



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** December 9, 2016  
**TO:** Alexandra Polk – Stanton Architecture  
**FROM:** Joy Navarrete, Planning Department  
**RE:** PPA Case No. 2016-010782PPA for 399 Fifth 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, Michael Li, at (415) 575-9107 or [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in black ink, appearing to read "Joy Navarrete", written over a horizontal line.

Joy Navarrete, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* December 9, 2016  
*Case No.:* 2016-010782PPA  
*Project Address:* 399 Fifth Street  
*Block/Lot:* 3752/590  
*Current Zoning:* WMUG (Western SoMa Mixed Use-General) Zoning District  
55-X Height and Bulk District  
SoMa Youth and Family Zone SUD  
Western SoMa SUD  
*Current Area Plan:* Western SoMa  
*Proposed Zoning:* MUO (Mixed-Use Office) Zoning District  
85-X Height & Bulk District  
SoMa Youth and Family Zone SUD  
*Proposed Area Plan:* Central SoMa  
*Project Sponsor:* 5TH ST INVESTOR SF, LLC  
c/o Alexandra Polk – Stanton Architecture  
(415) 865-9600  
*Staff Contact:* Michael Li  
(415) 575-9107. [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

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### DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on August 17, 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 project site, which is in San Francisco's South of Market neighborhood, is on the northeast corner of Fifth and Harrison streets. The project site has frontages on three streets: Clara Street on the north, Fifth Street on the west, and Harrison Street on the south. Hulbert Alley is an 80-foot-long dead-end alley that forms the northern half of the project site's 160-foot-long eastern boundary. The project site is occupied by a two-story industrial building, a one-story donut shop, a surface parking lot, and a freestanding general advertising sign. (It does not appear that there are any official City records verifying the legal use of the two-story building as office. The legal use of the two-story building will need to be confirmed.)

The proposed project consists of the demolition of the existing buildings, surface parking lot, and general advertising sign and the construction of a new eight-story, 85-foot-tall building containing 197 tourist hotel rooms and approximately 4,045 square feet (sf) of retail space. A total of 14 parking spaces (12 for the hotel use and two for the retail use) would be provided in a basement-level garage. A ramp would lead from the garage up to Hulbert Alley, and the existing curb cuts on Fifth and Harrison streets would be removed. Bicycle parking spaces would be provided in a location to be determined.

The proposed building would be supported by either a mat slab foundation or a spread footing foundation. Construction of the proposed project would require excavation to a depth of about 14 feet below ground surface (bgs) for the basement-level garage and building foundation and the removal of about 5,912 cubic yards of soil.

**BACKGROUND:**

The proposed project is located within the area covered by the *Western SoMa Community Plan*, which was evaluated in the Programmatic EIR for the *Western SoMa Community Plan*, *Rezoning of Adjacent Parcels*, and *350 Eighth Street Project* (Western SoMa PEIR), certified in 2008.<sup>1</sup> The project site also lies within the proposed Central SoMa Plan area, a community planning process initiated in 2011. The *Central Corridor Plan Draft for Public Review*<sup>2</sup> was released in April 2013 and an update to that Plan, the *Central SoMa Plan (Draft Plan)* was released in August 2016, with proposed changes to the allowed land uses and building heights in the Plan area, including a strategy for improving the public realm within the Plan area and vicinity. The *Draft Plan* is available for download at <http://centralsoma.sfplanning.org>. The *Central SoMa Plan* will be evaluated in an Environmental Impact Report (EIR), which is currently underway. The *Draft Plan* and its proposed rezoning are anticipated to be before decision-makers for approval in 2017.

The existing zoning for the project site is WMUG (Western SoMa Mixed Use-General), which is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial, and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. Tourist hotels are not

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<sup>1</sup> Available for review on the Planning Department's Area Plan EIRs web page at: <http://sf-planning.org/area-plan-eirs>.

<sup>2</sup> The *Central SoMa Plan* was formerly called the *Central Corridor Plan*. To avoid ambiguity, this letter uses the current "*Central SoMa Plan*" when referring to the ongoing planning process, and "*Draft Plan*" refers to the document published in April 2016 under the name "*Central SoMa Plan Draft for Public Review*."

permitted under the existing WMUG zoning. The proposed zoning for the project site in the Central SoMa Plan is Mixed-Use Office (MUO), which would allow tourist hotel uses with conditional use authorization. The EIR is studying two height alternatives, both of which would reclassify the height and bulk designation for the project site from 55-X to 85-X. Under the 85-X height and bulk designation, an 85-foot-tall building with no bulk limits would be permitted. The proposed 85-foot-tall building would be consistent with the height alternatives currently being studied in the Central SoMa Plan EIR.

**Further comments in this Preliminary Project Assessment (PPA) are based on the Draft Plan concepts published to date, which are contingent on the approval of the proposed Central SoMa Plan rezoning by the Planning Commission and Board of Supervisors.**

#### **ENVIRONMENTAL REVIEW:**

The proposed project requires environmental review either individually, with a project-specific Initial Study/Mitigated Negative Declaration or Environmental Impact Report (EIR), or in a Community Plan Exemption (CPE) if the project is consistent with an adopted community plan. The project site is located within the area covered by the *Western SoMa Community Plan*, which was evaluated in the Western SoMa PEIR. The proposed project would not be consistent with the land use (zoning) identified in the *Western SoMa Community Plan*, and it is therefore not eligible for a CPE under the Western SoMa PEIR.

As noted above, the proposed 85-foot-tall building would be consistent with both height alternatives currently being studied in the Central SoMa Plan EIR. Thus, it is possible that the proposal, as currently presented, would also qualify for a CPE under the proposed Central SoMa Plan EIR once that EIR has been certified and the Planning Commission and Board of Supervisors have adopted new zoning controls. However, the proposed project would be assessed based on the height limits for the project site that are in place at the time that the Planning Department entitlements for the proposed project are sought.

Due to the project's location within the geographic area evaluated in the Western SoMa PEIR, any development on the project site would potentially be subject to the mitigation measures identified in that document. Potentially significant project environmental impacts, pertinent mitigation measures, and CEQA findings identified in the Western SoMa PEIR that may be applicable to the proposed project are discussed below, under the applicable environmental topic. However, mitigation measures from the Western SoMa PEIR that are applicable to the proposed project area could be refined, augmented, or superseded under the future Central SoMa Plan EIR, which would become applicable to the proposed project if the Draft Plan is approved.

#### ***Community Plan Exemption***

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines mandates 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 project site is located within the area covered by the *Western SoMa Community Plan*, 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 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 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 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 \$14,427) and (b) the CPE certificate fee (currently \$8,005).
2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the PEIR, and if these new significant impacts can be mitigated to less-than-significant levels, 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 PEIR, with all pertinent mitigation measures and CEQA findings from the PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,427) and (b) the standard environmental evaluation fee (which is based on construction value).
3. **Focused EIR.** If new site- or project-specific significant impacts cannot be mitigated to less-than-significant levels, 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 PEIR, with all pertinent mitigation measures and CEQA findings from the PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,427); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool ([http://www.sfplanning.org/ftp/files/MEA/Environmental\\_consultant\\_pool.pdf](http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf)). The Planning Department will provide more details 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](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>

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: provide existing and proposed street widths, as indicated below under Item 3, Transportation. If you have already filed your EEA, you may provide the requested information and documents as supplements to your application.

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

1. **Historic Resources.** The existing buildings on the project site were previously evaluated per Case No. 2006.0444E and found ineligible for national, state, or local listing. The area was surveyed as part of the South of Market Area Historic Resource Survey, and no district was identified. Thus, the proposed project is not subject to review by the Planning Department's historic preservation staff; no additional analysis of historic architectural resources is required.
2. **Archeological Resources.** The proposed project includes excavation to a depth of approximately 14 feet bgs and the removal of about 5,912 cubic yards of soil for the basement-level garage and building foundation. Due to these soils-disturbing activities, the proposed project is subject to Western SoMA PEIR Mitigation Measure M-CP-4a: Project-Specific Preliminary Archeological Assessment. Therefore, the proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Planning Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Planning Department Qualified Archeological Consultant, subject to the review and approval by the Planning Department archeologist. The Planning 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 Planning 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.

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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>.

3. **Transportation.** Based on the PPA submittal, additional transportation analysis would likely be required to determine whether the proposed project may result in a significant impact. Therefore, the Planning Department requires that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Impact Study. You are required to pay additional fees for the study; please contact Vimaliza Byrd at (415) 575-9025 to arrange payment. Once you pay the fees, please contact Manoj Madhavan at (415) 575-9095 or [manoj.madhavan@sfgov.org](mailto:manoj.madhavan@sfgov.org) so that he can provide you with a list of three consultants from the pre-qualified Transportation Consultant Pool. Upon selection of a transportation consultant, the Department will assign a transportation planner who will direct the scope of the consultant-prepared study.

Additionally, the proposed project is located on a high injury corridor as mapped by Vision Zero.<sup>4</sup> Planning Department staff have reviewed the proposed site plans and offer the following recommendations, some of which address the safety of persons walking and bicycling to and from the project site and vicinity:

- The proposed project should meet the requirements of the *Better Streets Plan*
- Please consider safety improvements as part of the streetscape plan
- Include dimensions of existing and proposed sidewalks on the plans
- Indicate where freight and passenger loading will occur

#### *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 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 hotel use, which is larger than 10,000 sf, is subject to the proposed TDM Program. Based on the 12 parking spaces associated with the hotel use, the proposed project would be required

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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>.



to meet or exceed a target of 13 points for land use category B. The proposed retail use, which is smaller than 10,000 sf, is not subject to the proposed TDM Program.

The Planning Code would currently require the proposed 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(s) 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 an environmental planner is assigned, he or she will provide additional guidance regarding the proposed TDM Program and next steps.

4. **Noise.** Western SoMa PEIR Mitigation Measure M-NO-2a: General Construction Noise Control Measures, requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to the Department of Building Inspection (DBI) prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved. This mitigation measure will likely be applicable to the proposed project.

Western SoMa PEIR Mitigation Measure M-NO-2b: Noise Control Measures During Pile Driving, addresses impacts related to pile driving. Based on the PPA application, the proposed building would be supported by either a mat slab foundation or a spread footing foundation. Pile driving is not proposed, so Western SoMa PEIR Mitigation Measure M-NO-2b would not be applicable to the proposed project.

Western SoMa PEIR Mitigation Measure M-NO-1c: Siting of Noise-Generating Uses, would not apply to the proposed project, because the proposed land uses (tourist hotel and retail) would not be expected to generate noise levels in excess of ambient noise levels, either short term, at nighttime, or as 24-hour average, in the project site vicinity.

5. **Air Quality.** The proposed project, with 197 tourist hotel rooms and approximately 4,045 sf of retail space, is below the Bay Area Air Quality Management District's (BAAQMD's) 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.

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

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

The project site is also located within an Air Pollutant Exposure Zone (APEZ), as mapped and defined by San Francisco Health Code Article 38 (Article 38). The APEZ identifies areas with poor air quality based on modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to construct a new building containing tourist hotel and retail uses, which are not considered sensitive receptors and are not subject to enhanced ventilation requirements pursuant to Article 38. Since the project site is in an APEZ, equipment exhaust measures during construction, such as those listed in PEIR Mitigation Measure M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards, will likely be required.

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, at a height of 85 feet, likely would require a backup diesel generator, but this will be confirmed at the time of the EEA submittal.

6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>6</sup> The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.
7. **Wind.** The proposed project would involve construction of a building over 80 feet in height. The project will therefore require a consultant-prepared wind analysis, which may include wind tunnel testing if needed. The consultant will be required to prepare a proposed scope of work for review and approval by the Environmental Planning coordinator prior to proceeding with the analysis.
8. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project would not cast shadow on any properties that are under the jurisdiction of the Recreation and Park Commission or subject to Planning Code Section 295. However, the preliminary shadow fan analysis shows that the proposed project could cast shadow on the playground of Bessie Carmichael School/Filipino Education Center. The proposed project's shadow impact on the school's playground must be analyzed as part of the environmental review process. The project sponsor is

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

therefore required to hire a qualified consultant to prepare a detailed shadow study. The consultant must submit a Shadow Study Application, which can be found on the Planning Department's website (<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539>). A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.<sup>7</sup> A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater. Therefore, the proposed project is subject to the Maher Ordinance (Article 22A of the San Francisco Health Code). The Maher Ordinance, which is administered and overseen by the 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.

The 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 the DPH's review and oversight of projects subject to the ordinance would apply. Please refer to the 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.

Since the proposed project includes the demolition of the existing buildings on the project site, Western SoMa PEIR Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement, would be applicable to the proposed project. This 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

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<sup>7</sup> San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>.

addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Since at least one of the existing buildings was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be present on the project site. The BAAQMD is responsible for regulating airborne pollutants including asbestos. Please contact the BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, due to the age of at least one of the existing buildings (constructed prior to 1978), lead paint may be present on the project site. Please contact the DBI for requirements related to the demolition of buildings that may contain lead paint.

11. **Disclosure Report for Developers of Major 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.

**Note that the subject parcel is within the Central SoMa Plan area, and the Central SoMa Draft Plan for Public Review was published in April 2013, and an updated Draft Plan was published in August 2016. The Central SoMa Plan process is anticipated to be completed in 2017. The proposals in the Draft Plan are subject to change and are contingent on the eventual approval by the Planning Commission and Board of Supervisors.**

1. **Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and greater than 25,000 gross sf.
2. **Conditional Use Authorization** from the Planning Commission would also be required per Planning Code Section 842.49 (MUO) for the construction of a tourist hotel if less than 75 rooms; or in a height district greater than 105 feet and above. The parcel is planned to be zoned up to 85 feet. The project as proposed would not be allowed to develop more than 75 hotel rooms under the proposed zoning and height districts.
3. A **Building Permit Application** is required for the demolition of the existing building on the subject property.
4. A **Building Permit Application** is required for the proposed new construction on the subject property.

All entitlement/analysis 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.

1. 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.
2. **Neighborhood Outreach.** This project is required to undertake additional public outreach in advance of the Planning Commission hearing. The developer is required to conduct an additional outreach meeting, notifying owners and tenants who live within 300' of the project as well as all registered neighborhood organizations after initial design comments have been provided from the Planning Department and prior to the scheduling of the aforementioned Planning Commission hearing. The purpose of this meeting is to keep the community abreast of the project's evolution, presenting the latest design of the project – including the Department's requested changes – to the community in advance of the Commission taking action on the hearing.
3. The project is located within the Eastern Neighborhoods Mixed Use District and requires **Neighborhood Notification** to owners and occupants within 150 feet of the project site prior to approval of the site permit, in accordance with Planning Code Section 312.

4. **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. **Existing Zoning.** The subject property is zoned as WMUG (Western SOMA Mixed Use General) Zoning District, which does not permit a hotel use. It is located within the 55-X Height and Bulk District, which would not permit the project's proposed height and bulk. Therefore, the project could not be approved under the existing zoning.
2. **Central SoMa Plan.** The subject property falls within the ongoing Central SoMa Plan study area generally bounded by 2nd, 6th, Townsend and Market Streets. The Central Corridor Draft Plan was published in April 2013 and a revised and updated Draft Plan was published in August 2016. The draft plan will be evaluated in an Environmental Impact Report (EIR). The draft Plan proposes changes to the allowed land uses and building heights, and includes a strategy for improving the public realm in this area. The EIR, the Plan, and the proposed rezoning and affiliated Code changes are anticipated to be before decision-makers for approval in 2017. The Central Corridor Draft Plan includes recommendations for new land use controls as well as new height and bulk controls for the subject property. The Draft Plan is available for download at <http://centralsoma.sfplanning.org>.

*Further comments in this section of the PPA are based on the draft Central Corridor Draft Plan and any Plan refinements posted to the Plan website as of the drafting of this letter.*

3. **Sustainability & Central SoMa Eco-District.** The Planning Department has identified the Central SoMa plan area as a Type 2 Eco-District—an infill area composed of many smaller parcels and property owners. An “eco-district” is a neighborhood or district where residents, community institutions, property owners, developers, and businesses join together with city staff and utility providers to meet sustainability goals by formulating a portfolio of innovative projects at a district or block-level. The Department sees a special opportunity for new development sites in Central SoMa to exhibit a variety of sustainability best practices including and beyond those required by the Green Building Code and other City and State environmental requirements.

All major new development in the Central SoMa Plan Area will be expected to participate in some capacity in the Eco-District Program and a possible Sustainability Management Association to help guide it. Planning staff are working with other City agencies and the development community to explore both voluntary options and possible new requirements related to renewable energy generation (solar), high performing rooftop uses (renewable energy, living roofs, stormwater management and open space) and non-potable water recycling systems. Additionally, the Planning

Department is exploring possibilities for activating and greening land located near and underneath the freeway.

4. **Land Use.** The Draft Plan recommends rezoning the subject property to the Mixed-Use Office (MUO), under which the proposed retail use would be allowed and the tourist hotel would be allowed with a conditional use up to 75 hotel rooms. Hotel uses are considered nonresidential uses per Planning Code Section 842.49. These uses are generally consistent with key objectives of the Draft Plan, which include providing support for development of hotels.
5. **Urban Form: Height and Bulk.** In recognition of the desire to accommodate more growth in the area, the draft Central Corridor Plan recommends changing the height and bulk limits of the subject property from 55-X to 85-X. The project would be designed within the proposed height and bulk limits.
6. **Floor Area Ratio.** If the Central SoMa Plan is adopted and the subject parcel is rezoned to MUO as proposed in the Plan, the project would be permitted an FAR of 6.0 to 1. The existing site measures 11,395 sf; therefore, the maximum permitted FAR for nonresidential uses would be 68,370 sf. The proposed project exceeds this with 101,754 sf (or 8.93 to 1). Please revise the project and ensure your formal entitlement application complies with this requirement.
7. **Open Space – Nonresidential.** Section 135.3 requires this project to provide one foot of open space for every 250 sf of retail (and similar) uses in the MUO Zoning District. The proposal includes 101,754 sf of commercial space. Therefore, 407 sf of open space would be required. The project as proposed indicates a deck will be located on the roof but it is not shown on the submitted plans. Alternatively, per Section 426, an in-lieu fee may be paid instead of providing the open space on site.
8. **Streetscape Plan – Better Streets Plan Compliance.** Pedestrian and streetscape improvements consistent with the Better Streets Plan are required if your project meets the conditions delineated in Planning Code Section 138.1. Projects that trigger Section 138.1 will be reviewed by the Planning Department's Streetscape Design Advisory Team (SDAT). SDAT is an interagency group that includes representatives from the Planning Department, Public Works, the SFMTA, and the SFPUC that provides design guidance on private developments that impact the public right-of-way.

Based on the submitted plans, the project triggers the requirements of a Streetscape Plan because the project contains 250 feet of total lot frontage on one or more publicly accessible rights-of-way, or the frontage encompasses the entire block face between the nearest two intersections with any other publicly accessible rights-of-way, and the project includes new construction. This Streetscape Plan shall be submitted to the Planning Department no later than 60 days prior to any Planning Commission action, and shall be considered for approval at the time of other project approval actions. The streetscape plan should show the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, curb radii, and curb lines, and the relation of such elements to proposed new construction and site work