



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** June 11, 2018  
**TO:** Feliciano Vera, Mission Economic Development Agency  
**FROM:** Debra Dwyer, Planning Department  
**RE:** PPA Case No. 2018-003616PPA for 2205 Mission 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, Elizabeth White, at (415) 575-6813 or [elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script that reads "Debra Dwyer".

Debra Dwyer, Principal Planner



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Preliminary Project Assessment

*Date:* June 11, 2018  
*Case No.:* **2018-003616PPA**  
*Project Address:* 2205 Mission Street  
*Block/Lot:* 3590/035  
*Zoning:* Mission Street Neighborhood Commercial Transit District  
Existing Fringe Financial Service ¼ buffer  
Mission Street Formula Retail Restaurant Subdistrict  
Fringe Financial Services Restricted Use District  
65-B Height and Bulk District  
*Area Plan:* Eastern Neighborhoods – Mission Plan Area  
*Project Sponsor:* Feliciano Vera  
415-282-3734 Ext. 127  
*Staff Contact:* Elizabeth White – 415-575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### 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 March 14, 2018 and plans dated January 26, 2018, 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, and federal regulations as of the date of this document, all of which are subject to change.

**PROJECT DESCRIPTION:**

The project at 2205 Mission Street proposes the renovation of the existing two-story building and a seven-story vertical addition on the corner lot of Mission and 18th streets resulting in a nine-story, mixed-use building (approximately 95 feet in height, including rooftop appurtenances). The mixed-use project would include approximately 17,430 square feet of childcare, community, and art facilities and 35,000 square feet of residential use. Bicycle parking, building systems uses, and an arts facility studio would be located in the basement level, the childcare center and community group spaces would be located on the ground level, arts facilities would be located on the second and third floors, and community group and housing facilities would be constructed on the fourth through ninth floors. The proposed residential uses are intended to be condominiums at a sales price affordable to households earning between 80% and 130% of Area Median Income (AMI). The proposed residential uses would include 25 one-bedroom units, 17 two-bedroom units, and 6 three-bedroom units for a total of 48 dwelling units.

The front entrance to the childcare facility would be located on 18th Street and the main entrance to the residential units would be located on Mission Street. The childcare center is anticipated to accommodate approximately 76 children. The project would provide 63 class 1 bicycle spaces and no vehicle parking spaces in a new basement level of the building. The project would require 10 feet of excavation to construct the basement level of the building; approximately 3,500 cubic yards of soil would be disturbed.

**BACKGROUND:**

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Mission, East South of Market (SoMa), Showplace Square/Potrero Hill, and Central Waterfront neighborhoods. The proposed project site is in the Mission plan area of the Eastern Neighborhoods. On August 7, 2008, the Planning Commission certified the *Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)*.<sup>1,2</sup> The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008. The proposed project appears to be consistent with the development density of the Eastern Neighborhoods Area Plans. A final determination of consistency with the development density in the Eastern Neighborhoods Area Plans would be made during the environmental review process.

**PRELIMINARY PROJECT COMMENTS:**

The following comments address general issues that may affect the proposed project.

---

<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://sf-planning.org/area-plans>, accessed August 17, 2012.

<sup>2</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: [http://commissions.sfplanning.org/cpcmotions/17659\\_1268-EN\\_BOS\\_Vol4\\_CEOA\\_Part7\\_Web.pdf](http://commissions.sfplanning.org/cpcmotions/17659_1268-EN_BOS_Vol4_CEOA_Part7_Web.pdf), accessed August 17, 2012.

- 1. Eastern Neighborhoods - 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://generalplan.sfplanning.org/index.htm>.
- 2. Site Design, Open Space and Massing.** The Planning Department generally supports the intent of the project as it would provide needed housing. Regardless of height limits, architectural excellence is expected. The Planning Department recommends several revisions to the project massing and architecture as detailed in the Preliminary Design Comments section of this PPA letter (page 15).
- 3. Individually Requested Density Bonus Program.** The proposed project seeks to take advantage of the [Individually Requested State Density Bonus Program](#) pursuant to Planning Code Section 206.6. This program allows a maximum 35% density bonus above the maximum allowable density under a local jurisdiction's zoning laws. The Individually Requested State Density Bonus Program allows waivers from any local development standard in order to accommodate, or fit, the project – with the increased density – on a site. Generally, the City can only deny a waiver if the granting of said waiver would result in specific, adverse impact upon health, safety, or the physical environment, or if it would have an adverse impact on any property listed in the California Register of Historical Resources.

The program also allows project sponsors to request up to three incentives or concessions to offset the costs of providing affordable housing on-site. Between one and three concessions or incentives may be granted, depending on the amount and level of affordability in the project. The concessions and incentives must financially benefit the project. Although the same Planning Code section may be the subject of a waiver or a concession or incentive, it is important to note that under the State Law concessions or incentives should result in actual cost reductions, to provide the affordable housing, and only up to three must be granted.

In order to determine the allowable density bonus, the applicant must provide a base project that is deemed completely code-compliant, and does not require any exceptions, variances or modifications from the Planning Code. The base project as submitted is not code-compliant as ground floor commercial use is required and is not shown on the plans page T1.1. The area that is required to be commercial cannot be counted toward the area of the base project, because the Department calculates residential floor area when determining the amount of bonus area. With a proposed base residential gross floor area of 43,316 square feet, a project utilizing the Individually Requested State Density Bonus program could receive an increase of up to 35% above the base density, or in this case, up to an additional 15,161 square feet for a total of 58,477 square feet of residential use. The table below summarizes the allowable Density Bonus based on the level of affordability in the base project.



Restricted Affordable Units or Category	Minimum % of Restricted Affordable Units	% of Density Bonus Granted	Additional Bonus for each 1% Increase in Restricted Affordable Units	Maximum % of Restricted Affordable Units for Maximum Bonus
Very Low Income 50% AMI or below	5%	20%	2.5%	11%
Lower Income 80% AMI or below	10%	20%	1.5%	20%
Moderate income 120% AMI or below	10%	5%	1%	40%
Senior Housing	100%	20%		
Transitional foster youth	10%	20%		

The project proposes to provide 12% at 80% AMI; 9% at 105% AMI; 70% at 120% AMI; and 9% at 130% AMI. Based on the table above the project would qualify for the maximum bonus of 35% for providing 91% of units at or below AMI of 120%.

In order to proceed with an application utilizing the State Density Bonus Law, please submit an [Individually Requested State Density Bonus Supplemental Application](#) along with your [Project Application](#). In addition, the base project must comply with the Inclusionary Affordable Housing Program, pursuant to Planning Code 415. Please also describe the waivers, incentives and concessions sought for the bonus project. Please describe how the requested waivers are necessary to accommodate the additional density, and how the requested incentives and concessions result in actual and identifiable cost reductions for the project. Planning Staff may request supportive documentation for the requested waivers, incentives, and concessions.

**ENVIRONMENTAL REVIEW:**

The proposed project requires environmental review in accordance with the California Environmental Quality Act (CEQA). This section identifies the likely environmental review process and additional information and studies necessary to complete environmental review. Formal environmental review begins with Planning Department review of the project’s consolidated Project application.

The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. See “Environmental Applications” on page 2 of the current Fee Schedule for a calculation of environmental application fees.<sup>3</sup> In addition, please see page 4 of the Fee Schedule for monitoring fees applicable to projects that require active monitoring of mitigation measures.

A detailed and accurate description of the proposed project is essential for adequate environmental review. Please include this additional information in the project description.

- Detailed information related to construction, equipment, phasing and duration of each construction phase
- Describe any proposed stationary sources of emissions proposed as part of the project
- Show existing and proposed curb cuts and loading on plans

#### ***Environmental Review Document- 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 Mission 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 streamlined environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases in project size or intensity after project approval beyond the CPE project description 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.** 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 its 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 checklist and certificate are prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the CPE certificate fee (currently \$8,266).

---

<sup>3</sup> San Francisco Planning Department. Fee Schedule for Application Fees. Available online at: <http://sf-planning.org/permit-forms-applications-and-fees>.

2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Eastern Neighborhoods PEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910) and (b) the standard environmental evaluation fee (which is based on construction value).
3. **Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,910); (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://sf-planning.org/consultant-sponsor-resources>). 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. Based on a preliminary review of the project as it is proposed in the PPA application, some of these topics would require additional study.

1. **Historic Resources.** The subject property contains a building that was surveyed as part of the Inner Mission North Historic Resources Survey and was determined to be individually eligible for listing in the California Register. Since adoption of the survey, there have been a number of alterations performed without the benefit of a building permit resulting in an enforcement case on the property. The proposed project will need to address the restoration requirements outlined in the Notice of Violation dated January 17, 2018 (see attached letter) prior to any approval action. In coordination with the Urban Design Advisory Team (UDAT) and the Zoning and Compliance division, Historic Preservation Staff will review the proposed project to ensure it addresses enforcement and preservation concerns. Historic Preservation staff determined that a Historic Resource Evaluation (HRE) is not required for this project.
2. **Archeological Resources.** The project site lies within Archeological Mitigation Zone J-3: Mission Dolores Archeological District in 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 Project Application, 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>4</sup> the project would require additional transportation analysis to determine whether the project may result in a significant transportation impact. Therefore, the Planning Department requires that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Impact Study (see attached Transportation Study Scope of Work Checklist). You are required to pay additional fees for the study; please contact Vinaliza Byrd at (415) 575-9025 to arrange payment. Once the fees are paid, please contact Lana Wong (lana.wong@sfgov.org) for a list of three consultants from the pre-qualified Transportation Consultant Pool. Once you have selected your transportation consultant, a transportation planner will be assigned and will direct the scope of the consultant prepared study.
  - Planning Department Transportation Impact Study fee: \$24,677
  - San Francisco Municipal Transportation Review fee: \$4,746

A Streetscape Plan is required pursuant to Planning Code Section 138.1 and should be submitted prior to the initiation of the transportation analysis so that it may be incorporated into that analysis.

The following information is required to be included in proposed project plans submitted for both existing and project conditions, if applicable:

- Dimensions of existing and proposed sidewalks
- Dimensions of existing and proposed curb cuts

---

<sup>4</sup> This document is available at: <http://sf-planning.org/consultant-sponsor-resources>

- Identify curb cuts to be removed
4. **Noise.** The project sponsor has indicated that the project would not involve pile driving. Therefore, the proposed project would not be subject to Eastern Neighborhoods PEIR Mitigation Measures F-1. The proposed project would be subject to Eastern Neighborhoods Mitigation Measure F-2.

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

5. **Air Quality.** The proposed project, with the construction of 48 dwelling units, is below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants. Therefore, an analysis of the project's criteria air pollutant is not likely to be required. However, 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.
6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>5</sup> The project sponsor may be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.
7. **Wind.** The proposed project would involve construction of a building over 80 feet in height. The project will require a consultant-prepared wind analysis, which may include wind tunnel analysis if

---

<sup>5</sup> Refer to <http://sf-planning.org/consultant-sponsor-resources> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

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 an 83-foot-tall building (approximately 95 feet tall including rooftop appurtenances). A preliminary shadow analysis prepared by Planning Department staff indicates that the proposed project would not cast shadows on Recreational and Park property subject to section 295, or other publicly accessible non-rec park properties, including schoolyards open to the public during non-school hours. Therefore, a consultant-prepared shadow analysis is not anticipated to be required.
9. **Geology.** A geotechnical study prepared by a qualified consultant must be submitted with the Project Application. The study should address whether the site is subject to liquefaction hazard, 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 proposed project would be constructed on a site with known or suspected soil and/or groundwater contamination and would involve grading and excavation work greater than 50 cubic yards. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the Project Application.

*Eastern Neighborhoods EIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials* would be applicable to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl)

phthalate (DEPH), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

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 Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact 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 San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

- 11. Disclosure Report for Developers of Major Projects.** San Francisco Campaign and Governmental Conduct Code Section 3.520 et seq. requires the developer of any project with estimated construction costs exceeding \$1,000,000 to submit a *Disclosure Report for Developers of Major City Projects* if the project requires the issuance of a Community Plan Evaluation (CPE), certification of an Environmental Impact Report (EIR), adoption of a Final Mitigated Negative Declaration, or a project approval by the Planning Commission that adopts CEQA Findings (EIR certification). A residential development project with four or fewer dwelling units is not required to file this report. The first (or initial) report must be filed within 30 days of the date of EIR certification or final environmental determination under CEQA. Please submit a *Disclosure Report for Developers of Major City Projects* directly 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. Eastern Neighborhoods – Mission Area Plan.** The project falls within the Mission Area Plan, a component of the Eastern Neighborhoods Area Plans. The Mission Area Plan area is generally bounded by Division Street, Potrero Avenue, Cesar Chavez Street, and Division Street. 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 the project may consider minor modifications to achieve consistency. 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)
- 2. Mission Action Plan 2020.** The subject property falls within the area of the ongoing Mission Action Plan 2020 (MAP 2020) process generally bounded by Division/13<sup>th</sup>/Duboce, Guerrero, Potrero/101 and Cesar Chavez Streets. In March 2017, the Planning Commission endorsed the Draft Mission Action Plan 2020. Overall, this project would be consistent with MAP 2020, since the project would construct



new affordable housing at varying AMI (Area Median Income) levels, as well as a new affordable child care facility. For more information please visit: <http://sf-planning.org/mission-action-plan-2020>

3. **Use Size.** The project would construct approximately 17,430 square feet of non-residential use (child care facility and arts activity). The use size requires conditional use authorization by the Planning Commission.
4. **Rear Yard.** Section 134 requires the project to provide a rear yard of at least 25 percent of the lot depth at the lowest story containing a dwelling unit. A modification may be sought for corner lots in Neighborhood Commercial Zoning Districts that is equal to 25% of the lot area. It appears that a Code compliant rear yard is not provided as proposed in the PPA application. A waiver, incentive, or concession from the rear yard requirement may be sought through the Individually Requested State Density Bonus Program.
5. **Open Space – Residential.** Section 135 requires 80 square feet of open space if private or 100 square feet if common for each dwelling unit in an NCT district. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). The project proposes 33 units with private balconies that appear to meet the minimum requirements for usable private open space balconies. The remaining 15 units require a total area of common outdoor space of 1,500 sf. The proposed common space on the ground floor (524 sf) appears to meet the 15-foot minimum dimension requirements for inner courtyards from the submitted plans. The proposed project does not provide enough usable open space. Please revise the project to provide adequate open space, or seek a waiver, incentive or concession from the residential open space requirements through the Individually Requested State Density Bonus Program. Please provide these dimensions clearly in the future submittal.
6. **Permitted Obstructions.** Planning Code Section 136 allows for architectural elements such as bay windows to encroach into the front setback or rear yard. The proposed plans indicate balcony elements are proposed, but it cannot be determined if they are compliant. A waiver, incentive, or concession from this requirement may be sought through the Individually Requested State Density Bonus Program. Please note the dimensions of these features and illustrate compliance in the future submittals.
7. **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 project proposes a non-compliant rear yard and inner court. As proposed, the Project does not comply with exposure requirements of the Planning Code. Please revise the project to provide adequate exposure, or seek a waiver, incentive or concession from the requirements through the Individually Requested State Density Bonus Program



8. **Shadow Analysis (Section 295).** Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project will not cast new shadow on any public plazas and other publicly accessible spaces. Therefore, a detailed shadow analysis would not need to be prepared pursuant to Section 295. See attached map.
9. **Shadow Analysis (Section 147).** Section 147 requires that new buildings and additions to existing buildings in C-3, South of Market Mixed Use, and Eastern Neighborhoods Mixed Use Districts that exceed 50 feet shall be shaped to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section [295](#). A preliminary shadow study was conducted by Staff in conjunction with this PPA Application, and it indicated that the project will not cast a shadow on any park or open space protected under Planning Code Section 295.
10. **Bicycle Parking (Class I).** Section 155 requires this project to provide at least 53 Class I bicycle parking spaces. Please be sure to review the Zoning Administrator Bulletin No. 9 for the standards and layout of Class 1 spaces.
11. **Bicycle Parking (Class II).** Section 155 requires the project to provide at least 10 Class II bicycle parking spaces provided through on-street bicycle racks; however San Francisco Municipal Transportation Agency (SFMTA) has final authority on the type, placement and number of Class II bicycle racks within the public right of way. Prior to issuance of first architectural addenda, you will be required contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code. The SFMTA bicycle parking guidelines can be found at: <https://www.sfmta.com/services/streets-sidewalks/installation-requests/bicycle-racks-corrals>
12. **Transportation Demand Management (TDM) Program.** The TDM Program was adopted by the Board of Supervisors in February 2017, and it took effect on March 19, 2017. Residential uses within development projects where all residential units are affordable to households at or below 120% of the Area Median Income, as defined in Section 401, shall not be subject to the TDM Program. The proposed project does not include 100% (48) affordable dwelling units at the rate to qualify for the exemption and is subject to the TDM Program.

Based on the proposed zero parking spaces, the project will be required to meet or exceed a target score of 10 points for land use category C. The Draft TDM Plan submitted appears to be in general compliance with the current requirements of the TDM Program through the provision of bicycle parking and repair station, childcare on-site and delivery services. However, please be aware that

additional review of the selected TDM Plan may be needed, and that revisions to the project may result in the need to revise the project's TDM Plan as well.

**13. Noise Regulations Relating to Residential Uses Near Places of Entertainment (POE).** New residential development within 300 feet of a Place of Entertainment must go through an Entertainment Commission outreach process ([Ordinance Number 070-015](#)). In addition, new residential development will also be required to record a Notice of Special Restrictions (NSR) on the site. The subject site is located within 300 feet of an existing POE, see enclosed map. Please note that the Planning Department will not consider an entitlement application complete until the following are completed:

- (A) The Entertainment Commission has provided written notification to the Planning Department indicating that it either did not wish to hold a hearing, or that it held a hearing and the Project Sponsor attended; and
- (B) The Project Sponsor has included a copy of any comments and/or recommendations provided by the Entertainment Commission regarding the proposed Project as well as the date(s) when the comments were provided. This shall be done as an additional sheet in any plan set submitted to the Planning Department and as an attachment in an entitlement application.

You may contact Entertainment Commission staff at (415) 554-6678 or visit their webpage at <https://sfgov.org/entertainment/> for additional information regarding the outreach process.

**14. Height.** Pursuant to Sections 754 and 260, the height of any building in the zoning district shall be no higher than 65 feet. As proposed, the project exceeds the zoning district height limits. However, the project sponsor may seek a waiver, incentive, or concession from these requirements through the Individually Requested State Density Bonus Program.

**15. Bulk Limits.** Within the B-Bulk District, pursuant to Sections 754 and 270, the bulk of the building shall be reduced above 50 feet in height to a maximum plan length of 110 feet in length and 125 feet diagonal. The project as proposed appears to meet the bulk limits.

**16. First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct 25,000 gross square feet or more. For more information, please contact:

Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
50 Van Ness Avenue, San Francisco, CA 94102  
(415) 581-2303

- 17. Stormwater.** If the project results in a ground surface disturbance of 5,000 square feet or greater (creating and/or replacing 5,000 square feet or more of impervious surface), it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding San Francisco Public Utilities Commission (SFPUC) Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems OR (b) stormwater treatment for areas in separate sewer systems. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. Compliance may occur through a mix of rooftop, sidewalk, and open space treatments and technologies, and is encouraged to be designed as a comprehensive system that maximizes co-benefits for greening, habitat creation, urban heat island reduction, building energy savings, and beautification. Systems within the public realm should consider adjacencies and opportunities for flow-through systems to neighborhood detention areas. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.
- 18. Recycled Water.** Projects located in San Francisco's designated recycled water use areas are required to install recycled water systems for irrigation, cooling, and/or toilet and urinal flushing in accordance with the Recycled (or Reclaimed) Water Use Ordinance, adopted as Article 22 of the San Francisco Public Works Code. New construction or major alterations with a total cumulative area of 40,000 square feet or more; any new, modified, or existing irrigated areas of 10,000 square feet or more; and all subdivisions are required to comply. To determine if the proposed project is in a designated recycled water use area, and for more information about the recycled water requirements, please visit [sfwater.org/index.aspx?page=687](http://sfwater.org/index.aspx?page=687).
- 19. Better Roofs Ordinance.** In 2016, San Francisco became the first major city in the U.S. to require the installation of renewable energy facilities or living roofs on new buildings. The Better Roofs Ordinance requires between 15% and 30% of roof space to incorporate solar (photovoltaic and/or solar thermal systems), living (green) roofs, or a combination of both. The legislation became effective as of January 2017. The ordinance provides guidance for developers, designers, and/or owners might best utilize rooftop space; ideally, projects should pursue holistic design and amenity enhancements for 100% of usable roof space that include open space, habitat, stormwater management, urban agriculture, and other beneficial uses. Please see the Planning Department's Living Roof Manual to learn more: <http://sf-planning.org/san-francisco-living-roofs>.

- 20. Sustainability and Green Building.** San Francisco has a suite of existing sustainability related regulations, including recycling and composting, solar, and more details outlined in the San Francisco Green Building Code (GBC). Per the GBC, this project must meet the standards of LEED Silver or the equivalent GreenPoint rating system. It is recommended that the project sponsor work with the San Francisco Planning, Building, and Environment departments to determine the most beneficial mix of green building strategies that meet or exceed all current requirements, and best fit the local context. This especially includes the provision of renewable energy on site (PV and solar thermal), living roofs and walls, non-potable water reuse, healthy environments (non-toxic building materials), and other innovative approaches to enhancing performance of the City's environment. The City also encourages projects to maximize energy and water efficiencies, consider zero carbon strategies such as all-electric buildings, and commit to green power purchases for 100% GHG-free electricity. As with non-potable water systems, projects are recommended to consider district-scale energy opportunities on site and in coordination with neighbors.
- 21. Refuse Collection and Loading.** San Francisco is a national leader in diverting waste from landfills, has a Mandatory Recycling and Composting Ordinance, and has a goal to achieve zero waste by 2020. In this effort, the City requires all buildings to be designed with spaces for collecting and loading recycling and composting in common and private areas, and make these options as or more convenient than waste disposal. More information on the complete suite of the City's Zero Waste legislation may be found here: <http://sfenvironment.org/zero-waste/overview/legislation>. Please also see the Guidance on Recycling Design (page 3) resources for designing appropriate areas: [http://sfenvironment.org/sites/default/files/fliers/files/sfe\\_zw\\_ab088.pdf](http://sfenvironment.org/sites/default/files/fliers/files/sfe_zw_ab088.pdf). Free design and implementation assistance is available from the San Francisco Department of the Environment's Zero Waste Team by calling 415-355-3700.

**PRELIMINARY DESIGN COMMENTS:**

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

- 1. Site Design, Open Space, and Massing.** Department staff recommends the following revisions:
  - Simplification of the façade is recommended. The proposed setback at the primary corner does not achieve a Historic Preservation function, and is therefore not required.
  - Reduce or eliminate the cantilever into the rear yard.
  - Increase exposure to units facing interior court. Offset windows facing into interior courtyard to improve privacy.
  - Relocate the transformer to the sidewalk (please note that this will be further discussed with Public Works following the submittal of the Project Application)

2. **Architecture.** The level of architectural detail provided in the submission is preliminary. Further design review will be provided on subsequent submissions. Department staff offer the following comments/recommendations:

- Architecture that is consistent and compatible with the historic building and with the surrounding neighborhood. The Mission is distinguished by a higher solid to void ratio of fenestration, and finer-grain detail at the tops of buildings and around wall openings. Facades are characterized by significant depth with more detailed trim and/or ornamentation. The ground level façade, in particular, should reflect traditional element-scale and shaping. Use of high-quality, durable materials that demonstrate a fine-grain of detail is typical and is strongly encouraged.
- Rehabilitation of the Historic Building should be done with in-kind materials and fenestration reflecting the aesthetic of the 1938 Streamline Moderne façade.
- Coordinate and align façade elements of the vertical addition with those of the historic façade below. Remove proposed projections above the Marquee. A simplified façade characterized by clean forms, horizontal emphasis and a definitive architectural or volumetric idea that resolves the top of the building is recommended.
- Relate the size and proportion of windows to those of existing buildings found in the neighborhood. Windows should be recessed from exterior finish a minimum 3-inch depth.

#### DEVELOPMENT 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. Please note that this list only reflects fees and requirements referenced in the Planning Code. For projects in ongoing plan areas (e.g. Central SoMa, the Hub, etc.) the below list may not accurately reflect all fees that may become applicable to this project.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

1. **Transportation Sustainability Fee (TSF) (§411A).** Exempt as per Section 406(b)(4) as this is proposed to be affordable to households at or below 150% of the AMI.
2. **Residential Child Care Impact Fee (§414A).** This fee is required and is not exempt per Section 406(b), however, credit for on-site child care can be given per Section 414A.5(b).
3. **Eastern Neighborhoods Impact Fees (§423).** This fee is required at Tier 1 and is not exempt per Section 406(b), however, credit for existing uses on-site can be given per Section 423(c).

**AFFORDABLE HOUSING:**

**Inclusionary Affordable Housing** (§415): The project is seeking to use the Individually Requested State Density Bonus Program. The base project must comply with the on-site Inclusionary Housing requirements as described in Section 415. 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. 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 Project Application. A complete Project 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 a minimum required affordability for the Mission Area Plan (Chart 4-A and 4-B in the Department publication "Compliance with the Inclusionary Affordable Housing Program"). Therefore, 25% of the units onsite must be affordable if the project is rental, with 15% of the units affordable to low income households (55% AMI), 5% of the units must be affordable to moderate-income households (80% AMI) and 5% of units must be affordable to middle-income households (110% AMI). If the units in the project are for sale, 27% of the units onsite must be affordable, with 15% of the units affordable to low income households (80% AMI), 6% of the units must be affordable to moderate-income households (105% AMI) and 6% of units must be affordable to middle-income households (130% AMI). In future submittals, please demonstrate that the base project complies with the Inclusionary Affordable Housing Requirements.

- **Impact Fee on Density Bonus Units.** Pursuant to Planning Code section 415.5(g)(1)(D), projects seeking additional density under California Government Code Section 65915 et. seq. shall pay the Affordable Housing Fee on any additional units or square footage authorized under section 65915.

**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. **Project Application.**
2. **Conditional Use Authorization Supplemental Application.** Per Planning Code Section 121.2, Conditional Use Authorization is required for the non-residential use size greater than 2,500 square feet. Both non-residential uses proposed for the lower floors exceed 2,500 square feet each.
3. **Individually Requested State Density Bonus Supplemental Application.**



4. A **Building Permit Application** is required for the proposed alteration of the existing building on the subject property.
5. **Interdepartmental Project Review**. This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls. An application is enclosed.

In order for Planning Department staff to accurately review projects in a timely manner, plan sets must be complete and thorough. All plans submitted as part of an entitlement or building permit application must meet the Department's [Plan Submittal Guidelines](#).

All applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.

#### NEIGHBORHOOD NOTIFICATIONS AND 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. **Pre-Application Meeting**. This project is required to conduct a Pre-Application Meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Resource Center" tab.
2. **Neighborhood Outreach**. This project is required to undertake additional public outreach in advance of the neighborhood notification process. The developer is required to conduct an additional outreach meeting, notifying owners and tenants who live within 300 feet of the project as well as all registered neighborhood organizations for the Mission (EN) neighborhood, after initial design comments have been provided from the Planning Department and prior to the scheduling of the neighborhood notification process. 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 Planning Department taking action on the Project.
3. **Notification of a Project Receiving Environmental Review**. Notice may be required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and, to the extent feasible, occupants of properties within 300 feet of the project site at the initiation of the environmental review process. The San Francisco Planning Department will generate this list during the environmental review process.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This PPA is valid for a period of **18 months**. A Project Application must be submitted no later than **December 11, 2019**. Otherwise, this determination is considered expired and a new PPA is required. Such applications and plans must be generally consistent with those found in this PPA.

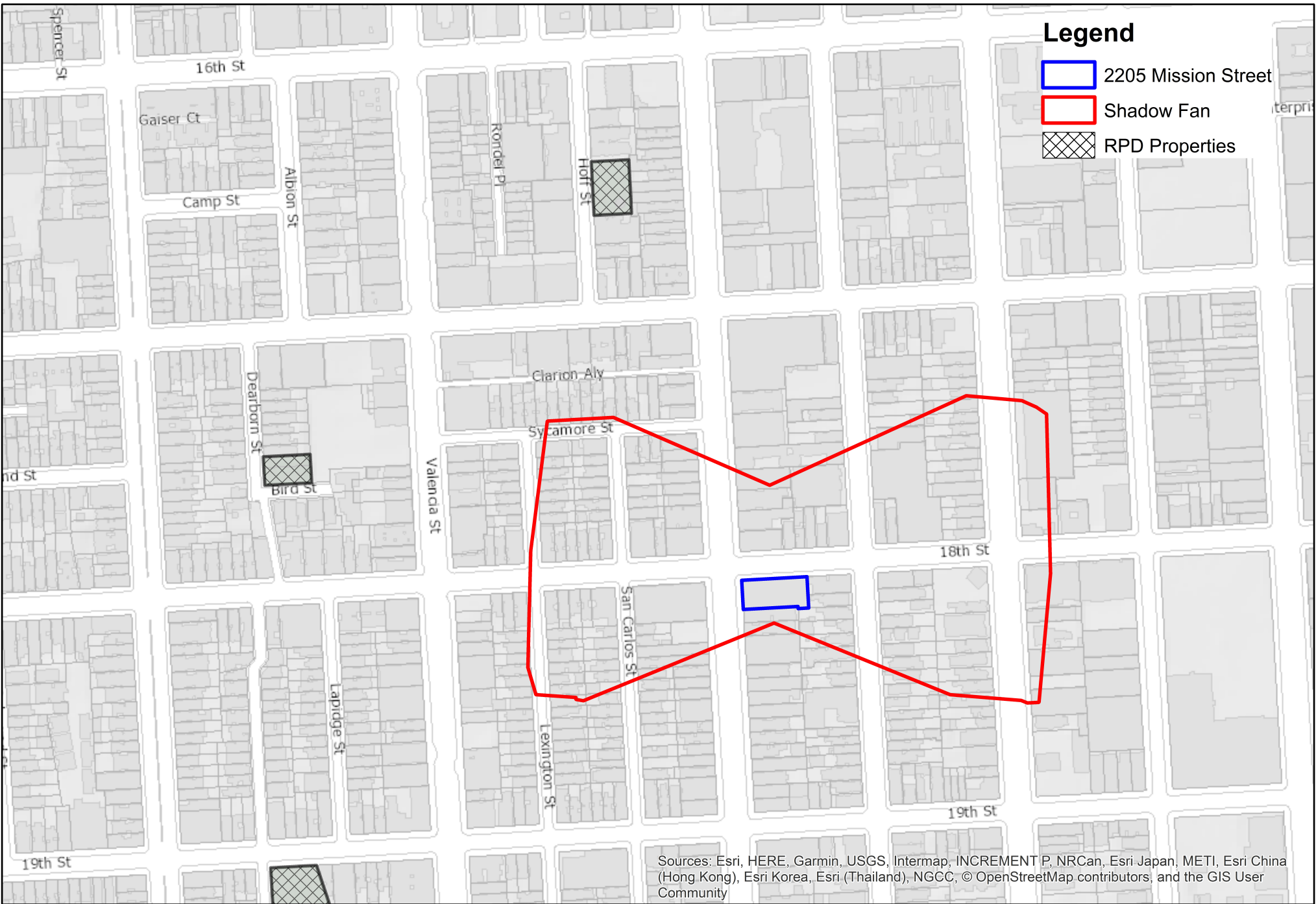
Enclosure: Shadow Fan

Notice of Violation (January 17, 2018)

Transportation Study Scope of Work Checklist

cc: Kimberly Durandet, Current Planning  
Elizabeth White, Environmental Planning  
Jeanie Poling, Environmental Planning  
Paolo Ikezoe, Citywide Planning  
Allison Albericci, Design Review  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA  
Jerry Sanguinetti, Public Works  
Pauline Perkins, SFPUC  
Planning Department Webmaster ([planning.webmaster@sfgov.org](mailto:planning.webmaster@sfgov.org))





**Legend**

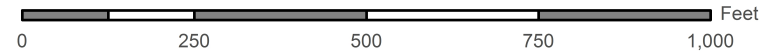
- 2205 Mission Street
- Shadow Fan
- RPD Properties

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Title: 2205 Mission Street Shadow Analysis

Comments: Shadow analysis for building at 95-feet.

Printed: 8 June, 2018



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



# SAN FRANCISCO PLANNING DEPARTMENT

## NOTICE OF VIOLATION

January 17, 2018

**Property Owner**

2205 Mission Street LLC  
314 Lytton Avenue, Suite 200  
Palo Alto CA, 94301

Tom M Van Loben Sels  
314 Lytton Avenue, Suite 200  
Palo Alto CA, 94301

**Site Address:** 2205 Mission Street  
**Assessor's Block/Lot:** 3590/035  
**Zoning District:** Mission Street Neighborhood Commercial Transit District  
**Complaint Number:** 12189-ENF  
**Code Violation:** Section 174, Compliance with Conditions and Special Restrictions, Stipulations  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Respond By:** Within 15 days from the Date of this Notice  
**Staff Contact:** Dario Jones, (415) 558-6477 or [dario.jones@sfgov.org](mailto:dario.jones@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The Planning Department ("Department") has determined that the subject property at 2205 Mission Street is in violation of the Planning Code. As the owner of the subject property, you are the "responsible" party to bring the subject property into compliance with the Planning Code. Details of the violation are discussed below.

### DESCRIPTION OF VIOLATION

The subject property ("Property"), a two-story 18,345 square-foot commercial building and historic resource<sup>1</sup> (see attached Survey Record), is in violation of Planning Code Sections 174 for the unauthorized removal of historical elements, including porcelain enamel iron cladding previously located on the façade.

Although Building Permit Application No. 201404254214 stipulated the restoration of the façade, no work has been completed to date resulting in further deterioration of this historically significant property. Therefore the Property is found in violation of Planning Code Section 174.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation shall be complied with in the use of land and structures to the effect that the existing lawful use

<sup>1</sup> *Statement of Significance:* This commercial building is individually significant under California Register of Historical Resources Criterion 1 (Events), because it is associated with the broad patterns of developing the American retail economy and the "Mission Miracle Mile" shopping district of the early and mid-20th century; and Criterion 3 (Architecture/Design), because it exhibits physical designs, features, materials, and/or craftsmanship that embody the distinctive characteristics and high artistic expression of "Art Deco" and "Moderne" commercial architecture from the mid-20th century.

or proposed use of a structure or land conforms to the provisions of Planning Code. Failure to comply with any of these provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

### TIMELINE OF INVESTIGATION

On February 11, 2013, the Department approved Building Permit Application No. 201302119900 for the "replacement" of stucco cladding on the front façade of the Property.

On March 11, 2013, the City received a complaint that work under Building Permit Application No. 201302119900 was misleading because the property did not have stucco on the front façade. Rather, the front façade was comprised of porcelain enamel iron cladding, an important character-defining feature of the building. As such, it was found that the scope of work stated on this permit was inaccurate.

On March 14, 2013, the Department issued a Suspension Request (attached) for Building Permit Application No. 201302119900.

On March 14, 2013, the Department issued a Notice of Enforcement (NOE - attached) to the property owner at that time, Mr. Guadalupe Hernandez. The notice detailed the historic status of the Property and gave direction that the porcelain enamel iron cladding was to be retained and reinstalled on the Property's façade. Additionally, DBI created Complaint No. 201391421.

On April 30, 2014, Building Permit Application No. 201404254214 was submitted to allow, among other things, a change of use from retail grocery to full-service restaurant/brewery and compliance with DBI Complaint No. 201391421.

On December 30, 2014, the Department of Building Inspection (DBI) issued an NOV under Complaint No. 201412726 in response to a complaint regarding scaffolding installed without permit and exterior work being done in a dangerous manner.

On May 8, 2015, the property owner filed Building Permit Application No. 201505085835 in response to DBI Complaint No. 201412726; however, this permit has not been issued.

On December 29, 2015, after consultation and authorization from Department Preservation Staff, Kelly Wong and Tim Frye, Building Permit Application No. 201404254214 was issued to restore the Property's façade (in addition to the change of use to a full-service restaurant and brewery on the ground floor with a business service use on the second-story).

On February 2, 2017, Enforcement Planner, Dario Jones, conducted an exterior inspection and determined no progress had been made to restore the façade of the Property and that the Property remained in disrepair. On the same day, an updated NOE was issued to the new property owner listed with City Assessor's Office ("2205 Mission Street LLC"). The second NOE also gave instructions to bring the property into compliance with the Planning Code.

On February 22, 2017, in response to the NOE, Mr. Bennet Mason responded with a request to allow for additional time to work with the new property owner as the original property owner had decided not to pursue the authorized Building Permit Application and sell the Property. To date, the façade of the



Property remains un-restored and remains in disrepair. The unauthorized removal of the porcelain enamel tile remains in violation of Planning Code Section 174.

## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to restore the façade of the subject property as authorized by the Planning Department under Building Permit Application 201404254214.

The responsible party has the opportunity to provide adequate evidence demonstrating that either no violation exists or that the violation has been abated. Please provide evidence including approved site plans, copies of permits or other supporting documents. A site visit may also be required to verify compliance.

## TIMELINE TO RESPOND

The responsible party has fifteen (15) days from the date of this notice to either;

- 1) Correct the violation as noted above; or
- 2) Appeal this Notice of Violation as noted below.

The corrective actions shall be taken as early as possible. Please contact the enforcement staff noted above to submit evidence of correction. Any unreasonable delays in abatement of the violation will result in further enforcement action by the Planning Department.

## APPEAL PROCESSES

If the responsible party believes that this order to remove violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available **within fifteen (15) days from the date of this notice:**

- 1) The responsible party may request a Zoning Administrator Hearing under Planning Code Section 176 to show cause why this Notice of Violation is issued in error and should be rescinded by submitting the Request for Zoning Administrator Hearing Form and supporting evidence to the Planning Department. The Zoning Administrator shall render a decision on the Notice of Violation within 30 days of such hearing. The responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible or any interested party may waive the right to a Zoning Administrator Hearing and proceed directly to appeal the Notice of Violation to the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, CA 94103, telephone: (415) 575-6880, website: [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal). The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation continues unabated, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.
- 3) The responsible party may file a written request to the Zoning Administrator to terminate abatement proceedings under Planning Code Section 176 and refer the matter to the Planning Director for enforcement action under the process set forth in Code Section 176.1. If the Zoning Administrator determines that the enforcement case will continue under Code Section 176, this

determination shall be made part of the final written decision and is not appealable separately from the decision on the merits of the case. The responsible party may appeal the Zoning Administrator's decision on the Notice of Violation and Penalty to the Board of Appeals within 15 days of such decision.

### **ADMINISTRATIVE PENALTIES**

If any responsible party does not request any appeal process and does not take corrective action to abate the violation **within the 15-day time limit** as noted above, this Notice of Violation will become final. Beginning on the following day, administrative penalties of up to **\$250 per day** to the responsible party will start to accrue for each day the violation continues unabated. The penalty amount shall be paid **within 30 days** from the final date of the Notice of Violation. After 30 days, the Planning Department may forward the matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code. Please be advised that payment of penalty does not excuse failure to correct the violation or bar further enforcement action. Additional penalties will continue to accrue until a corrective action is taken to abate the violation.

### **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c)(1), the Planning Department shall charge for "Time and Materials" to recover the cost of correcting the Planning Code violations. Accordingly, the responsible party is currently subject to a fee of **\$2,207.61** for "Time and Materials" cost associated with the Code Enforcement investigation. **Please submit a check to the Planning Department payable to "San Francisco Planning Department" for Code Enforcement within 15 days from the date of this notice.** Additional fees will continue to accrue until the violation is abated. This fee is separate from the administrative penalties as noted above and is not appealable.

### **OTHER APPLICATIONS UNDER PLANNING DEPARTMENT CONSIDERATION**

The Planning Department requires that pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to abatement of the violation will be placed on hold until a corrective action is taken to abate the violation. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner noted above for any questions on the enforcement and appeal process.

Sincerely,



Scott Sanchez  
Zoning Administrator

Cc: Tim Frye, Historic Preservation Officer

Enc: Survey Record  
March 14, 2013, Notice of Enforcement  
March 14, 2013, Suspension Request

**San Francisco Planning Department Historic Resource Survey (Mission District)  
Property Summary Report**

*Street Address:* 2205 MISSION ST  
*Assessor Block/Lot:* 3590/035  
*Resource Attribute (Primary):* Recorded on survey form  
*Resource Attribute (Secondary):*  
*Year Built:* 1919; 1937-38  
*Source(s) for Year Built:* Department of Building Inspection records  
*Architectural Style/Type:* Recorded on survey form

*Photographic Image:*



---

*California Historical Resource Status Code:* 3CS  
*Resource Type:* Individual historic resource  
*Resource Eligibility:* Appears eligible for listing in the California Register of Historical Resources  
*Historic District:* Not located within an identified historic district

---

*Integrity Analysis:*  
Recorded on survey form

---

*Statement of Significance:*

This commercial building is individually significant under California Register of Historical Resources Criterion 1 (Events), because it is associated with the broad patterns of developing the American retail economy and the "Mission Miracle Mile" shopping district of the early and mid-20th century; and Criterion 3 (Architecture/Design), because it exhibits physical designs, features, materials, and/or craftsmanship that embody the distinctive characteristics and high artistic expression of "Art Deco" and "Moderne" commercial architecture from the mid-20th century.

---

*Notes:*

Gernhardt-Strohmaier Co. (gas stoves and appliances). 1922: Property purchased by Gernhardt-Strohmaier. 1937: Remodeled by Gernhardt-Strohmaier (DBI). Intact, historic character-defining features include dyed concrete entry/sidewalk paving.

---



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Suspension Request

March 14, 2013

Tom Hui  
Acting Director  
Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

**Building App No.:** 201302119000  
**Property Address:** 2205 Mission Street  
**Block and Lot** 3590/035  
**Zoning District:** Mission Street Neighborhood Commercial Transit District  
**Staff Contact:** Dario Jones, (415) 558-6477 or [dario.jones@sfgov.org](mailto:dario.jones@sfgov.org)

Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend **Building Permit Application Number 201302119000** (to "Replace stucco at front facade of building in kind").

Based on information provided to the Planning Department, it appears that the building permit application to replace existing stucco was erroneously approved as the building was not previously clad in stucco. The original cladding appears to have been porcelain enamel siding in which is an important character-defining feature of the building, see attached photo.

Please note that the building has been identified as a potential historic resource (see attached Survey Record) and the Planning Department requires further consultation and review for the evaluation of whether the property is an historical resource for the purposes of CEQA.

The Planning Department respectfully requests that the building permit be routed to the Planning Department for further review.

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,

Scott Sanchez  
Zoning Administrator

CC: Mary Brown-Planner-San Francisco Planning Department

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Suspension Request

Tim Frye-Preservation Coordinator-San Francisco Planning Department  
Guadalupe Hernandez-Property Owner-4600 Mission Street-San Francisco, CA 94112





# SAN FRANCISCO PLANNING DEPARTMENT

---

## ENFORCEMENT NOTIFICATION

March 14, 2013

**Property Owner**

HERNANDEZ GUADALUPE  
4600 MISSION ST  
SAN FRANCISCO CA, 94112

**Site Address:** 2205 Mission Street  
**Assessor's Block/Lot:** 3590/035  
**Zoning District:** Mission Street Neighborhood Commercial Transit District  
**Complaint Number:** 12189  
**Code Violation:** Section 174  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Respond By:** Within 15 days from the Date of this Notice  
**Staff Contact:** Dario Jones, (415) 558-6477 or [dario.jones@sfgov.org](mailto:dario.jones@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner and leaseholder of the subject property, you are a responsible party. The purpose of this notice to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

### DESCRIPTION OF VIOLATION

On February 11, 2013, the Planning Department erroneously approved a building permit (BP. NO 201302119900) for the replacement of stucco cladding on the front façade of the subject property. However, it appears that the property was not clad in stucco but was clad in porcelain enamel iron cladding, an important character-defining feature of the building.

Please note that the building has been identified as a potential historic resource (see attached Survey Record) and the Planning Department requires further consultation and review for the evaluation of whether the property is an historical resource for the purposes of CEQA. The Planning Department is requiring that building permit application 201302119900 be routed back to Planning Department for further review by a Preservation Planner.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation shall be complied with in the use of land and structures to the effect that the existing lawful use or proposed use of a structure or land conforms to the provisions of Planning Code. Failure to comply with any of these provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed cease all exterior work and that the original porcelain enamel iron cladding be retained and reinstalled with a building permit.

To prevent further enforcement action and avoid accrual of penalties, the responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated.

## TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property in compliance with the Planning Code. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

## PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeals processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.
- 3) Request for alternative review by the Planning Director under the process set forth in Planning Code Section 176.1.

## ENFORCEMENT TIME AND MATERIALS FEE

Pursuant to Planning Code Section 350(c)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of \$1179 plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

## OTHER APPLICATIONS UNDER CONSIDERATION

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to the abatement of violation on the subject property will be placed on hold until further notice. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

Cc: Mary Brown-Planner-San Francisco Planning Department  
Tim Frye-Preservation Coordinator-San Francisco Planning Department

中文詢問請電: **558.6378**

Para información en Español llamar al: **558.6378**



# SAN FRANCISCO PLANNING DEPARTMENT

---

## NOTICE OF ENFORCEMENT

February 2, 2017

**Property Owner**

2205 MISSION STREET LLC  
ATT: TOM M VAN LOBEN SELS  
314 LYTTON AVE STE 200  
PALO ALTO CA, 94301

**Site Address:** 2205 Mission Street  
**Assessor's Block/Lot:** 3590/035  
**Zoning District:** Mission Street Neighborhood Commercial Transit District  
**Complaint Number:** 12189-ENF  
**Code Violation:** Section 174  
**Administrative Penalty:** Up to \$250 Each Day of Violation  
**Respond By:** Within 15 days from the Date of this Notice  
**Staff Contact:** Dario Jones, (415) 558-6477 or [dario.jones@sfgov.org](mailto:dario.jones@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The Planning Department has received a complaint that a Planning Code violation exists on the above referenced property that needs to be resolved. As the owner of the subject property, you are a 'responsible party'. The purpose of this notice is to inform you about the Planning Code Enforcement process so you can take appropriate action to bring your property into compliance with the Planning Code. Details of the violation are discussed below:

### DESCRIPTION OF VIOLATION

On February 11, 2013, the Planning Department erroneously approved a Building Permit Application (BPA No. 201302119900) for the replacement of stucco cladding on the front façade of the subject property ("Property"). It later came to the attention of the Planning Department's preservation staff that the Property was not clad in stucco but was clad in porcelain enamel iron cladding. This type of cladding is identified as an important character-defining feature of the building.

Please note: the Property was located within the Inner Mission North Historic Resource Survey, adopted by the Preservation Commission, and appears to be eligible for California Register of Historical Resources.

On March 14, 2013, the Department issued a "Suspension Request" (attached) requiring BPA 201302119900 be routed back to Planning Department for further review by a Preservation Planner. Although the Department of Building Inspection suspended the Permit, it is unclear if that Permit was routed to the Department.

In addition, on March 14, 2013, the Department issued a Notice of Enforcement to the property owner at that time, Mr. Guadalupe Hernandez, which gave notice of the Property historic status; and, the porcelain

enamel iron cladding was to be retained and reinstalled. To date, the façade of the Property remains un-restored and is in violation of Planning Code Section 174 for the unauthorized façade work.

Pursuant to Planning Code Section 174, every condition, stipulation, special restriction, and other limitation shall be complied with in the use of land and structures to the effect that the existing lawful use or proposed use of a structure or land conforms to the provisions of Planning Code. Failure to comply with any of these provisions constitutes a violation of Planning Code and is subject to enforcement process under Code Section 176.

## HOW TO CORRECT THE VIOLATION

- The Planning Department requires you to submit a Building Permit Application to Planning in order to restore the façade of the Property. For questions regarding the building permit process, please contact the Department of Building Inspection (DBI) at:

1660 Mission Street  
San Francisco, CA 94103  
Phone: (415) 558-6088  
Website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi)

- To prevent further enforcement action and avoid accrual of penalties, the responsible party will need to provide adequate evidence to demonstrate that either no violation exists or that the violation has been abated.

## TIMELINE TO RESPOND

The responsible party has **fifteen (15) days from the date of this notice** to contact the staff planner noted at the top of this notice and submit evidence to demonstrate that the corrective actions have been taken to bring the subject property in compliance with the Planning Code. The corrective actions shall be taken as early as possible. Any unreasonable delays in abatement of the violation may result in further enforcement action by the Planning Department.

## PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by abating the violation or demonstrating compliance with the Planning Code **within fifteen (15) days from the date of this notice** will result in issuance of a **Notice of Violation** by the Zoning Administrator. Administrative penalties of up to **\$250 per day** will also be assessed to the responsible party for each day the violation continues thereafter. The Notice of Violation provides appeals processes noted below.

- 1) Request for Zoning Administrator Hearing. The Zoning Administrator's decision is appealable to the Board of Appeals.
- 2) Appeal of the Notice of Violation to the Board of Appeals. The Board of Appeals may not reduce the amount of penalty below \$100 per day for each day the violation exists, excluding the period of time the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

February 2, 2017

- 3) Request for alternative review by the Planning Director under the process set forth in Planning Code Section 176.1.

### **ENFORCEMENT TIME AND MATERIALS FEE**

Pursuant to Planning Code Section 350(c)(1), the Planning Department shall charge for 'Time and Materials' to recover the cost of correcting Planning Code violations and violations of Planning Commission and Planning Department's Conditions of Approval. Accordingly, the responsible party may be subject to an amount of **\$1308** plus any additional accrued time and materials cost for Code Enforcement investigation and abatement of violation. This fee is separate from the administrative penalties as noted above and is not appealable.

### **OTHER APPLICATIONS UNDER CONSIDERATION**

The Planning Department requires that any pending violations be resolved prior to the approval and issuance of any new applications that you may wish to pursue in the future. Therefore, any applications not related to the abatement of violation on the subject property will be placed on hold until further notice. We want to assist you in ensuring that the subject property is in full compliance with the Planning Code. You may contact the enforcement planner as noted above for any questions.

Enc: Planning Department Request for Suspension  
Planning Department Notice of Enforcement  
Historic Resource Survey  
Historic Resource Description Report

Cc: Tim Frye-Preservation Coordinator-San Francisco Planning Department  
Daniel Lowrey, Deputy Director, Department of Building Inspection, San Francisco

**中文詢問請電: 558.6378**

**Para información en Español llamar al: 558.6378**



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: 6/11/2018  
 TO: Transportation Consultant  
 FROM: Lana Wong & Dan Wu, Transportation Staff  
 RE: Transportation Study Scope of Work Checklist  
 Case No. 2018-003616PPA, 2205 Mission Street

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

Reception:  
 415.558.6378

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

The following is a list items we anticipate will be required for the analysis of this transportation study. Some of these items may require further consultation with Environmental Planning during scoping of the transportation study.

### Travel Demand

- Estimates of (AM / PM / other time peak hour / daily) person and vehicle trips
- Trip Distribution (AM / PM / other time peak hour / daily) person and vehicle trips
- Estimates of (average hour / peak hour / daily) freight loading demand
- Estimate of (average hour / peak hour / daily) passenger loading demand: Clarify whether there is on-street passenger loading. Estimate demand for passenger loading.
- Estimate of (average hour / peak hour / daily) of other types of loading demand. Describe type (e.g., tour bus): \_\_\_\_\_

- Estimate of (average hour / peak hour / daily) parking demand
- Different travel demand for (baseline / cumulative) conditions. Describe reasons why: \_\_\_\_\_

Other: \_\_\_\_\_

### Traffic

- Assessment of potential major traffic hazards. Describe elements of analysis briefly: \_\_\_\_\_

### Walking/Accessibility

- Assessment of potentially hazardous conditions. Describe elements of analysis briefly: \_\_\_\_\_

Assessment of accessibility. Describe elements briefly: \_\_\_\_\_

(Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

**Bicycling**

Assessment of potentially hazardous conditions. Describe elements of analysis briefly:

\_\_\_\_\_

Assessment of accessibility. Describe elements briefly: \_\_\_\_\_

\_\_\_\_\_

(Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

\_\_\_\_\_

**Transit**

(Qualitative / Quantitative) assessment of transit capacity

(Screenline / Directional link /line-by-line) assessment of transit capacity. If applicable, list lines: \_\_\_\_\_

(Qualitative / Quantitative) assessment of transit delay. Describe elements of analysis briefly (e.g., lines):

\_\_\_\_\_

(Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

\_\_\_\_\_

**Loading**

(Qualitative / Quantitative) assessment of loading demand. Describe elements of analysis briefly: Quantitatively assess passenger loading demand. Is loading demand met?

Assessment of potentially hazardous conditions due to loading. Describe elements of analysis briefly: If loading demand is not met than analyze potentially hazardous conditions to other modes and transit delay.

(Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: Qualitatively assess the potential for cumulative loading impacts.

**Emergency Access**

Assessment of Emergency Access. Describe elements briefly:

(Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

\_\_\_\_\_

**VMT**

Senate Bill 743 Checklist

Map-based VMT analysis

Detailed VMT analysis. Describe reasons why:

TDM Program compliance



**Construction**

- Assessment of potentially hazardous conditions due to construction. Describe elements of analysis briefly:
- (Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

**Parking**

- Assessment of potentially hazardous conditions due to parking configuration. Describe elements of analysis briefly: \_\_\_\_\_
- (Qualitative / Quantitative) assessment of transit delay due to parking configuration. Describe elements of analysis briefly (e.g., lines): \_\_\_\_\_
- (Qualitative / Quantitative) Cumulative Analysis. Describe cumulative projects to consider briefly: \_\_\_\_\_

**Other**

- Project Variants. Describe reasons briefly:
- Future Baseline analysis. Describe reasons briefly: \_\_\_\_\_
- Assessment of Mitigation Measures from prior EIR (e.g., Area Plan). List EIR:

**Warrants SFMTA staff consultation or review during the CEQA transportation review process:**

- Streetscape changes beyond the publicly accessible right-of-ways beyond those of Planning Code Section 138.1(C)(2)). Including:
  - A new street;
  - Traffic control devices changes (e.g., stop signs, signals, etc.);
  - Roadway dimension changes or restriping (e.g., lane removal or addition, lane width reduction or expansion, addition of bicycle facilities, one-way to two-way, etc);
  - Mid-block crossings for people walking
- Development is proposed along a street with a future (i.e., under construction or reasonably foreseeable) streetscape project that includes curb extensions, bicycle facilities, or transit service or facilities;
- Development proposes changes to the location of physical features of public transit stop;
- Development proposes changes to public transit service;
- Development proposes changes to operate shuttle bus service;
- Development proposes changes to the length, location, and hour restriction's to color curb designations or metered parking;
- Development is proposing greater than 150 vehicular parking spaces for accessory uses or more than 50 vehicle parking spaces for non-accessory uses (i.e., private or public parking garage/lot);
- Development is proposing an event center or regional-serving entrainment venue;
- Other: \_\_\_\_\_

