



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: January 13, 2017
TO: Lev Weisbach, Weisbach Architecture and Design
FROM: Joy Navarrete, Planning Department
RE: PPA Case No. 2016-014062PPA for 3230 and 3236 24th Street

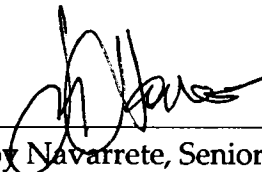
1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Don Lewis, at (415) 575-9168 or don.lewis@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Joy Navarrete, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: January 13, 2017
Case No.: 2016-014062PPA
Project Address: 3230 and 3236 24th Street
Block/Lot: 3642/011A, 3642/015
Zoning: 24th-Mission Neighborhood Commercial Transit District
Mission Alcoholic Beverage Restriction Special Use District
55-X Height and Bulk District
Area Plan: Mission Area Plan
Project Sponsor: Lev Weisbach, Weisbach Architecture and Design
(415) 297-7165
Staff Contact: Don Lewis, (415) 575-9168
don.lewis@sfgov.org

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CA 94103-2479

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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 October 24, 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 is located on the north side of 24th Street between South Van Ness Avenue and Capp Street in the Mission neighborhood. The project site is occupied by a surface parking lot with approximately eight parking spaces. The project sponsor proposes the removal of the parking lot and construction of a 55-foot-tall, five-story, mixed-use building approximately 18,200 square feet in size. The

proposed project would include 21 dwelling units, 2,090 square feet of ground-floor retail space, and zero vehicular parking spaces. The project would include 21 Class I bicycle parking spaces and two Class 2 bicycle parking spaces. The project would remove the existing curb cut on 24th Street in front of the project site. Construction of the proposed project would include excavation to a depth of four feet below ground surface and the removal of about 580 cubic yards of soil for the building foundation.

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 Evaluation

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 evaluation (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 significant impacts peculiar to the proposed project or site. In these situations, all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* are applied to the proposed project, and a CPE Initial Study and certificate is prepared. With this

¹ San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

² San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

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 *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 Initial Study 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 \$14,427) 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 Initial Study 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 \$14,427); (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). 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. 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 subject property is a vacant lot; however, the property is located in an area that requires further analysis to determine the presence of historic districts. The proposed new construction is subject to review by the Department's Historic Preservation staff. The Department's Historic Preservation staff will review the proposed project and a Historic Resource Evaluation (HRE) report is not required.
2. **Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2 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. The project site is located on 24th street, which is a high injury corridor for pedestrians as mapped by Vision Zero.⁴ Planning staff have reviewed the proposed site plan and offer the following recommendations, some of which address the safety of persons walking and cycling to and from project site and vicinity:
 - Include dimensions of existing and proposed sidewalk on plans.
 - Include dimensions of existing and proposed curb cuts on plans.
 - Show existing/proposed curb cuts and curb cuts to be removed.

Transportation Demand Management Program

On August 4, 2016, the Planning Commission adopted a resolution to recommend approval of Planning Code amendments that would require development projects to comply with a proposed Transportation Demand Management (TDM) Program. The intent of the proposed TDM Program is

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

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 proposed. To meet each target, the project sponsor must select TDM measures from a menu of options. In general, the number of TDM measures that the project sponsor must implement would increase in proportion to the number of accessory vehicle parking spaces proposed. 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. Project sponsors would be required to implement and maintain TDM measures for the life of the project.

The proposed project includes 21 dwelling units, and thus would be subject to the proposed TDM Program. Based on the zero vehicle parking spaces proposed, the project would be required to meet or exceed a target of 10 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)
- Parking unbundling (Planning Code Section 167; TDM Menu PKG-1)

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 on this [website](#). When a current planner is assigned, he or she will provide additional guidance regarding the proposed TDM Program and next steps.

4. **Noise.** *Eastern Neighborhoods PEIR Noise Mitigation Measure F-1: Construction Noise* addresses requirements related to the use of pile-driving. Since the project sponsor has indicated that the project would not involve pile driving, *PEIR Noise Mitigation Measure F-1* would not apply to the proposed project.

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 the Department of Building Inspection prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved. Since the project would require heavy construction equipment, *Noise Mitigation Measure F-2* would apply to the proposed project.

5. **Air Quality.** The proposed project at 21 dwelling units is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air

pollutants.⁵ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the proposed project will be required to adhere to the dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6.

The project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on 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.⁶ 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.** Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Since the project as proposed would entail the construction of a 55-foot-tall building, it is unlikely that the proposed project would alter wind in a manner that substantially affects public areas.
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 shadows on Recreation and Park property subject to Section 295 or

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

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

other non-Recreation and Park open spaces. Therefore, a detailed shadow study is not likely to be required.

9. **Geology.** The project site is not located within a Seismic Hazard Zone. However, a geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study 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 an area that it is known or suspected to contain contaminated soil and/or groundwater. In addition, construction of the proposed project would require the disturbance of more than 50 cubic yards of soil. Therefore, the proposed project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the San Francisco Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

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.

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 Evaluation (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with

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

PLANNING DEPARTMENT APPROVALS:

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

1. A **Variance** from Planning Code Sections 140 (Dwelling Unit Exposure) is required from the Zoning Administrator since the proposal includes units which do not face directly onto an open area or street that meets the dimensional requirements of the Planning Code.⁷
2. A **Conditional Use Authorization** is required to deviate from the minimum Dwelling Unit Mix per Planning Code Section 207.6.
3. A **Building Permit Application** is required for the proposed new construction on the subject property.

All applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. 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 under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Resource Center" tab.
2. **Neighborhood Outreach.** In the event that a Conditional Use Authorization is required for the project, additional public outreach in advance of the Planning Commission hearing will be required. The developer is required to conduct an additional outreach meeting, notifying owners and tenants

⁷ Please note that new construction should strive to eliminate the need for variances from the Planning Code.

who live within 300' of the project as well as all registered neighborhood organizations for the Mission neighborhood, 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. **Notification of a Project Receiving Environmental Review.** Notice would 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/sites/default/files/FileCenter/Documents/2321-Mission_Area_Plan_DEC_08_FINAL_ADOPTED.pdf
 - **Affordable Family Housing.** The Mission Area Plan encourages the provision of affordable family housing in areas where families can safely walk to schools, parks, retail, and other services such as transit (Policies 2.3.1 and 2.5.2). The proposed project is located in a highly walkable district but includes no family-sized units. The project sponsor should amend its proposal to provide family-sized units per Planning Code Section 207.6 described below.
 - **Urban Design.** The Mission Area Plan emphasizes the importance of infill development that is designed to be compatible with the height, mass, articulation, materials, style, and historic context of the surrounding urban fabric (Policies 1.2.1 and 3.6.1). Please refer to the Preliminary Design Comments below for specific design recommendations.
 - **Public Art & Murals.** The Mission Area Plan emphasizes the importance of protecting existing public art and murals that are a distinctive and important part of the Mission District identity from obstruction, demolition, or damage by new construction (Policy 3.2.8). It also encourages expanded opportunities for visible and publicly accessible walls in new construction to allow for these art traditions to thrive and continue. The proposed projects would completely obscure several large murals on two adjacent properties and does not appear to provide opportunity for new murals. Please explain how the existing murals will be preserved and protected and whether the proposed project will provide opportunity for

new public murals to be installed. See text below under #4, Calle 24 Latino Cultural District/Murals.

2. **Mission Action Plan 2020.** The subject property falls within the area of the ongoing Mission Action Plan 2020 (MAP2020) process generally bounded by Division/13th/Duboce, Guerrero, Potrero/101 and Cesar Chavez Streets. A draft Action Plan will be available in Winter 2016/2017. 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://www.sf-planning.org/sfmap2020>
 - o **Height Limits.** Funded by San Francisco's Historic Preservation Fund Committee, San Francisco Heritage—in partnership with the San Francisco Latino Historical Society, San Francisco State University Professor Carlos Cordova, and VerPlanck Historic Preservation Consulting—is currently in the process of preparing the Latino Citywide Historic Context Statement to document the history of Latino San Francisco and identify potential city landmarks closely linked to sites of importance to San Francisco's Latino communities. As part of this study, the 24th Street corridor in the Mission neighborhood will be examined for its potential eligibility as a historic resource as defined by the CEQA. Within this context and as an element of MAP2020, the Planning Department will be studying potential changes to the current height limits along 24th Street that may impact the project site.
3. **Mission 2016 Interim Zoning Controls.** The subject property falls within the area of the Mission 2016 Interim Zoning Controls adopted on January 14, 2016 to govern certain permit applications during the development of the Mission Action Plan 2020. Please note that in the event that number of units is increased on a future proposal, the Mission 2016 Interim Controls may apply, thus requiring a Large Project Authorization. The Interim Controls apply to “any residential mixed-use project that is between 25,000 and 75,000 gross square feet of non-residential use or has between 25-75 units.”
4. **Calle 24 Latino Cultural District/Murals:** The project site is located within the Calle 24 Latino Cultural District which places great cultural and artistic importance on the collection of murals located throughout the neighborhood. As such, the preservation of the murals is critical in the Latino Cultural District. As proposed, the project appears to obscure existing murals located on the walls of both adjacent properties. Please explain how these murals will be preserved and protected. Furthermore, the murals may be protected under the Visual Artists Rights Act of 1990 (VARA), 17 U.S.C. § 106A. Please ensure that the proposed project will not be in violation of VARA as it relates to the existing murals.
5. **Rear Yard.** Please revise your rear yard setback in accordance with Planning Section 130(d), which states “where the side lot lines converge to a point, a line five feet long within the lot parallel to and at a maximum distance from the front lot line shall be deemed to be the rear lot line for the purposes of determining the depth of the rear yard.”
6. **Bicycle Parking.** Planning Code Section 155.2 requires the proposed project to provide Class 1 and Class 2 bicycle parking. For the residential uses, a total of 21 Class 1 bicycle parking spaces are required. For the non-residential uses, and depending on further clarification of the type of

commercial uses, at least two Class 2 bicycle parking spaces are required. Current plans do not show any Class 2 spaces. On a subsequent submission please indicate the type of commercial use, and the location of each class of bicycle parking, with dimensions.

7. **Bird Safety.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. Any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
8. **Dwelling Unit Mix.** Planning Code Section 207.6 outlines the requirements for minimum dwelling unit mix for new residential properties within an NCT Use District. The proposed project must provide either: no less than 40 percent of the total number of proposed dwellings units as at least two bedroom units; or no less than 30 percent of the total number of proposed dwelling units as at least three bedroom units. As proposed, the project does not meet this requirement since all of the units are studios. Deviations from this requirement require a Conditional Use Application. As two-bedroom units are encouraged, the Department strongly recommends compliance.
9. **Dwelling Unit Exposure:** Planning Code Section 140 outlines requirements for all dwelling units to face an open area or street. All dwelling units shall feature a window that directly faces a street or open area that is a minimum of 25 feet in width. As proposed, Unit 4 on the second, third and fourth floors do not meet the exposure requirements. Therefore, the proposed project requires revision to meet the minimum exposure requirement or is required to obtain a variance from Planning Code Section 140. The Department generally encourages projects to minimize the number of units needing an exposure exception.
10. **Neighborhood Notification.** Per Planning Code Section 312, neighborhood notification will be required, since the proposal involves new construction within the 24th Street-Mission NCT Zoning District.
11. **Permitted Obstructions:** Planning Code Section 136 outlines the requirements for permitted obstructions over streets, setbacks, rear yards, and useable open space. Currently, the project proposes bay windows over the streets. These elements must meet the dimensional requirements specified in Planning Code Section 136. Please provide additional information, including dimensions, to determine whether these elements meet the requirements of the Planning Code.
12. **Rooftop Screening:** Planning Code Section 141 outlines the requirements for the screening of rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building so as not to be visible from any point at or below the roof level of the subject building. The proposed plan show solar panels on the roof but does not show any other roof top equipment (i.e. mechanical ventilation systems, etc.). Please make sure to show all rooftop equipment and the required screening.

13. **Special Use Districts:** The project site is located within the Mission Alcoholic Beverage Special Use District (Section 249.60) and the Fringe Financial Service Restricted Use District (Section 249.35). Please review the applicable code sections as they relate to the proposed commercial space and restrictions that apply to certain uses.
14. **Street Trees.** Pursuant to Section 138.1 of the Planning Code, new construction projects or the addition of a new dwelling unit requires the installation of 1 street tree for every 20 feet of frontage. Please include the tree specifications as required on revised plans. San Francisco Friends of the Urban Forest may be able to assist you directly with the entire permit process including tree planting. FUF is a non-profit, neighborhood tree-planting organization which also offers tree-maintenance programs. FUF can be reached at (415) 561-6890. Otherwise applications for street trees are available from the Department of Public Work's Bureau of Urban Forestry at 2323 Cesar Chavez Street or on their website at www.sfdpw.org
15. **Vision Zero.** In 2014, the City adopted the Vision Zero Policy which seeks to eliminate all traffic deaths in the City by 2024. The City subsequently established a network of Vision Zero Corridors which have higher rates of traffic-related injuries and fatalities compared to most San Francisco Streets. The City has determined that streets on the Vision Zero network should be prioritized for safety improvements especially those that improve the safety of vulnerable users like people walking and people on bikes.

This project is located on a pedestrian high-injury corridor, and is encouraged to incorporate safety measures into the project.

16. **Parking and Curb Cuts.** Since the project does not propose any on-site vehicular parking, the Department would require that the existing driveway curb cut be removed as part of this project to create additional on-street parking. The Department supports the current proposal involving no off-street parking.
17. **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:

- o direct financial construction from a public entity
- o 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.

18. **SFPUC Requirements & Project Review.** The SFPUC administers San Francisco's various water, sewer, and stormwater requirements such as the Stormwater Design Guidelines, construction site runoff, sewer connections, recycled water and onsite water reuse, water efficient irrigation, and hydraulic analysis for fire suppression systems. To assist developers and property owners in meeting these requirements, the SFPUC provides project plan review, technical assistance, and incentives. The SFPUC also has a separate project review process for projects that propose to use land owned by the SFPUC or are subject to an easement held by the SFPUC; or projects that propose to be constructed above, under, or adjacent to major SFPUC infrastructure. For projects meeting these criteria, please contact SFProjectReview@sfgwater.org for a SFPUC Project Review and Land Use Application. For more information regarding SFPUC Project Review or any of the SFPUC requirements, please visit www.sfgwater.org/reqs.
19. **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 (TSF), (§411A)
- b. Residential Child-Care Impact Fee (§414A)
- c. Eastern Neighborhoods Impact Fees (§423)

PRELIMINARY DESIGN COMMENTS:

The project is located in an NCT – 24th Mission Neighborhood Commercial Transit zoning district, the Mission Alcohol Restricted and Fringe Financial Services RUD special use districts and the Mission (EN) planning area. The following comments address preliminary design issues that may substantially affect the proposed project:

Architecture and Building Massing

1. Site Design, Open Space, and Massing. The Planning Department recommends a setback of a minimum of 15 feet of the top story from the street frontage to maintain the existing neighborhood pattern of two- to four-story building massing along 24th Street.

The Department recognizes the importance of the existing murals along the internal property line as a part of the Calle 24 Latino Cultural District and requests that the project sponsor meet with the appropriate community groups to discuss their potential relocation or preservation.

2. Architecture. The Planning Department recommends a more contextual architectural expression and use of materials that are compatible with the 24th Street neighborhood; for example, consider using materials that demonstrate a finer-grain quality such as stucco, wood siding, or masonry. Neighborhood fenestration typically includes more detailed trim or ornamentation. The ground level facade should reflect more traditional element scale and shaping; consider including a bulkhead between 18-24 inches, more volumetric storefront entries from the sidewalk, and a more distinguished residential entry from the commercial ones.

At this point the architecture is assumed to be preliminary and the Planning Department will provide further detailed design review on the subsequent submission. The Department recommends that the project express significant façade depth, provide high-quality materials, and meet the architectural detailing and character of the neighborhood.

Streetscape and Public Realm

The Street Design Advisory Team (SDAT) provides design review and guidance to private developments working within the City's public right-of-way. SDAT is composed of representatives from the San Francisco Planning Department (SF Planning) Department of Public Works (SF Public Works), the San Francisco Municipal Transportation Agency (SFMTA), and the San Francisco Public Utilities Commission (SFPUC).

The proposed project came to SDAT on November 28, 2016. Below are the SDAT comments from that meeting.

1. Commercial Loading Zone and Curb Cut Removal

- To improve pedestrian safety and improve sight lines for all streetscape users, the project sponsor shall legislate the removal of the parking space closest to the intersection of 24th and Capp Streets (fronting the western edge of the project site). This parking space shall be replaced with a red (no parking) zone.
- The project sponsor shall also vacate the existing curb cut east of the loading zone and restore a standard 6 inch curb at this location.
- The project sponsor shall work with SFMTA create a new parking space where the existing curb cut and driveway is currently located, and relocate the existing loading zone 20 feet eastwards.