The project proposes to construct new sensitive land uses (i.e., dwelling units, which are subject to enhanced ventilation measures pursuant to Health Code Article 38. The project sponsor will be required to submit an Article 38 application to Department of Public Health (DPH) prior to the issuance of any environmental determination. Please provide a copy of the initial application with the EEA.<sup>6</sup>

Equipment exhaust measures during construction will likely also be required. Detailed information related to construction equipment, phasing and duration of each phase, and the amount (in cubic

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

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

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

yards) of excavation shall be provided as part of the EEA. If the project would generate 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 and additional measures will likely be required to reduce stationary source emissions. Based on the information in the PPA application, the proposed project likely would not require a backup diesel generator due to the proposed height, but this will be confirmed at the time of the EEA submittal.

7. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>7</sup> The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.
8. **Wind.** The proposed project would involve a multi-floor addition to the existing building, but would not result in a building over 80 feet in height. The project will therefore not require a consultant-prepared wind analysis. No further analysis of wind would be anticipated; an official determination will be made subsequent to submittal of the EEA.
9. **Shadow.** The proposed project would include the addition of two new floors to the existing three-story building and would result in a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project would not cast new shadows on any properties under the jurisdiction of the Recreation and Park Department or other properties subject to Section 295 of the Planning Code. No further analysis of shadows would be anticipated; an official determination will be made subsequent to submittal of the EEA.
10. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). 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

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



information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.

11. **Hazardous Materials.** The proposed project would include the construction of new residential uses on a site located within the Maher zone and identified as a site with the potential for site contamination (e.g., previous industrial uses). 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.

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

12. **Disclosure Report for Developers of Major City Projects.** The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any "major project." A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major

project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

### PLANNING DEPARTMENT APPROVALS:

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

1. **Conditional Use Authorization** from the Planning Commission is required per Planning Code Sections 121.1 and 303 for new construction on a lot that is 10,000 square feet or larger within the RCD Zoning District.
2. A **Variance** from the Zoning Administrator is required to address the Planning Code requirements for rear yard (Planning Code Section 134) and dwelling unit exposure (Planning Code Section 140).
3. A **Building Permit Application** is required for the alteration of the existing building on the subject property.

All 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](http://www.sfplanning.org). Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

### NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

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

**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. **Western SoMa Community Plan & Eastern Neighborhoods Area Plan.** The subject property falls within the area covered by the Western SoMa Special Use District and Western SoMa Community Plan Area within the Eastern Neighborhoods. 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:

<http://www.sf-planning.org/index.aspx?page=3545>

2. **Rear Yard.** Planning Code Section 134 requires the project provide a rear yard of at least 25 percent of the lot depth on the first floor, since it possesses a dwelling unit. Although the project provides a rear yard equivalent to 25% of the lot depth on the upper two floors (the new vertical addition), the project does not provide a code-complying rear yard on the lower three floors, which would possess new dwelling units. Therefore, the project requires a variance from the Zoning Administrator to address the requirements for rear yard.
3. **Open Space – Residential.** Planning Code Section 135 requires 80 square feet of private open space or 100 square feet of common open space for each dwelling unit. Currently, the project provides open space via a series of private balconies, a roof deck on the 4<sup>th</sup> floor and a roof deck on the 5<sup>th</sup> floor. Additional information is required on the private balconies, which must meet the dimensional requirements of the Planning Code. Please include the dimension of the private open space on the plans.

In addition, per Planning Code Section 823(c)(2)(B), roof decks shall not qualify as required private or common useable open space. Therefore, the roof deck on the 5<sup>th</sup> floor may not count towards required open space.

Please refine the open space for the proposed dwelling units and provide the requested additional information in future applications. If a variance is sought for open space, an open space in-lieu fee would be applied per Planning Code Section 427.

4. **Open Space – Non-Residential.** Planning Code Section 135.3 requires this project to provide one foot of open space for every 250 square feet of retail (and similar) uses. The proposal includes between 3,643 square feet of commercial space. Therefore, approximately 15 square feet of open space would be required. Alternatively, per Section 426, an in-lieu fee may be paid instead of providing the open space on site.
5. **Vision Zero.** The project is located on a “high-injury corridor”, identified through the City’s Vision Zero Program. The Sponsor is encouraged to incorporate pedestrian safety streetscape measures into the project.

6. **Dwelling Unit Exposure.** Planning Code Section 140 requires 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. Currently, the project includes dwelling units on the fourth and fifth floors, which do not face onto a code-complying rear yard, since the proposed rear yard does not extend down to the first floor. Therefore, the project requires a variance from the Zoning Administrator to address the requirements for dwelling unit exposure.
7. **Street Frontage.** Planning Code Section 145.1 outlines requirements for street frontages to ensure that they are pedestrian-oriented, fine-grained, and are appropriate and compatible with the buildings in WMUG District. Currently the proposed project appears to meet most of these requirements; however, as part of the EEA, please ensure that the ground floor street frontage meets all of these requirements as related to active use, height, transparency, fenestration, gates, railings and grillwork.
8. **Dwelling Unit Mix.** Planning Code Section 207.6 outlines the requirements for minimum dwelling unit mix for new residential properties within the RCD Zoning District. The project must provide either: no less than 40 percent of the total number of proposed dwellings units as at least two bedroom units; or no less than 30 percent of the total number of proposed dwelling units as at least three bedroom units.

Currently, the proposed project would result in six studio, thirteen one-bedroom units, and twelve two-bedroom units. This dwelling unit mix results in 38.7% of the total number of dwelling units as two-bedroom or more. Please revise the dwelling unit mix and provide an additional two-bedroom unit to meet the Planning Code requirement.

9. **Narrow Street Height Provisions:** For projects within the RCD Zoning District along a Narrow Street (a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width), Planning Code Section 261.1 specifies that all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street. No part or feature of a building may penetrate the required setback plane. Gordon Street is considered narrow street, since it measures 35-ft wide. The project appears to provide a setback at the appropriate height; however, detailed sections and elevations are required to confirm the project's compliance with this requirement.
10. **Shadow Analysis (Section 295).** Planning Code Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project will not cast any shadow upon any property under the jurisdiction of the San Francisco Recreation and Park Commission.
11. **Bicycle Parking.** Planning Code Section 155.5 requires this project to provide at least 31 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces for the proposed 31 dwelling units and 3,623 square feet of ground floor commercial space. Currently, the project plans do not identify the location of the bicycle parking. Please update the plans to meet this requirement.

12. **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

13. **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 (6) 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.

14. **Flood Notification.** The project site is in a block that has the potential to flood during storms. The SFPUC will review the permit application to comment on the proposed application and the potential for flooding during wet weather. Applicants for building permits for either new construction, change of use, or change of occupancy, or for major alterations or enlargements must contact the SFPUC at the beginning of the process to determine whether the project would result in ground-level flooding during storms. Requirements may include provision of measures to ensure positive sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. The side sewer connection permits for such projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, DBI, or the Successor Agency to the San Francisco Redevelopment Agency. For

information required for the review of projects in flood-prone areas, the permit applicant shall refer to Bulletin No. 4: [http://www.sf-planning.org/ftp/files/publications\\_reports/DB\\_04\\_Flood\\_Zones.pdf](http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf).

15. **Stormwater.** If the project results in a ground surface disturbance of 5,000 sf or greater, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including:
  - (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR
  - (b) *stormwater treatment* for areas in separate sewer systems. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.
16. **Recycled Water.** Projects located in San Francisco's designated recycled water use areas are required to install recycled water systems for irrigation, cooling, and/or toilet and urinal flushing in accordance with the Recycled (or Reclaimed) Water Use Ordinance, adopted as Article 22 of the San Francisco Public Works Code. New construction or major alterations with a total cumulative area of 40,000 square feet or more; any new, modified, or existing irrigated areas of 10,000 square feet or more; and all subdivisions are required to comply. To determine if the proposed project is in a designated recycled water use area, and for more information about the recycled water requirements, please visit [sfwater.org/index.aspx?page=687](http://sfwater.org/index.aspx?page=687).
17. **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 the 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.

18. **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. Transportation Sustainability Fee (411A)
- b. Residential Child-Care Impact Fee (414A)
- c. Eastern Neighborhoods Impact Fees (423)

**PRELIMINARY DESIGN COMMENTS:**

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

1. The proposed approach to the addition with its setbacks on both sides of the structure are appropriate.
2. Staff appreciates the way the proposal respects and supports the existing character and high-quality materials throughout the rest of the proposal.
3. Given the building's status as a historic resource, the window configuration and character should be retained along the Gorden Street façade within the existing building volume.

**PRELIMINARY PROJECT ASSESSMENT EXPIRATION:**

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, as listed above, must be submitted no later than **February 12, 2018**. 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:

- Neighborhood Group Mailing List
- Interdepartmental Project Review Application
- Flood Notification: Planning Bulletin
- SFPUC Recycled Water Information Sheet

- cc: Jeremy Schaub on behalf of Majority Investment Inc. KVA Corp. Ltd., Property Owner  
Richard Sucre, Current Planning  
Christopher Espiritu, Environmental Planning  
Mat Snyder, Citywide Planning and Analysis  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA

Jerry Sanguinetti, Public Works

Pauline Perkins, SFPUC

June Weintraub and Jonathan Piakis, DPH

Planning Department Webmaster ([planning.webmaster@sfgov.org](mailto:planning.webmaster@sfgov.org))