



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** February 21, 2017  
**TO:** Feliciano Vera  
**FROM:** Joy Navarrete, Planning Department  
**RE:** PPA Case No. 2016-015092PPA for 1990 Folsom Street

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

Reception:  
**415.558.6378**

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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 "J. Navarrete", written over a horizontal line.

Joy Navarrete, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* February 21, 2017  
*Case No.:* **2016-015092PPA**  
*Project Address:* 1990 Folsom Street  
*Block/Lot:* 3552/012  
*Zoning:* PDR-1-G (Production, Distribution, and Repair -1 - General)  
Zoning District  
Transit Oriented Retail SUD  
Mission Alcoholic Beverage SUD  
Fringe Financial Service Restricted Use District  
58-X Height and Bulk District  
*Area Plan:* Eastern Neighborhoods  
*Project Sponsor:* 1990 Folsom Housing Associates, L.P.  
c/o Feliciano Vera – MEDA  
(415) 282-3320  
*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 November 22, 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 Mission neighborhood, is on the northwest corner of 16th and Folsom streets. The project site is rectangular and has frontages on three streets: Folsom Street on the east, 16th Street on the south, and Shotwell Street on the west. The project site is occupied by a one-story, 20-foot-tall industrial building and two surface parking lots. The existing building is currently vacant and was previously occupied by a bakery/distribution center.

The proposed project consists of the demolition of the existing building and surface parking lots and the construction of an eight-story, 85-foot-tall mixed-use building containing 143 dwelling units, about 4,454 square feet (sf) of space for a childcare center, and about 12,260 sf of industrial or production/distribution/repair (PDR) space. Of the 12,260 sf of industrial/PDR space, about 3,413 sf would be net new square footage; the existing 8,847 sf of industrial/PDR space on the project site would be demolished and replaced as part of the proposed project.

No off-street parking or off-street loading spaces would be provided. All of the existing curb cuts and driveways (two on Folsom Street, two on 16th Street, and one on Shotwell Street) would be removed. A total of 156 bicycle parking spaces would be provided in a storage room on the ground floor. The proposed project would include usable open space in the form of an inner courtyard on the ground level and decks/patios at the second, eighth, and roof levels of the building.

The proposed building would be supported by a deep foundation system with the type of piles to be determined. Construction of the proposed project would require excavation to a depth of about four feet below ground surface (bgs) for the building foundation and the removal of about 3,800 cubic yards of soil.

**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.<sup>1,2</sup> The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008.

**PRELIMINARY PROJECT COMMENTS:**

The following comments address general issues that may affect 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

the Plan, however the proposed project is not fully consistent with a policy related to protecting the stock of existing building used by, or appropriate for, PDR businesses by restricting conversions of industrial buildings to other building types and discouraging the demolition of sound PDR buildings.

- Policy 1.7.1: In areas designated for PDR, protect the stock of existing buildings used by, or appropriate for, PDR businesses by restricting conversions of industrial buildings to other building types and discouraging the demolition of sound PDR buildings.

PDR districts, including those in the Mission Area Plan, were established to protect existing clusters of PDR activity, to provide an appropriate land supply to accommodate the city's need for PDR businesses into the foreseeable future, and to limit conflicts between PDR activity and other uses. The project proposes to rezone a parcel in a PDR district and to demolish a sound building suitable for industrial activities to allow for affordable housing, childcare and onsite social services. The project does however, intend to replace the existing square footage plus add an additional 3,413 square feet of new PDR space.

See discussion below for more complete discussion related to PDR and land use compatibility.

The project sponsor is encouraged to read the full plan, which can be viewed at [http://www.sf-planning.org/ftp/General\\_Plan/Mission.htm](http://www.sf-planning.org/ftp/General_Plan/Mission.htm)

**Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Mission Area Plan Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. This process is further explained in Section 423.3(d) of the Planning Code.

More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website.

**2. Mission Action Plan 2020.** The subject property falls within the area of the ongoing Mission Action Plan 2020 process generally bounded by Division/13th/Duboce, Guerrero, Potrero/101 and Cesar Chavez Streets. The Draft Mission Action Plan 2020 report has been released and is now available for public review and comment. The plan will go to the Planning Commission for endorsement on March 2, 2017.

At the request of community participants, MAP2020, has been exploring whether 100% affordable housing could be allowed in certain PDR areas where appropriate given the housing affordability crisis the neighborhood continues to experience. However, maintaining PDR is also a City priority and no legislative proposal has been crafted yet to make this allowance. The Department will not support this allowance in all PDR areas, in particular in those areas where PDR uses are least compatible with residential and where neighborhood amenities that serve more residential areas are absent.

For more information on the project please visit: <http://sf-planning.org/mission-action-plan-2020>. To review a copy of the draft Action plan, please visit: [http://default.sfplanning.org/Citywide/Mission2020/MAP2020 Plan Draft-Web-111816.pdf](http://default.sfplanning.org/Citywide/Mission2020/MAP2020%20Plan%20Draft-Web-111816.pdf)

**3. Mission Interim Controls.** The subject property falls within the area of the Mission 2016 Interim Controls adopted on January 14, 2016 to govern certain permit applications during the development of the Mission Action Plan (MAP) 2020. The area governed by the interim controls is generally defined by the following boundaries: Division/13th/Duboce Street, Mission Street, Potrero Avenue and Cesar Chavez Street. The interim controls require a Conditional Use or Large Project Authorization for certain projects including when there is removal of PDR space. However, certain project types are exempted from the Mission Interim Controls. The first project type are projects that provide at least 33% or more units or equivalent through land dedication affordable to low and moderate income households. The second project type are projects that are exclusive PDR uses or mixed-use projects that include PDR uses and meet the affordability criteria mentioned above. The proposed project at 1990 Folsom meets both exemptions, thus released from the requirements of the Mission Interim Controls.

For more information on the interim controls requirements please visit [http://default.sfplanning.org/legislative changes/new code summaries/2015-000988CWP Mission Interim Controls-2016.pdf](http://default.sfplanning.org/legislative%20changes/new%20code%20summaries/2015-000988CWP%20Mission%20Interim%20Controls-2016.pdf)

**4. PDR Removal.** The PPA application states that 8,847 square feet of PDR space exists on the project site and that the project will replace and exceed this with an additional 3,413 square feet of PDR space, for a total of 12,260 square feet of PDR space. Per the PPA application, this space will be dedicated to arts uses, a subset of PDR. Given the complexity of preserving PDR space and producing affordable housing, this project supports several solutions identified in the Mission Action Plan 2020. These solutions include:

- Production of affordable housing to low and moderate income households
- Continued site acquisition to build 100% affordable housing with close partnership with nonprofit partners and City agencies
- Production of childcare-friendly units
- Exploring production of affordable housing on a limited number of underutilized Production, Distribution, and Repair (PDR) parcels with a ground floor requirement for PDR.

The site at 1990 Folsom Street can be characterized as underutilized as it has FAR of just over 0.30. This is slightly over the 0.3 FAR threshold in the Planning Code for office-PDR cross subsidy provisions (Sec. 210.3c), a measure of underutilization for PDR parcels. While the City would lose an exclusive but underutilized PDR site, the City and community will gain permanently affordable housing, social services and a net increase of active PDR.

It is the intention of Planning Code 202.7, to preserve the City's existing stock of buildings suitable for industrial activities and to create replacement spaces viable for industrial use when demolition of sound PDR buildings in PDR districts occurs. Per this Section, for buildings in PDR districts proposed for demolition that have FAR (Floor Area Ratio) of 0.4 FAR or less, the replacement building shall include at least two square feet of industrial use for each square foot of industrial use in the proposed building for demolition. Currently 1990 Folsom Street has a FAR of less than 0.4. The replacement PDR proposed in 1990 Folsom does not meet this standard, and the Department encourages the applicant to add additional PDR space if it is physically possible.

The Mission Action Plan 2020 does recognize that PDR and residential uses have traditionally been separated, but through recent developments such as Mosaica, a 151-unit housing development on Florida and Alabama at 18th Street, operated by TNDC, show that light industrial and residential can be compatible with good design. The Planning Department would like to ensure that the PDR that will be in the project site will be clearly regulated and designed for the unique needs of PDR industries. This shall include:

- Meet the Planning Code design standards for PDR spaces, which include 17' ground floor ceiling height per Code Section 145.5 and 145.1c4A (a requirement in PDR and UMU districts)
- Appropriate loading and other design features (i.e. roll-up doors) to allow the space to function for a variety of PDR uses over time
- Restriction that the ground floor space be only used by PDR or Arts uses. This agreement can be explored through a NSR on the property and through the entitlement process.
- Other design comments as described in the UDAT review

The Department would also like to ensure the project to explore and incorporate design to buffer the residential uses from the PDR uses that surround the site, this might window/wall treatments that protect from noise or fumes. The Department also encourages the project sponsor to explore strategies that informs residents that they are moving into an active industrial area, including but not limited to disclosure forms for new residents.

For more information, please see page 52 of the MAP 2020 Draft Plan at [http://default.sfplanning.org/Citywide/Mission2020/MAP2020\\_Plan\\_Draft-Web-111816.pdf](http://default.sfplanning.org/Citywide/Mission2020/MAP2020_Plan_Draft-Web-111816.pdf)

**5. Site Design, Open Space and Massing.** The Planning Department generally supports the intent of the project as it would provide needed housing and space for institutional uses; however the proposed 150' height is significantly above the current 96' height limit or any anticipated height limit. While a 120' height limit might be considered for this site, any greater height limit would be highly problematic in light of the stepping down of the overall urban form from Market Street's high-rises towards Civic Center's predominant 80' heights. Should the sponsor choose to seek a height increase, a robust package of affordability, a rent-controlled unit replacement program, and other public benefits would be a prerequisite. Heights in excess of 120' – while unlikely - could only be

contemplated if modest, contextually sensitive, and proposed alongside a truly exceptional public benefit program. Regardless of height limits, architectural excellence is expected.

## ENVIRONMENTAL REVIEW:

The proposed project requires environmental review either individually, with a project-specific Initial Study/Mitigated Negative Declaration or Environmental Impact Report (EIR). The proposed project is located within the Eastern Neighborhoods Area Plan, which was evaluated in the *Eastern Neighborhoods Program EIR (PEIR)*. However, the proposed project is not consistent with the land use or development density (zoning) identified in the Eastern Neighborhoods Area Plan, and it is therefore not eligible for a Community Plan Exemption (CPE) under the *Eastern Neighborhoods PEIR*. Nonetheless, because the project site is within the geographic area evaluated in the *Eastern Neighborhoods PEIR*, any development on the project site would potentially be subject to the mitigation measures identified in that document. Potentially significant project environmental impacts that were identified in, and pertinent mitigation measures and CEQA findings from, the *Eastern Neighborhoods PEIR* that may be applicable to the proposed project are discussed below, under the applicable environmental topic.

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)** for the full scope of the project. 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 calculation of environmental application fees.<sup>3</sup> **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.**

The proposed project is not consistent with the zoning for the project site. At a height of 85 feet, the proposed project exceeds the project site's 58-foot height limit. For this reason, the proposed project is not eligible for a Community Plan Evaluation pursuant to Section 15183 of the CEQA Guidelines. However, the proposed project may be eligible for a streamlined environmental review process (in the form of a Certificate of Exemption for an eligible infill project) pursuant to Section 15183.3 of the CEQA Guidelines. An eligible infill project is examined in light of the prior EIR to determine whether the infill project will cause any effects that require additional review under CEQA. The evaluation of an eligible infill project must demonstrate the following:

- (1) the project satisfies the performance standards of Appendix M of the CEQA Guidelines;
- (2) the degree to which the effects of the infill project were analyzed in the prior EIR;
- (3) an explanation of whether the infill project will cause new specific effects<sup>4</sup> not addressed in the prior EIR;

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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>

<sup>4</sup> A new specific effect is an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site. A new specific effect may result if, for example, the prior EIR stated that sufficient site-



- (4) an explanation of whether substantial new information shows that the adverse effects of the infill project are substantially more severe than described in the prior EIR; and
- (5) if the infill project would cause new specific effects or more significant effects<sup>5</sup> than disclosed in the prior EIR, the evaluation shall indicate whether uniformly applied development standards substantially mitigate those effects.<sup>6</sup>

No additional environmental review is required if the infill project would not cause any new site-specific or project-specific effects or more significant effects, or if uniformly applied development standards would substantially mitigate such effects.

If it is determined that the project is not eligible for streamlined environmental review pursuant to Section 15183.3 of the CEQA Guidelines, then an initial study would be prepared. The initial study may be prepared either by an environmental consultant from the Department's environmental consultant pool or by Department staff. Should you choose to have the initial study prepared by an environmental consultant, contact Jessica Range at (415) 575-9018 for a list of three eligible consultants. If the initial study finds that the project would have a significant impact that could be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a preliminary mitigated negative declaration (PMND). The PMND would be circulated for public review, during which time concerned parties may comment on and/or appeal the determination. If no appeal is filed, the Planning Department would issue a final mitigated negative declaration (FMND). Additional information regarding the environmental review process can be found at: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8631>.

If the initial study indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR will be required. 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 detail to the project sponsor regarding the EIR process should this level of environmental review be required.

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.

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specific information was not available to analyze the significance of that effect. Substantial changes in circumstances following certification of a prior EIR may also result in a new specific effect.

<sup>5</sup> More significant means an effect will be substantially more severe than described in the prior EIR. More significant effects include those that result from changes in circumstances or changes in the development assumptions underlying the prior EIR's analysis. An effect is also more significant if substantial new information shows that: (1) mitigation measures that were previously rejected as infeasible are in fact feasible, and such measures are not included in the project; (2) feasible mitigation measures considerably different than those previously analyzed could substantially reduce a significant effect described in the prior EIR, but such measures are not included in the project; or (3) an applicable mitigation measure was adopted in connection with a planning level decision, but the lead agency determines that it is not feasible for the infill project to implement that measure.

<sup>6</sup> Substantially mitigate means that the policy or standard will substantially lessen the effect, but not necessarily below the levels of significance.

1. **Historic Resources.** The project proposes demolition of an age-eligible building (1963). The property was found not to be located in a historic district in the Showplace Square Historic Resources Survey, but no individual evaluation was completed, as the building was not age eligible at the time of the survey. Therefore, the proposed project is subject to review by the Planning Department's Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE). The HRE scope will require an individual evaluation of the subject building, which was not completed as part of the previous survey. The qualified professional must be selected from the Department's Historic Resource Consultant Pool. Please contact Tina Tam, Senior Preservation Planner, via email ([tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)) for a list of three consultants from which to choose. The selected consultant must scope the HRE in consultation with the Department's Historic Preservation staff. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete HRE is received.
2. **Archeological Resources.** The project site lies within an area for which no previous archeological studies have been conducted and is subject to Eastern Neighborhoods PEIR Mitigation Measure J-2. In addition, construction of the proposed project would require excavation to a depth of about four feet bgs and the removal of about 3,800 cubic yards of soil. 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 Planning Department's Transportation Impact Analysis Guidelines for Environmental Review,<sup>7</sup> the project would require additional transportation analysis to determine whether the project may result in a significant impact. Therefore, the Planning Department requires

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<sup>7</sup> This document is available at: <http://www.sf-planning.org/index.aspx?page=1886>.

that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Technical Memorandum. You may be required to pay additional fees for the Memorandum; 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 Planning Department will assign a transportation planner who will direct the scope of the consultant-prepared memorandum.

Additionally, the proposed project is located on a high injury corridor as mapped by Vision Zero.<sup>8</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:

- Show the dimensions of the existing and proposed sidewalks.
  - Show the existing curb cuts that would be removed.
  - Indicate where loading activities would occur (residential move-in/move-out, freight loading, and passenger loading)
  - Coordinate with the Municipal Transportation Agency and the Planning Department on proposed improvements related to Muni Forward.
4. **Noise.** Eastern Neighborhoods PEIR Noise Mitigation Measure F-1: Construction Noise, addresses requirements related to the use of pile-driving. The project sponsor has indicated that construction of the proposed project could involve pile driving. In the event that pile driving would be required, Mitigation Measure F-1 would apply to the proposed project. This mitigation measure prohibits the use of impact pile drivers wherever feasible and requires that contractors use pile driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

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<sup>8</sup> This document is available at: <http://www.sfmta.com/sites/default/files/projects/2015/vision-zero-san-francisco.pdf>.

Eastern Neighborhoods PEIR Noise Mitigation Measure F-5: Siting of Noise-Generating Uses, might be applicable to the proposed project depending on the types of land uses that could occupy the proposed industrial/PDR space. Some of the land uses could generate noise levels in excess of ambient noise levels, either short-term, at nighttime, or as a 24-hour average, in the project vicinity.

5. **Air Quality.** The proposed project's 143 dwelling units, 4,454 sf of space for a childcare center, and 12,260 sf of industrial/PDR space are all below the Bay Area Air Quality Management District's construction and operational screening levels for criteria air pollutants.<sup>9</sup> Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. However, please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA.

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.

The project site is not within an Air Pollutant Exposure Zone. Therefore, the proposed project is not subject to the provisions of Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments.

If the project would generate new sources of toxic air contaminants (TACs) including, but not limited to: 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. Given the proposed project's height of 85 feet, the proposed project would likely require a backup diesel generator. In addition, the proposed industrial/PDR space could be occupied by land uses that emit TACs. Additional measures, such as those described in Mitigation Measure G-4, Siting of Uses That Emit Other TACs, will likely be necessary to reduce these emissions. Please provide detailed information related to any proposed stationary sources 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 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 GHG Reduction Strategy, the Planning Department has prepared a GHG Analysis Compliance Checklist.<sup>10</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 GHG Reduction Strategy.

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<sup>9</sup> BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

<sup>10</sup> Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with San Francisco's GHG 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 under the jurisdiction of the Recreation and Park Commission, other publicly accessible open spaces, or any school properties. Therefore, the project sponsor is not required to hire a qualified consultant to prepare a detailed shadow study.
9. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Zone). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.<sup>11</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. 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 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

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<sup>11</sup> San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>.

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.

Eastern Neighborhoods PEIR Mitigation Measure L-1: Hazardous Building Materialst, 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 addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. 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, because of its age (constructed prior to 1978), lead paint may be found in the existing building. 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>.

#### **PRELIMINARY PLANNING CODE AND PROCEDURAL COMMENTS:**

The following comments address preliminary Planning Code issues that may substantially affect the design and massing of the proposed project:

1. **Zoning Map Amendment.** A Zoning Map Amendment is required to rezone the subject parcel and the height and bulk district. A Zoning Map amendment is the reclassification of real property from one district to another. This includes changing the height of a parcel, zoning of a parcel, or the creation of a Special Use District (SUD) for a parcel (or combination of parcels). The parcel is located in the PDR-1-G Zoning and a 58-X Height and Bulk District. Construction of residential housing and development above 50 feet in height are not permitted. The Zoning Map and Height & Bulk Map must be amended or the creation of an Affordable Housing SUD will be required through the legislative amendment process pursuant to Planning Code Section 302.
2. **Affordable Housing Project Authorization.** Any project where the principal use is affordable housing as defined in subsection (b) of Planning Code Section 315 as an Affordable Housing Project, the Planning Department shall administratively review and evaluate the physical aspects of the Project in coordination with relevant priority processing and design guidelines. An Affordable Housing Project may seek exceptions to Planning Code requirements that may be available through the Planning Code, including but not limited to Sections 253, 303, 304, 309, and 329, without a Planning Commission hearing, and the Planning Department may permit such exceptions if it makes the findings otherwise required by the Planning Code.
3. **Rear Yard.** Section 134 requires the project to provide a rear yard of at least 25 percent of the lot depth for residential uses. Because this project fronts three streets, one of the street frontages (Folsom Street, 16th Street or Shotwell Street) must be designated as the front of the property, and the rear yard would then be provided based on that determination. The "interior L shaped" configuration proposed for the rear yard is not permitted in Eastern Neighborhood Mixed Use Districts, except as an approved modification through the Large Project Authorization process or Section 315 as proposed. While such configurations can be supported, a minimum of 25 percent of the lot area is preferred. The proposed rear yard represents approximately 25.3 percent of the lot area and would require an exception for the rear yard configuration.
4. **Open Space – Residential.** Section 135 requires 80 square feet of open space (private) or 54 square feet of open space (publicly accessible) for each dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). A total of 11,440 square feet or 7,722 square feet respectively is required for 153 dwelling units.
5. **Open Space – Non-Residential.** Section 135.3 requires this project to provide one foot of open space for every 250 square feet of retail (and similar) uses. The proposal includes 12,260 square feet of PDR uses and 4,454 square feet of commercial/retail uses. Therefore no open space would be required for the PDR use and an additional 17.8 square feet would be required for the commercial/retail uses. Alternatively, per Section 426, an in-lieu fee of \$76 per square foot may be paid instead of providing the open space on site.
6. **Dwelling Unit Exposure.** Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard does not appear to be code-complying but appears to provide a