



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 7, 2016
TO: Jeremy Schaub, Gabriel Ng + Architects, Inc
FROM: Rick Cooper, Planning Department
RE: PPA Case No. 2016-004707PPA for 2630-2632 Mission Street

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

Reception:
415.558.6378

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415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Melinda Hue at (415) 575-9041 or Melinda.Hue@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script that reads "Rick Cooper".

Rick Cooper, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: July 7, 2016
Case No.: **2016-004707PPA**
Project Address: 2630-2632 Mission Street
Block/Lot: 3636/005
Zoning: Mission Street (Neighborhood Commercial Transit) NCT District
65-B Height and Bulk District
Area Plan: Eastern Neighborhoods Area Plan
Project Sponsor: Jeremy Schaub, Gabriel Ng + Architects, Inc. – (415) 682-8060
Jeremy@gabrielngarchitects.com
Staff Contact: Melinda Hue – (415) 575-9041
Melinda.Hue@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 April 8, 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 construct a 5-story, 60-foot-tall mixed-use building with ground floor retail and residential use on the upper floors. The project site was formerly occupied by a building that was damaged in a fire and subsequently demolished in 2014. While the building was demolished, the basement foundation remains and would be replaced as part of the proposed project. The proposed new building would include 16 dwelling units and approximately 7,766 square feet of ground floor

commercial space along Mission Street. The proposed project would not include any off-street parking spaces. Sixteen bicycle parking spaces are proposed on the ground floor. Due to the existing basement, excavation is anticipated to be minimal, up to one foot below ground surface.

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).

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>.

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>.

2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Eastern Neighborhoods PEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$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.

Formal environmental review begins with Planning Department review of the **Environmental Evaluation Application (EEA)** filed by the project sponsor. The EEA can be submitted at the same time as the PPA application or subsequent to issuance of the PPA letter.

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

A detailed and accurate description of the proposed project is essential for adequate environmental review. Please update the EEA project description as necessary to reflect feedback provided in this PPA letter, and include any additional documents requested herein. Furthermore, please include the following information regarding the proposed project: height to the top of mechanical equipment, and confirm amount of excavation in cubic yards and depth of excavation. If you have already filed your EEA, you may provide the requested information and documents as supplements to your application.

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

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 building that was on the project site was previously evaluated in the South Mission Historic Resources Survey and found ineligible for national, state, or local listing. Thus, the proposed project, which would include the replacement of the existing basement, is not subject to review by the Department's Historic Preservation staff; no additional analysis of historic architectural resources is required.
2. **Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the *Eastern Neighborhoods PEIR*. Therefore, the proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed 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. **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.

Transportation Demand Management Program

On April 28, 2016, the Planning Commission adopted a resolution to initiate Planning Code amendments that would require development projects to comply with a proposed Travel Demand Management (TDM) Program. The intent of the proposed TDM Program is to reduce vehicle miles traveled (VMT) and to make it easier for people to get around by sustainable travel modes such as transit, walking, and biking.

Under the proposed TDM Program, land uses are grouped into four categories, A through D. For each land use category that is subject to the TDM Program, the City would set a target based on the number of accessory vehicle parking spaces that the project intends to provide for that land use category. To meet each target, the project sponsor must select TDM measures—each worth a specified number of points—from a menu of options. In general, if a project sponsor proposes more parking, the target for that land use category—and thus, the number of TDM measures that the sponsor must

implement to meet it—would increase. Some of the TDM measures included in the menu are already required by the Planning Code. Points earned from implementing these measures would be applied towards achieving a project's target(s). Project sponsors would be required to implement and maintain TDM measures for the life of the project.

The proposed project includes 16 dwelling units, and thus would be subject to the proposed TDM Program. Based on the lack of proposed parking spaces associated with the residential use, the project would be required to meet or exceed a target of 14 points for land use category C.

The Planning Code would currently require the project, as described in the PPA, to provide the following TDM measures: Bicycle Parking (Planning Code Section 155.2; TDM Menu ACTIVE-2 – option a). The project may be required to select and incorporate additional TDM measures to meet the target listed above. A full list of the TDM measures included in the menu of options is available at <http://sf-planning.org/shift-encourage-sustainable-travel>. When a planner is assigned, he or she will provide additional guidance regarding the proposed TDM Program and next steps.

The proposed project includes 7,500 square feet of retail uses, which would not be subject to the TDM Program as currently proposed.

4. **Noise.** The proposed project may be subject to *Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2*. *Eastern Neighborhoods PEIR Noise Mitigation Measure F-1: Construction Noise* addresses requirements related to the use of pile-driving. If the project would involve pile driving, *Noise Mitigation Measure F-1* would apply to the proposed project. This mitigation measure requires that contractors use 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. 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

5. **Air Quality.** The proposed project at 16 dwelling units is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.⁴ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the proposed project will be required to adhere to the dust control

⁴ BAAQMD, CEQA Air Quality Guidelines, May 2011, Chapter 3.

requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6.

The project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on 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, additional measures or analysis related to local health risks are not likely to be required. However, if the project would include new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources must be provided with the EEA.

6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.⁵ The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.
7. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project would not cast shadows on Recreation and Park property subject to Section 295 or other non-Recreation and Park open spaces.
8. **Geology.** To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
9. **Hazardous Materials.** The proposed project may be subject to Article 22A of the Health Code, also known as the Maher Ordinance, depending on the amount of excavation involved. 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.

⁵ Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

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>.

10. **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 occurs, 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 Section 121 for a non-residential use size limit which is greater than 6,000 square feet and above.
2. A **Building Permit Application** is required for the proposed new construction on the subject property.

Conditional Use Authorization applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

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

Neighborhood Notification (312). In all NC Districts all building permit applications for new construction shall be subject to the provisions of Planning Code Section 312. 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. If a Conditional Use Authorization is required, a 312 Neighborhood Notification will be conducted in conjunction with the hearing notification for the Planning Commission.

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. **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:

http://sf-planning.org/ftp/General_Plan/Mission.htm

2. **Mission Action Plan 2020.** The subject property falls within the area of the ongoing Mission Action Plan 2020 process generally bounded by Division/13th/Duboce, Guerrero, Potrero/101 and Cesar Chavez Streets. A draft Action Plan will be available in 2016. The draft Action Plan may propose changes to certain allowed land uses in certain districts, as well as to building heights and densities. For more information please visit:

<http://sf-planning.org/mission-action-plan-2020>

3. **Mission Interim Controls.** The subject property falls within the area of the Mission 2016 Interim Controls adopted on January 14, 2016 to govern certain permit applications during the development of the Mission Action Plan (MAP) 2020. The area governed by the interim controls is generally defined by the following boundaries: Division/13th/Duboce Street, Mission Street, Potrero Avenue and Cesar Chavez Street. The interim controls require a Conditional Use or Large Project Authorization for certain projects including when there is removal of PDR space. For more information on the interim controls requirements please visit:

http://default.sfplanning.org/legislative_changes/new_code_summaries/2015-000988CWP_Mission_Interim_Controls-2016.pdf

4. **Use Size Limits.** Per Planning Code Section 736.21, a non-residential use is permitted up to 5,999 square feet; conditional if 6,000 square feet and above. The proposed 7,766 square feet of retail are more than what is principally permitted and therefore would require a Conditional Use Authorization.
5. **Floor Area Ratio.** Per Planning Code Sections 124 and 736.20, the maximum floor area ratio for non-residential uses is 3.6 to 1 within the Mission Street Neighborhood Commercial Transit District. With a lot size of 5,000 square feet, the maximum floor area for a non-residential use is 18,000 square feet. With a proposed 7,766 square feet of non-residential use, the project complies with the FAR limits.
6. **Rear Yard.** Planning Code Sections 134(a) and 736.12 outline the rear yard requirements within the Mission Street NCT District. The minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. As the length of the lot is equal to 125 feet, the minimum required rear yard depth is not less than 31'-3". As proposed, the project appears to meet this requirement.
7. **Open Space – Residential.** Planning Code Sections 135 and 736.93 require 80 square feet of open space per dwelling unit if private, or 100 square feet of open space per dwelling unit if common. Additionally, any such open space shall meet the dimensional requirements of Subsections 135(f) and 135(g). As proposed, the project appears to meet these requirements; however, a portion of the common roof deck is not code complying as it does not provide at least 15 feet in every horizontal dimension. Consequently, please revise the total usable open space counts on the title sheet to reflect

only code-complying usable open space, and/or revise the Project to provide code-complying open space.

8. **Vision Zero.** The project is located on a “high-injury corridor”. Mission Street is a pedestrian, cyclist and vehicle high injury corridor identified through the City’s Vision Zero Program. The Project Sponsor is encouraged to incorporate pedestrian safety streetscape measures into the project.
9. **Street Frontages in NC Districts.** Per Planning Code Section 145.1, the proposed ground ceiling height of 19 feet is code-compliant as a minimum 14-foot ground floor height is required in the Mission Street NCT. Further, the Project meets the street-facing ground level spaces, transparency and fenestration requirements of the Planning Code.
10. **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, an appropriately sized courtyard or an open area that is at least 25 feet wide. The proposed rear yard (31’-3”) is code-complying; consequently, the rearmost units that only have windows fronting the rear yard area, meet the exposure requirement. The units fronting Mission Street also satisfy the exposure requirements.
11. **Parking.** Planning Code Sections 151.1, 736.22 and 736.94 do not require off-street for commercial and residential uses, respectively; off-street parking limits are set forth in Section 151.1 for commercial uses. For residential uses, parking is permitted up to .5 parking spaces per unit; conditionally permitted up to .75 parking spaces per unit. As presented, no off-street parking is proposed.
12. **Off-Street Freight Loading.** Per Planning Code Sections 152 and 736.23, no off-street freight loading space is required when a retail use is less than 10,000 square feet of gross floor area. The proposed retail area of 7,766 square feet does not require a loading area nor is one proposed.
13. **Curb Cuts.** Planning Code Sections 155(r) and 736.13(c) do not permit curb cuts along Mission Street for the entirety of the Mission Street NCT District to preserve the pedestrian character of certain neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading. As presented, no curb cuts are proposed.
14. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space per dwelling unit. As 16 dwelling units are proposed, 16 Class 1 bicycle parking spaces are required. For a 7,766 square foot retail space, two Class II spaces are required pursuant Section 155.2. The proposed project contains a room identified for bicycle parking on the ground floor plan; the design and layout of each bicycle parking space is identified and demonstrates compliance.
15. **Baby Diaper-Changing Accommodations.** Per Planning Code Section 168, each new public-serving establishment, including a new retail sales and service use that is 5,000 square feet or more in size, shall be required to install and maintain, at each floor level containing restrooms accessible to the public, at least one Baby Diaper-Changing Accommodation that is accessible to women and one that

is accessible to men, or a single Diaper-Changing Accommodation that is accessible to both. Each establishment shall provide signage at or near its entrance indicating the location of the Baby Diaper-Changing Accommodations. Any new Public-Serving Establishment encompassing multiple establishments and having a central directory shall indicate on the directory the location of all such accommodations.

16. **Dwelling Unit Density and Mix.** Per Planning Code Sections 207 and 736.91, there is no residential density limit by lot area within the Mission Street NCT. Density is restricted by the physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of the Planning Code and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. Per Planning Code Section 207.6, NCT Districts must provide no less than 40% of the total number of proposed dwelling units which contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or no less than 30% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. As proposed, 8 of the 16 dwelling units contain 2 bedrooms; thus, the dwelling unit mix is 50% which exceeds the minimum required and demonstrates compliance.
17. **Height.** Per Planning Code Sections 260 and 736.10, elevator, stair and mechanical penthouses are exempted from the height limits established by the Planning Code in an amount up to but not exceeding that which is specified. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. As proposed, the stair and elevator vestibule measures 16 feet in height and is not code-complying because elevator penthouses are limited to the footprint of the elevator shaft. Thus, please demonstrate compliance with elevator and stair respective penthouse height limits.
18. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project would not cast shadows on Recreation and Parks Department properties or public open spaces. Therefore, no further study is required.
19. **First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct 25,000 gross square feet or more. Since the project would be 26,539 square feet, the aforementioned agreement is required.

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

20. **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. The following Inclusionary Affordable Housing requirements are those in effect at the time as of issuance of this letter. In the event that the requirements change, the Project Sponsor shall comply with requirements in place at the time of the issuance of first construction document. 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 exception agreement is secured by the project sponsor. Affordable units designated as on-site units shall be affordable units for the life of the project. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application has not been submitted; therefore, pursuant to Planning Code Section 415.3 and 415.6 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable to low-income households as defined by the Planning Code and Procedures Manual.

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.

21. **Eastern Neighborhoods 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 Planning Code Section 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 proposing less than 20 units, it may choose to pay an alternate fee equal to \$50.97 per gross square foot of net new residential development instead of the standard Affordable Housing Fee requirements set forth in Section 415.5. 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.

22. **Special Use Districts.** The project site is within the Mission Street Formula Retail Restaurant Subdistrict which, per Planning Code Section 781.5, prohibits formula retail limited restaurants and

restaurants. The project site is also within the Mission Alcoholic Beverage Special Use District which, per sections 781.1 and 249.60, restricts alcohol licenses. The project site is within the 1/4 mile of an Existing Fringe Financial Service and within the Fringe Financial Services Restricted Use District, which, per section 249.35, restricts new fringe financial services.

23. **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.
24. **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 for assistance.
25. **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.
26. **Non-potable Water Reuse.** Beginning November 1, 2015, all new buildings of 250,000 square feet or more of gross floor area, located within the boundaries of San Francisco's designated recycled water use area, must install non-potable water reuse systems to treat and reuse available alternate water sources for toilet and urinal flushing and irrigation. This requirement expands to the entire city the

following year, on November 1, 2016. Your project will need approvals from the San Francisco Public Utilities Commission and permits from both the Department of Public Health and DBI to verify compliance with the requirements and local health and safety codes. To view more information about the requirements, please visit <http://www.sfwater.org/np>. Project teams may contact nonpotable@sfwater.org for assistance.

27. **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 process must complete and submit an Anti-Discriminatory Housing Policy form as part of any entitlement of building permit application.
28. **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. 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.

29. **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. Child-Care (414A)
- c. Affordable Housing Fee (415)
- d. Eastern Neighborhoods Affordable Housing Fee (417)(optional)
- e. Eastern Neighborhoods Impact Fees (423)