



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: April 11, 2014
TO: Craig Young, Tidewater Capital
FROM: Nannie Turrell, Planning Department
RE: PPA Case No. 2014.0241U for 1028 Market Street

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

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Debra Dwyer, at (415) 575-9031 or Debra.Dwyer@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Nannie Turrell, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: April 11, 2014
Case No.: 2014.0241U
Project Address: 1028 Market Street
Block/Lot: 0350/002
Zoning: C-3-G, Downtown General
120-X
Area Plan: n/a
Project Sponsor: Craig Young, Tidewater Capital
415-935-1639
Staff Contact: Debra Dwyer – 415-575-9031
Debra.Dwyer@sfgov.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or 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 San Francisco Public Utilities Commission, the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. In most cases, consultation with the San Francisco Public Utilities Commission is required prior to completion of the environmental review. The information included herein is based on plans and information provided for this assessment and 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 proposed project would include demolition of the existing 33,130 square foot commercial building and the construction of a 13-story, 120-foot tall mixed-use building. The existing two-story, 30-foot tall building on the 15,077 square foot subject lot was constructed in 1907 and is currently vacant. The proposed new building would include 186 dwelling units, 42 parking spaces in a two-level below grade parking garage, and 9,675 square feet of ground floor commercial space with access from Market Street and also from Golden Gate Avenue. The residential unit mix would consist of 64 two-bedroom units, 74 one-bedroom and junior one-bedroom units, and 48 studios units. The parking garage would be accessed from Golden Gate Avenue. The residential lobby would be accessed from Market Street. Bicycle storage would be provided at floors one through four. Common open space for the residential units would be provided in two locations. An outdoor court on the second floor would provide 2,010 square feet of

common open space, and a rooftop garden would provide 9,250 square feet of common open space. In addition, four of the residential units would contain open space in private balconies.

ENVIRONMENTAL REVIEW:

The proposed project would be subject to environmental review pursuant to the California Environmental Quality Act (CEQA) as described below. In order to begin formal environmental review, please submit an Environmental Evaluation Application (EEA). This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an approval application is submitted to the Current Planning Division, only the Project Description will be reviewed by the assigned Environmental Coordinator.**

Environmental Evaluation 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 under the "Publications" tab. See "Studies for Project outside of Adopted Plan Areas" on page 2 of the current Fee Schedule for calculation of environmental application fees.¹

The following environmental issues would likely be addressed as part of the project's environmental review based on our preliminary review of the proposed project as it is described in the Preliminary Project Assessment (PPA) submittal dated February 11, 2014:

- *Historic Resources.* The project site is located in the Market Street Theatre and Loft National Register Historic District. The existing building on the project site is known as the Golden Gate Building, and it is a contributor to Market Street Theatre and Loft National Register Historic District. The proposed project consists of demolition this historic resource; therefore, the project is subject to the Department's Historic Preservation review, which would include preparation of an Historic Resource Evaluation (HRE) by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards. The department will provide the project sponsor with a list of three consultants from the Historic Resource Consultant Pool, which shall be known as the potential consultant list or PCL. Once the Environmental Evaluation Application is submitted, please contact Tina Tam, Senior Preservation Planner, via email (tina.tam@sfgov.org) for the list of three consultants. Upon selection of the historic resource consultant, the scope of the Historic Resource Evaluation shall be prepared in consultation with Department Preservation staff.
- *Archeological Resources.* Project implementation would entail soil-disturbing activities associated with building construction, including excavation that would reach a depth greater than 10 feet below grade. The project site is located within an area where no previous archeological survey has been prepared. Based on this, the project would require a Preliminary Archeological Review ("PAR"), which would be conducted in-house by the Planning Department Archeologist. The PAR would determine what type of soils disturbance/modification would result from the project, such as excavation, installation of foundations, soils improvement, site remediation, etc. Any available

¹ San Francisco Planning Department. *Schedule for Application Fees*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>

geotechnical report or Phase II Environmental Site Assessment (ESA) prepared for the project site would be reviewed as part of the archeological review for this project. In addition, it would also be determined if the project site is in an area that is archeologically sensitive. Please ensure that project drawings and the project description include the estimated depth of excavation for the two below grade levels as well as the depth of any elevator pit required.

The result of this archeological review (PAR) would be provided in a memorandum to the environmental coordinator assigned to the project. If it is found that the project has the potential to affect an archeological resource, the PAR memorandum would identify any additional measures to be implemented. Such actions may include application of appropriate archeological mitigation measures and/or requiring additional archeological studies as part of the environmental evaluation. If an additional archeological study is required, it must be prepared by a qualified archeological consultant. The qualified consultant must be selected from a list of three archeological consultants from the Planning Department's archeological resources consultant file provided by the Planning Department during the environmental review process.² The Planning Department Archeologist will also be informed by the geotechnical study of the project site's subsurface geological conditions (see Geology, below).

- *Transportation Study.* The proposed project would include 186 residential units consisting of 48 studio units, 45 junior one bedroom units, 29 one-bedroom units, and 64 two-bedroom units, which would generate approximately 3,006 daily persons-trips and 400 P.M. peak-hour persons-trips based on Transportation Trip Generation Calculations developed by the Planning Department. Based on the Planning Department's transportation impact analysis guidelines and since the project would potentially add at least 50 P.M. peak hour person trips, it would require additional transportation impact analysis. The transportation report would need to be prepared by a qualified consultants working at the direction of the Planning Department staff. The Planning Department's list of approved transportation consultants is available at http://www.sf-planning.org/ftp/files/MEA/Transportation_consultant_pool.pdf. Please see "Transportation Impact Analysis Guidelines for Environmental Review" on the Planning Department's website and "Miscellaneous Fees" in the Planning Department's current *Fee Schedule for Applications*. As noted on the *Fee Schedule*, there is a separate fee to SFMTA for review of the transportation report.

At the time of filing of the Environmental Evaluation Application, please consider the following comments regarding transportation and circulation and respond in the project description and drawings as appropriate:

- a. Both carshare spaces should be located on Level B1, and public access to these spaces should be assured.
- b. Reduce the curb cut on Golden Gate Avenue from 20 feet to 10-12 feet in width. Twenty feet is too wide for a curb cut. The garage ramp can remain at 20 feet wide internal to the site.
- c. Consider providing no parking, given the project's proximity to transit and the bicycle network.

² San Francisco Planning Department. *Consultant Resources, Archeological Review Consultant Pool*. Available online at: <http://www.sf-planning.org/index.aspx?page=1886>

- d. Show clearance of moving trucks or vans in the garage.
 - e. Consider providing on-street loading on Golden Gate Avenue for larger trucks that cannot maneuver into the garage.
 - f. Consider providing a service corridor from Golden Gate Avenue into the building. Space for a service corridor can be provided with a curb cut reduction in width.
 - g. Consider widening the Golden Gate Avenue sidewalk width to 15 feet.
 - h. Consider incorporating elements of the Little Saigon Transportation Plan (by the San Francisco County Transportation Authority) into the project's streetscape design.³
 - i. Coordinate with SFMTA regarding the placement of Class II bike parking facilities on the sidewalk for active uses in the area.
 - j. Take into account Better Market Street planning efforts in the area as described below.
 - k. The project may be subject to Transportation Demand Management measures as appropriate.
- *Noise.* The proposed project would introduce residential use, considered sensitive receptors for noise, to the project site. Based on the City's GIS-based traffic noise model map, the project site is located along a segment of Golden Gate Avenue with noise levels above 70 dBA Ldn (a day-night averaged sound level). The fronting portion of Market Street has noise levels between 65 and 70 dBA Ldn. The Land Use Compatibility Chart for Community Noise in the San Francisco General Plan, Environmental Protection Element states that construction of new dwelling units should generally be discouraged in an area with noise levels above 65 dBA Ldn and that a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design of the building. Based on this, a noise analysis prepared by a qualified acoustic consultant would be required for the project. A formal determination as to whether a Noise Study is required and as to the scope of the Noise Study will be made after submittal of the Environmental Evaluation Application.

Construction noise would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during project construction, measures to reduce construction noise may be required as part of the proposed project.

- *Hazardous Materials.* The project site is likely to result in the excavation of greater than 50 cubic yards of soil. Given the introduction of residential use to the project site, a Phase I Environmental Site Assessment should be prepared to determine the potential for site contamination and the level of exposure risk associated with the project, and submitted with the Environmental Evaluation Application. The Phase I will determine whether any additional analysis (e.g., a Phase II soil sampling) will be necessary. Review of the Phase I and any additional studies recommended by the Phase I would require oversight from the San Francisco Department of Public Health (DPH), which may determine that the project is subject to Article 22 of the Health Code (Maher Program).

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

³ San Francisco County Transportation Authority. 2007. *Tenderloin-Little Saigon Neighborhood Transportation Plan Final Report*. Online at <http://www.sfcta.org/sites/default/files/content/Planning/TenderloinLittleSaigon/PDFs/tenderloin-little%20saigon%20ntp%20final.pdf>. Accessed April 10, 2014.

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>.

- *Air Quality (AQ) Analysis.*

Criteria Pollutants: The proposed project at 186 units or 192,000 sf is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.⁴ Therefore, an analysis of the project's criteria air pollutant emissions would not be required. However, detailed information related to cubic yards of excavation shall be provided as part of the EEA.

In addition, 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 San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

Local Health Risks and Hazards: In addition, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. The proposed project would introduce sensitive land uses to the project site (i.e., residential use). Although the proposed project is not within an Air Pollutant Exposure Zone, improvement measures may be recommended for consideration by City decision makers, such as exhaust measures during construction and enhanced ventilation measures as part of building design. The enhanced ventilation measures will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.⁵ Detailed information related to construction equipment, phasing and duration of each phase, and cubic yards of excavation shall be provided as part of the EEA.

If the project would generate new sources of toxic air contaminants 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 120 feet, the proposed project would likely require a backup diesel generator and additional measures will likely be necessary to reduce its emissions. Detailed information related to any proposed stationary sources shall be provided with the EEA.

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

⁵ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

- *Greenhouse Gases.* Potential environmental effects related to greenhouse gas ("GHG") emissions from the project need to be addressed in a project's environmental evaluation. The project sponsor would be required to submit a completed GHG Compliance Checklist Table 1 for Private Development Projects⁶ demonstrating that the project is in 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.⁷ Projects that do not comply with a GHG-related regulation may be determined to be inconsistent with San Francisco's Greenhouse Gas Reduction Strategy.
- *Wind.* The proposed project would result in construction of a 120-foot-tall, 13-story (over a two-level basement), 192,000-gsf building. A screening-level wind impact analysis would be required for this project. The wind analysis should take into account the surrounding topography and building heights. A draft scope of the wind analysis shall be submitted to Environmental Planning prior to commencement of any work related to the wind analysis.
- *Shadow.* The proposed project would result in construction of a 120-foot-tall, 13-story (over a two-level basement), 192,000-gsf building. A shadow fan analysis was prepared for this project.⁸ The shadow analysis found that the proposed project would not cast shadow on any nearby parks or open space subject to the Planning Code Section 295. If the project scope changes during the review process, a subsequent shadow study may be prepared by Planning staff.
- *Visual Simulations.* The proposed project would substantially change the appearance of the project site. In order to assess whether the project would result in a significant impact to visual resources, computer-simulated images of the project site under existing and proposed conditions are required. These simulations must be prepared by a qualified professional. The consultant is required to prepare a proposed scope of work, including proposed viewpoints, for review and approval by the Environmental Coordinator prior to preparing the simulations.

Note that should the project demonstrate that it qualifies as infill development pursuant to Public Resources Code Section 21099, then the requested visual simulations would be provided for informational purposes and not for a determination regarding aesthetic impacts for the purpose of CEQA.

- *Geology.* The project site is located in a Seismic Hazard Zone, specifically a liquefaction hazard zone, as identified in the San Francisco General Plan. Therefore, new construction on the project site is

⁶ San Francisco Planning Department. *Consultant Resources. Greenhouse Gas Compliance Checklist for Private Development Projects.* Available online at: <http://www.sf-planning.org/index.aspx?page=1886>

⁷ City and County of San Francisco. *Strategies to Address Greenhouse Gas Emissions.* Available online at: http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf

⁸ San Francisco Planning Department. 2014. Shadow Fan for 1028 Market Street. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case number 2014.0241U.

subject to a mandatory Interdepartmental Project Review.⁹ A geotechnical study prepared by a qualified consultant must be submitted with the Environmental Evaluation Application. 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, as assured through DBI's permit review process, would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.

- *Stormwater.* If the project results in a ground surface disturbance of 5,000 sq. ft. or greater, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare of 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. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. 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. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.
- *Bird-Safe Building Ordinance.* The project would be subject to Planning Code Section 139, Standards for Bird-Safe Buildings, which addresses Location-Related Standards and Feature-Related Standards.¹⁰ The project's environmental evaluation would generally discuss how the implementation of bird-safe design standards would reduce potential adverse effects on birds due to the lighting, glazing, balconies, and so forth.
- *Notification of a Project Receiving Environmental Review.* Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site. Please be prepared to provide these mailing labels upon request during the environmental review process.

Based on the preliminary review of the proposed project, the project proposes to demolish an historic resource. Therefore, the environmental review process would require preparation of a focused environmental impact report (EIR). In addition, an initial study would be required to determine if any

⁹ San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>

¹⁰ San Francisco Planning Department. *Standards for Bird-Safe Buildings*. Available online at: <http://www.sfpplanning.org/index.aspx?page=2506>

topics in addition to historic architectural cultural resources would need to be addressed in the focused EIR. The Initial Study and focused EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool. After the EEA is submitted, Environmental Planning will provide the project sponsor the names of three consultants to choose from. The Planning Department can provide more detail to the project sponsor regarding the EIR process.

Please see the Planning Department's current *Fee Schedule for Applications*. Environmental evaluation applications are available at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

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

1. **Downtown Project Authorization.** Planning Code Section 309 establishes a framework for review of construction or substantial alteration of structures in C-3 (Downtown Commercial) Zoning Districts. Projects over 50,000 gross square feet or 75 feet in height require Planning Commission approval. As part of the Downtown Project Authorization process, a Project Sponsor may request exceptions from the Planning Commission for certain sections of the Planning Code. A Planning Commission hearing is required even if no exceptions are required. As proposed, it appears that the project would need to be redesigned to comply with the Code, or may require the following exceptions:
 - a. Rear Yard (See Preliminary Project Comment #4)
 - b. Ground Level Wind Currents (See Preliminary Project Comment #13)
 - c. Off-Street Loading. (See Preliminary Project Comment #14).
2. **Conditional Use Authorization.** The Planning Commission must approve a Conditional Use Authorization for the following uses:
 - a. Exemption of affordable units from the Floor Area Ratio ("FAR"). (See Preliminary Project Comment #1).
 - b. Residential density in excess to what is permitted. (See Preliminary Project Comment #19).
3. **Building Permit Application.** A Building Permit Application is required for the demolition of the existing building, preparation of the site, and for the proposed new construction. Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.
4. **Variance.** The Planning Code regulates the use of property, including the size, design, and siting of buildings. The Planning Code has standards for buildings that govern such features as rear yards, front setbacks, usable open space, height, and parking. A Variance is a request for an exception to a Planning Code regulation. The Zoning Administrator is the City official that interprets and maintains the Planning Code. As proposed, it appears that the project would need to be redesigned to comply with the Code, or may potentially require the following Variances:

- a. Exposure for Dwelling Units. (See Preliminary Project Comment # 10)
- b. Street Frontages in Commercial Districts. (See Preliminary Project Comment # 11)

Applications for the actions listed above 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.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged 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.

For your information, the Neighborhood Organization List is available from the Planning Department Web site under the Resource Center tab. Select Department Publications A-Z and then choose Neighborhood Organization List. The project site is located within Downtown/Civic Center on the border with the South of Market neighborhood.

PRELIMINARY PROJECT COMMENTS:

1. **Floor Area Ratio ("FAR").** Pursuant to Planning Code Section 124, buildings within the C-3-G District have a basic FAR of 6.0 to 1, or a maximum of 9.0 to 1. This maximum may be achieved through the purchase of Transfer of Development Rights ("TDR"). In addition, with Planning Commission approval of a Conditional Use Authorization, floor area for on-site affordable housing may be excluded from FAR, as outlined in Planning Code Sections 124(f) and in a Planning Code Interpretation of Planning Code Sections 124 (f) and 415 dated November, 2004.

Future submittals should provide a detailed calculation of the gross floor area of the project, including floor plans which clearly indicate those areas included within the calculation of "gross floor area" pursuant to the definition in Planning Code Section 102.9. The PPA submittal proposed a maximum floor area ratio of 8.31 to 1. Please indicate on future submittals how this FAR is accomplished.

2. **Interdepartmental Project Review.** Interdepartmental Project Reviews are mandatory for new construction projects that propose buildings eight stories or more and new construction on parcels identified by the State of California Department of Conservation, Division of Mines and Geology as Seismic Hazard Zones in the City and County of San Francisco. Projects identified as such, must request and participate in an interdepartmental project review prior to any application that requires a public hearing before the Planning Commission or new construction building permit. Please file for an Interdepartmental Project Review. Applications can be found online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>.
3. **Transfer of Development Rights ("TDR").** Pursuant to Planning Code Section 128, the Project Sponsor shall purchase the required number of units of TDR and secure a Notice of Use of TDR prior

to the issuance of a site permit for all development which exceeds the base FAR of 6.0 to 1, up to an FAR of 9.0 to 1, not including floor area excluded from FAR pursuant to Planning Code Section 124(f).

4. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard of at least 25 percent of the lot depth. Pursuant to Planning Code Section 134(d), in C-3 Districts, an exception to the rear yard requirements may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided. Please either comply with this requirement or include it as an exception in the Downtown Project Authorization application.
5. **Public Open Space.** Pursuant to Planning Code Section 138, one square foot of public open space shall be provided for every 50 square feet of retail space provided; therefore, potentially 9,675 square feet of retail would require a total of 194 square feet of public open space. Please design this open space in accordance with the Guidelines for Downtown Open Space (table 1) in the Downtown Area Plan.
6. **Street Trees.** Pursuant to Planning Code Section 138.1, 13 street trees shall be provided, at a ratio of one street tree for every 20 feet of street frontage with any remaining fraction of 10 feet or more of frontage requiring an extra tree. The exact location, size and species of tree shall be approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. Please be aware that there are additional street tree specifications for street trees located in C-Districts pursuant to Planning Code Section 138.1. In addition, there are specific streetscape requirements for the Market Street frontage. A total of 8 trees are required on Market Street and 5 trees are required on Golden Gate Avenue.
7. **Tree Planting and Protection Checklist.** Completion of this checklist is required for this project. No permit will be approved by the Planning Department before satisfying all applicable tree-related requirements; including receiving clearance from the Department of Public Works (DPW) to plant required street trees and/ or remove Protected Trees. Please submit this checklist with the Environmental Evaluation application.
8. **Downtown Streetscape Improvements.** Per Section 138.1(d)(1) and in accordance with the provisions of Section 309, when a permit is granted for any project abutting a public sidewalk in a C-3 District, the Planning Commission may impose additional requirements that the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special paving, seating, landscaping, and sidewalk widening consistent with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. See <http://www.sfbetterstreets.org/design-guidelines/street-types/> to identify relevant street types for the project frontage. For more information on process, guidelines,

and requirements for street improvements, refer to www.betterstreets.org. Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

9. **Bird Safety.** The subject property is not located adjacent to an Urban Bird Refuge; however, pursuant to Planning Code Section 139, there are certain feature related hazards that must be treated for bird safety. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Any structure that contains these elements shall treat 100% of the glazing on feature-related hazards. If there are windscreens or glass railings proposed at the roof level, please indicate on future submittals that these features will meet bird safety requirements.
10. **Exposure.** Pursuant to Planning Code Section 140, at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. An open area (such as a courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. Future submittals should clearly show that these units comply with this requirement. A preliminary review by Planning staff indicates that 45 of the total 186 units may require exposure variances. If the project cannot comply with these requirements, the project must either be redesigned or seek and justify a Variance application.
11. **Street Frontages in Commercial Districts.** Pursuant to Planning Code Section 145.1, there are certain requirements for street frontages in commercial districts including: parking setbacks, active uses, parking and loading entrances, ground floor ceiling height, street facing ground floor spaces, transparency and fenestration, and gates, railings and grillwork.
 - a. **Ground Floor Ceiling Heights.** Ground floor ceiling heights for non-residential uses in C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Please illustrate compliance with this requirement on future submittals. The plans submitted do not appear to meet this requirement for the Golden Gate Avenue frontage. If this requirement is not met, please seek and justify a Variance application.
12. **Shadow.** The preliminary shadow fan study indicated that the project will not cast a shadow on any park or open space protected under Planning Code Section 295. If the project scope changes during the review process, a subsequent shadow study may be prepared by Planning staff.
13. **Ground Level Wind Currents.** As discussed under the “Environmental Review” section (2), the height of the proposed residential building would trigger a wind analysis study in order to identify changes in ground-level wind speeds resulting from project. Planning Code Section 148 establishes comfort criteria (ground level wind levels not to exceed 11 mph in areas of substantial pedestrian use or 7 mph in public seating areas) and a hazard criterion, which is a 26 mph equivalent. If the project creates new exceedances of the comfort-level criteria, or if the project fails to ameliorate existing comfort-level exceedances, an exception may be sought through the Section 309 review process. No exception may be sought, however, if the project creates new exceedances of the hazard-level criteria.

14. **Off-Street Freight Loading Spaces.** Pursuant to Planning Code Sections 152.1 and 161, one off-street freight loading space is required for apartment buildings between 100,001 - 200,000 gross square feet of floor area. The proposal includes two loading spaces; however, the spaces do not conform to the dimensional requirements listed in Planning Code Section 154. Please either indicate compliance with this Planning Code Section or please seek an exception under Planning Code Section 309 through the Downtown Project Authorization exception process.
15. **Parking Dimensions.** Pursuant to Planning Code Section 154, loading spaces must meet certain dimensional requirements. Planning Code Section 154 states, "the first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet." Future submittals should indicate compliance with this requirement or please seek an exception under Planning Code Section 309 through the Downtown Project Authorization exception process for not providing the required loading spaces.
16. **Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities.** Pursuant to Planning Code Section 155, all off-street freight loading and service vehicle spaces in the C-3 Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. It appears from the plans submitted that the loading spaces are accessed from a common driveway that also accesses the residential parking spaces. Also, pursuant to Planning Code Section 155, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock, shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. It appears that there are elevators located close to the loading spaces but that they may not be freight elevators. Future submittals should clearly show compliance with this requirement.
17. **Bicycle Parking.** Planning Code Section 155.2 outlines requirements for bicycle parking for residential developments. For projects over 100 dwelling units, 100 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 100 is required. In addition, one Class 2 space is required for every 20 units. Retail sales require one Class 1 space for every 7,500 square feet of occupied floor area and one Class 2 space for every 2,500 square feet of occupied floor area. Based upon the plans provided, 186 residential units require 122 Class 1 spaces and 9 Class spaces. The retail uses are based upon occupied floor area and these figures were not included in the PPA submittal. Future submittals should include floor plans which clearly indicate compliance with this section of the Planning Code.
18. **Unbundled Parking.** Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street parking spaces accessory to residential uses shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

19. **Density.** Pursuant to Planning Code Section 215, the maximum density ratio in a C-3-G District shall in no case be less than one dwelling unit for each 125 square feet of lot area. A Conditional Use Authorization must be secured and approved by the Planning Commission for residential densities which are higher than one dwelling unit for each 125 square feet of lot area. With a lot area of 15,077 square feet and 186 proposed units, the proposed residential density is one unit for each 81 square feet of lot area; therefore a Conditional Use Authorization must be approved by the Planning Commission.
20. **First Source Hiring Agreement.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please contact: Ken Nim, Workforce Compliance Officer, CityBuild, Office of Economic and Workforce Development, City and County of San Francisco, 50 Van Ness, San Francisco, CA 94102. Please submit the first source hiring affidavit with your applications.

21. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee ("TIDF"). As of this writing the rate for retail uses is \$13.90 per square foot and residential uses are excluded; however, fees are indexed on an annual basis.

Development projects that meet specific policy goals can apply for Policy Credits and, if granted, can use them to reduce or eliminate TIDF fees that would otherwise be due. Policy Credits are granted to all projects meeting applicable criteria on a "first come-first-served" basis until the annual Policy Credit fund is exhausted. Policy Credits are available only for projects that either (1) involve a small business; or (2) would provide fewer off-street parking spaces than allowed.

22. **Inclusionary Housing.** Pursuant to Planning Code Section 415, 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, prior to Planning Commission approval.

Affordable units designated as on-site units shall be sold as ownership units, not rental, and will remain as ownership units for the life of the project. If on-site units were selected based on the proposed 186 units, 22 units would be required to be affordable.

A project may provide on-site rental units if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods: direct financial construction from a public entity or development bonus or other form of public assistance. If you choose to seek a Costa Hawkins exception agreement, it will be drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. If the project is deemed eligible, we may start working with the City Attorney on the agreement, which must be executed prior to the Planning Commission hearing.

23. **Public Art Requirement.** Pursuant to Planning Code Section 429, the Project will have a public art requirement because it is a project in a C-3 District that involves the construction of a new building. The public art must be valued at least 1% of the construction cost of the project. Residential projects within the C-3 District have options of satisfying the public artwork requirement. The project sponsor may choose to provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals 1% of the project total costs. If the on-site artwork option is selected a general art concept should be presented to the Planning Department staff during the initial schematic design phase of the project. The project sponsor is encouraged to focus on the art concept, and if appropriate, include the artist in the design team as early in the project design process as possible.
24. **Special Use District.** The Planning Department is currently working with the Mayor's Office of Economic and Workforce Development to create a new Mid-Market Special Use District (SUD) designed to encourage and incentivize additional arts activities, as well as achieve other related land use objectives in the area. This SUD will likely include, but not be limited to, height and Floor Area Ratio (FAR) bonuses or exemptions for projects that include significant amounts of new space dedicated for arts uses. Other likely provisions of the SUD include restrictions on uses such as liquor stores, pawn shops, fringe financial, and adult uses. Specific incentives and controls for the SUD, as well as potential boundaries and other parameters, are still being analyzed at this time. For more information on this effort, please contact Marlo Isaac at marlo.isaac@sfgov.org or 415-575-6835.
25. **Invest in Neighborhoods Initiative Area.** The property is located within the Mayor's Invest in Neighborhoods Initiative Area. For more information, please see <http://www.oewd.org/IIN.aspx>
26. **Community Benefit District – North of Market / Tenderloin:** The property is located within the North of Market / Tenderloin Community Benefit District. For more information, please see <http://www.oewd.org/Tenderloin-North-Market.aspx>.

27. **Better Market Street.** The Better Market Street (BMS) project offers a special opportunity to envision a new Market Street that is more beautiful and green; has enlivened public plazas and sidewalks full of cafes; showcases public art and performances; provides dedicated bicycle facilities; and delivers efficient and reliable transit. The goal of the project is to revitalize Market Street from Octavia Boulevard to The Embarcadero and reestablish the street as the premier cultural, civic and economic center of San Francisco and the Bay Area. The new design should create a comfortable, universally accessible, sustainable, and enjoyable place that attracts more people on foot, bicycle and public transit to visit shops, adjacent neighborhoods and area attractions. This project is located with the Better Mark Street Project Area. Circulation and streetscape design changes proposed for Market Street will affect the proposed development. There are three private vehicle restriction proposals being evaluated as part of the BMS EIR/EIS. In addition, the proposed development would be required to build out the preferred streetscape alternative for Market Street; these improvements would include new paving, trees, lighting and additional pedestrian amenities that are still being determined through an internal design and community outreach process. For additional information, please see: <http://bettermarketstreetsf.org/about.html>.

As a separate project with independent utility, the SFMTA has announced its intention to test private vehicle restrictions to improve pedestrian safety along the Market Street corridor, roughly between New Montgomery and 8th Street, with final details to follow. These restrictions would likely impact private vehicle access to the proposed development.

28. **Central Market Economic Partnership.** In January 2010, the Office of Economic and Workforce Development (OEWD) launched the **Central Market Partnership**, a public/private initiative to renew and coordinate efforts to revitalize the Market Street neighborhood between 5th Street and Van Ness Avenue. The City's goal is to restore Central Market as San Francisco's downtown arts district while inviting in new retail, restaurants, and businesses to take advantage of the transit rich corridor that serve the adjacent Tenderloin and SOMA neighborhoods. The Central Market Economic Strategy identifies programs and policies to revitalize the Central Market district; while supporting the neighborhood's culture and diverse population. For more information, please see: http://www.oewd.org/Central_Market.aspx.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may significantly impact the proposed project:

The proposed project site is located on Market Street between Jones Street and Golden Gate Avenue in the Market Street Theatre and Loft Historic District. The immediate context includes two four-story historic properties that contain retail on the ground floor. The larger fabric is the evolving area of Mid-Market, a key public environment and commercial neighborhood that links Downtown to Civic Center and the Tenderloin to South of Market.

1. **Site Design, Open Space, and Massing.** The Planning Department supports the scale and massing of the building along Market Street, but would prefer that the design create a more complete street wall along Golden Gate Avenue. The currently proposed common open space appears to offer a narrow, poorly lit, north-facing environment that does not directly support the more communal or public goals of the second level program.

As a suggestion to fulfill the public open space requirement, the Planning Department recommends the development of a mid-block alley in coordination with the adjacent 1066 Market Street property (described as a "Public Sitting Area in a Galleria" in the Downtown Plan Table 1: Guidelines for Downtown Open Space). We imagine this to be a narrow, covered, well lit, two to three story arcade lined by retail, cafes, or building access points that would offer a unique and secure environment for public shopping, dining, and passage. The upper levels of the building could include windows, balconies, or direct access allowing a varied and vibrant interface between the inside and outside of the buildings. As the ground levels change from one side of the property to the other, we believe a set of graceful ramps could raise the pedestrian space gradually allowing for a creative way to access interior spaces and connect the two streets. This alley could be a highlight of the Mid-Market area, help establish the identity of the property, and encourage successful retail.

2. **Parking and Access.** The Planning Department requests that the parking access be narrowed to 12 feet.
3. **Architecture.** The site has a unique condition along Market Street as it is adjacent to a lower historic property that will be there in perpetuity. The scale of the proposed development will make what would typically be a shared wall condition into a highly visible third façade. The Planning Department requests that this side of the building be designed articulately to provide an opportunity for the building to read more three-dimensionally. The Planning Department is not supportive of the proposed serrated bay design as it currently shown. There is little hierarchy to the architectural elements in the facade which deviates significantly in sensibility from the historic theater and loft district.

The Planning Department requests that the ground floor height be a minimum of 15 feet.

Given the proposed uses on a high-profile Market Street site, the Planning Department looks forward to seeing playful and expressive architecture that relays the vibrancy and contemporary nature of these uses. We hope to see the architecture support innovative program and spatial effects, material choices, and ground floor activities that develop inside and outside relationships. Due to the visibility of the building both at the street level-scale and as a more distant monument, we expect the design to support both of those grains and pedestrian experiences. We support the overall ambitions of the development and believe they set a high bar for the architectural design.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no

later than **October 12, 2015**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure: SFPUC Recycled Water Information Sheet

cc: Craig Young, Project Sponsor
Kate Conner, Current Planning
Debra Dwyer, Environmental Planning
Maia Small, Design Review
Marlo Isaac, Market Street Project Manager
John Swae, Citywide Planning and Analysis
Jerry Robbins, SFMTA
Jerry Sanguinetti, DPW
June Weintraub, DPH
Jonathan Piakis, DPH



San Francisco Public Utilities Commission Recycled Water Installation Procedures for Developers

The City and County of San Francisco (CCSF) requires property owners to install dual-plumbing systems for recycled water use in accordance with Ordinances 390-91, 391-91, and 393-94, within the designated recycled water use areas under the following circumstances:

- New or remodeled buildings and all subdivisions with a total cumulative area of 40,000 square feet or more
- New and existing irrigated areas of 10,000 square feet or more

The following are procedures to guide developers and property owners with the installation of recycled water service lines. The diagram on the reverse shows how, and where the lines are to be installed, and the required backflow prevention assembly.

Number of Water Lines Coming onto a Property

Three to four lines:

- 1) Fire
- 2) Potable water domestic
- 3) Recycled water domestic
- 4) Recycled water irrigation (if property has landscaping)

Number of Water Meters

One water meter is required for each water line.

Required Backflow Prevention Assembly

Fire line – reduced pressure principle backflow preventer

Potable water domestic – reduced pressure principle backflow preventer

Recycled water domestic – reduced pressure principle backflow preventer

Recycled water irrigation line – reduced pressure principle backflow preventer

All backflow prevention assemblies must be approved by the SFPUC's Water Quality Division.

The backflow prevention assembly for domestic water plumbing inside the building and for the recycled water system must meet the CCSF's Plumbing Code and Health Code.

Pipe Separation

California Department of Public Health regulations require new water mains and new supply lines to be installed at least 4-foot horizontally from, and one-foot vertically above a parallel pipeline conveying recycled water.

Pipe Type

- Transmission lines and mains – ductile iron
- Distribution and service lines – purple PVC or equivalent
- Irrigation lines – purple PVC or equivalent
- Dual-plumbing – described in the City and County of San Francisco Plumbing Codes

****SFPUC must sign off on pipe type prior to installation.** Contact the City Distribution Division at (415) 550-4952.

Temporary Potable Water Use Until Recycled Water Becomes Available

The potable water line will be used to feed the recycled water lines(s) until such time that recycled water becomes available. When recycled water becomes available, the cross-connection will be broken by the SFPUC, and the potable and recycled water lines will be totally separated. Before recycled water is delivered to the property, cross-connection and backflow testing will take place to assure separation.

Under no circumstances are developers or property owners to "t-off" of the potable water line to the recycled water lines(s).

If you have questions, or would like additional information:

Recycled Water Ordinances and Technical Assistance

San Francisco Public Utilities Commission
Water Resources Division
(415) 554-3271

Recycled Water Plumbing Codes

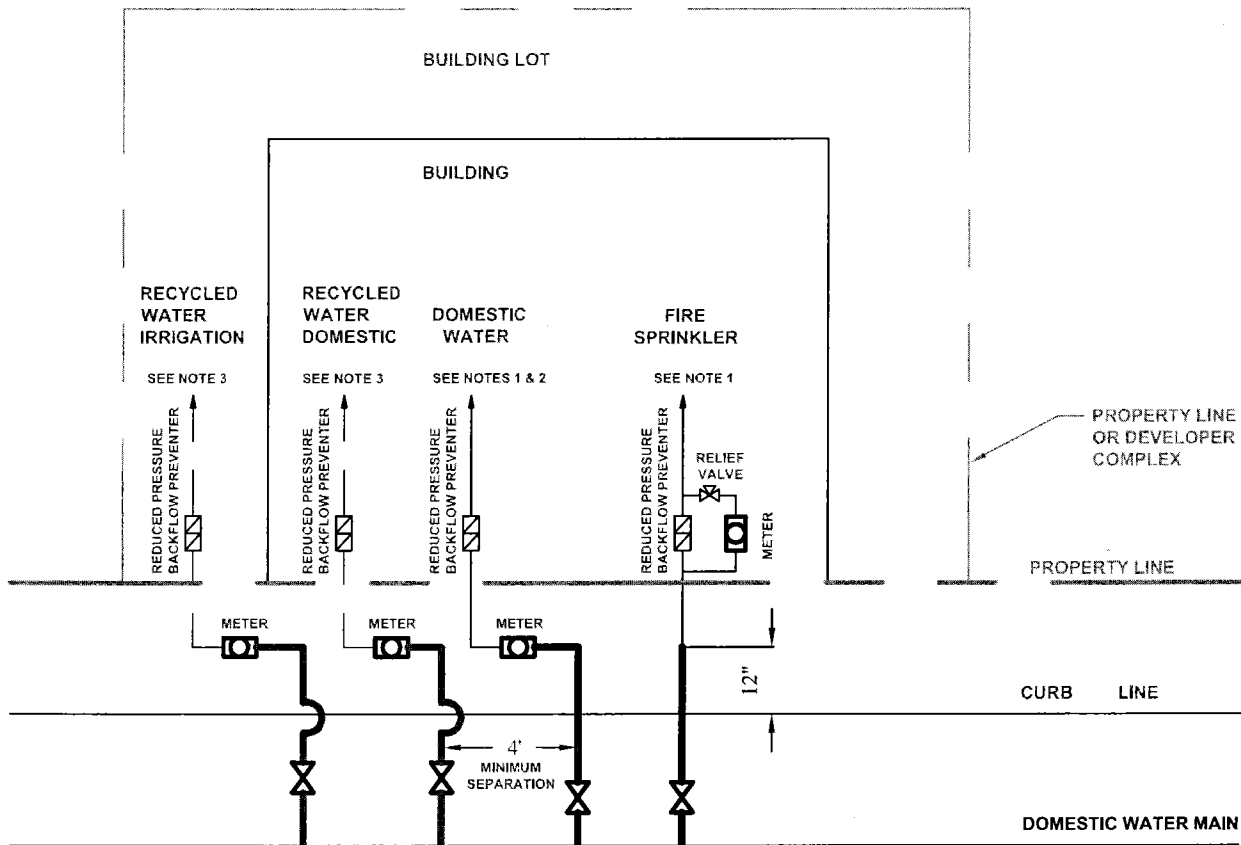
Department of Building Inspection
Plumbing Inspection Services
(415) 558-6054

Backflow Prevention

San Francisco Public Utilities Commission
Water Quality
(650) 652-3100

New Service Line Permits

San Francisco Public Utilities Commission
Customer Services
(415) 551-3000



STREET - SIDE

NOTE:

1. ALL BACKFLOW PREVENTERS MUST APPROVED BY SFPUC WATER QUALITY BUREAU.
2. BACKFLOW PREVENTION FOR DOMESTIC WATER PLUMBING INSIDE THE BUILDING MUST MEET CCSF PLUMBING CODE AND PUBLIC HEALTH CODE REQUIREMENTS.
3. BACKFLOW PREVENTER FOR RECYCLED WATER SYSTEM MUST MEET CCSF PLUMBING CODE AND PUBLIC HEALTH CODE REQUIREMENTS.

RESPONSIBILITY OF INSTALLATION OF

HEAVY LINES:

PROPERTY OWNER PAYS FOR NEW SERVICE INSTALLATION. SFPUC RETAINS OWNERSHIP OF NEW SERVICE UP TO THE END OF METER ASSEMBLY.

LIGHT LINES: & _____

PROPERTY OWNER PAYS FOR NEW SERVICE INSTALLATION. OWNERSHIP REMAINS WITH THE PROPERTY OWNER.

CITY AND COUNTY OF SAN FRANCISCO
PUBLIC UTILITIES COMMISSION
SAN FRANCISCO WATER DEPARTMENT

INSTALLATION OF RECYCLED WATER SERVICE LINES

APPROVED BY:

SCALE:

NTS

DESIGNED BY:
Cheryl Munoz

DATE: 05/28/08

DRAWN: W.Villasica

CHECKED: M.Gardiner

DRAWING NO.
A-1290.2

REV. NO. 2