



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 15, 2017
TO: Jeremy Schaub
FROM: Tania Sheyner, Planning Department
RE: PPA Case No. 2017-001961PPA for 350 Ocean Avenue

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

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415.558.6378

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Lana Russell-Hurd, at (415) 575-9047 or lane.russell@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in blue ink, appearing to read "Tania Sheyner", written over a horizontal line.

Tania Sheyner, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: May 15, 2017
Case No.: **2017-001961PPA**
Project Address: 350 Ocean Ave
Block/Lot: 3212/023
Zoning: NCT-1 (Neighborhood Commercial Transit 1)
45-X Height and Bulk District
Area Plan: Balboa Park Station Area Plan
Project Sponsor: Jeremy Schaub
(415) 682-8060
Staff Contact: Lana Russell-Hurd – (415) 575-9047
lane.russell@sfgov.org

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DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on February 14, 2017, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The project site is within the block bounded by Ocean Avenue to the south, San Jose Avenue to the west, Santa Ynez Ave to the north, and Delano Avenue to the east. The project site fronts Ocean Avenue and is located within the Outer Mission neighborhood. The proposal is to demolish the existing 26-foot-tall, 7,824-square-foot commercial building built in 1921. The proposed project would construct a 4-story, 45-foot-tall (55-feet including the elevator penthouse) mixed use building with 20 dwelling units and 738

square feet of commercial use on the ground floor. The proposed project includes ten off-street parking spaces in a subsurface garage and 20 Class I bicycle parking spaces on the ground floor. The project would require soil disturbance of up to 2,362 cubic yards at a depth of approximately 11 feet.

BACKGROUND:

The project site is within the Balboa Park Station Area Plan. On December 4, 2008, the Planning Commission certified the Balboa Park Station Area Plan Environmental Impact Report (Balboa Park PEIR) by Motion 17774 and adopted the Preferred Project for final recommendation to the Board of Supervisors.¹² The Balboa Park Station Area Plan and its associated rezoning became effective April 7, 2009. The proposed project appears to be consistent with the development density of the Balboa Park Station Area Plan.

PRELIMINARY PROJECT COMMENTS:

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

- 1. Balboa Park Station Area Plan.** The subject property falls within the area covered by the Balboa Park Station 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. Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Balboa Park Station Area Plan Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. This process is further explained in Section 422.3(d) of the Planning Code. More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website.
- 3. Public Realm Improvements.** The project sponsor should review the proposed public realm improvements illustrated in the Ocean Avenue Corridor Design at <http://sf-planning.org/ocean-avenue-corridor-design>.
- 4. PDR Removal.** The PPA application states that 7,824 square feet of PDR space will be demolished as part of this proposal. Planning Code Section 202.8, which requires replacement of PDR space, does not apply as the project is not located within any of the applicable Eastern Neighborhood Plan Areas.

¹ San Francisco Planning Department. Balboa Park Station Area Plan Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.1059E, certified December 4, 2008. Available online at: <http://www.sfplanning.org/index.aspx?12age=1893>, accessed August 3, 2015.

² San Francisco Planning Department. San Francisco Planning Commission Motion 17774, December 4, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 3, 2015.

ENVIRONMENTAL REVIEW:

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 Balboa Park Station Area Plan, which was evaluated in the Balboa Park PEIR. If the proposed project is consistent with the development density identified in the area plan, it would be eligible for a community plan exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases beyond the CPE project description in project size or intensity after project approval will require reconsideration of environmental impacts and issuance of a new CEQA determination.

Within the CPE process, there can be three different outcomes as follows:

- 1. CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Balboa Park PEIR, and there would be no new "peculiar" significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,427) and (b) the CPE certificate fee (currently \$8,005).
- 2. Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the Balboa Park 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 Balboa Park PEIR, with all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,427) and (b) the standard environmental evaluation fee (which is based on construction value).
- 3. Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE checklist is prepared to address all other impacts that were encompassed by the Balboa Park PEIR, with all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently \$14,427); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department's environmental consultant pool (http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Formal environmental review begins with Planning Department review of the **Environmental Evaluation Application (EEA)** filed by the project sponsor. The EEA can be submitted at the same time as the PPA application or subsequent to issuance of the PPA letter.

The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.** EEAs are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org under the "Publications" tab. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.

A detailed and accurate description of the proposed project is essential for adequate environmental review. Please update the EEA project description as necessary to reflect feedback provided in this PPA letter, and include any additional documents requested herein. Furthermore, please include the following information regarding the proposed project: [list information/clarifications requested.] If you have already filed your EEA, you may provide the requested information and documents as supplements to your application.

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

1. **Historic Resources.** The project site contains one or more buildings or structures considered to be a potential historic resource (constructed 45 or more years ago); therefore, the proposed project is subject to review by the Department's Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department's Historic Resource Consultant Pool. Please contact Tina Tam, Senior Preservation Planner, via email (tina.tam@sfgov.org) for a list of three consultants from which to choose. Please contact the HRE scoping team at HRE@sfgov.org to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.

The project site is in the Ocean-Onondaga Neighborhood Commercial District and was included in the Department's Neighborhood Commercial Building Survey (not adopted). The buildings on the project site were identified as appearing to be individually significant and merit future research and evaluation. If these buildings are confirmed to be individually significant resources, their demolition

would be an unavoidable significant impact and an EIR would be required. Development and evaluation of project preservation alternatives will also be required.

2. **Archeological Resources.** The project site lies within the *Archeological Mitigation Zone AM-2* of the *Balboa Park PEIR*. Therefore, the proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.
3. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a class of resource established under CEQA in 2015. TCRs are defined as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe, that is either included on or eligible for inclusion in the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines is a TCR. Planning Department staff will review the proposed project to determine if it may cause an adverse effect to a TCR; this will occur in tandem with preliminary archeological review. No additional information is needed from the project sponsor at this time. Consultation with California Native American tribes regarding TCRs may be required at the request of the tribes. If staff determines that the proposed project may have a potential significant adverse impact on a TCR, mitigation measures will be identified and, where feasible, required. Mitigation measures may include avoidance, protection, or preservation of the TCR and development of interpretation and public education and artistic programs.
4. **Transportation.** Based on the PPA Submittal, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA.
5. **Noise.** *Balboa Park PEIR Noise Mitigation Measure N-2* requires that the project sponsor conduct a detailed vibration analysis for any residential or vibration-sensitive land use proposed within critical distances of existing or planned BART or Muni facilities, and incorporate measures into the design as necessary to reduce the potential for vibration disturbance. The proposed land use at the project site (Federal Transit Administration Noise Category 2: Residences and buildings where people normally sleep would require a vibration study if located within 200 feet of BART right-of-way and/or within 150 feet of Muni light rail right-of-way. The project site is located approximately 300 feet from the

Balboa Park BART Station and approximately 200 feet from the K-Ingleside Muni light rail right-of-way on Ocean Avenue, as such the proposed project would not require a vibration analysis pursuant to *Balboa Park PEIR Noise Mitigation Measure N-2*.

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 the construction, measures to reduce construction noise may be required as part of the proposed project. The EEA application should indicate whether pile driving or other particularly noisy construction methods are required.

6. **Air Quality.** The proposed project's 20 dwelling units and 738 square feet of commercial use are below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.³ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required.

In addition, the project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. Given that the project site is not within an Air Pollutant Exposure Zone, no additional measures or analysis related to local health risks are anticipated. However, if the project would include new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources must be provided with the EEA.

If the project would generate new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors and additional measures will likely be required to reduce stationary source emissions. Based on the information provided in the PPA application, the proposed project likely would not require a backup diesel generator due to the proposed height, but this should be confirmed at the time of the EEA submittal.

7. **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.⁴ The project sponsor is required to submit the completed table

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

⁴ Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

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.

8. **Wind.** The proposed project is located in an area that does not experience high wind speeds. Also, the 45 foot height of the proposed mixed-use building is not expected to cause adverse ground-level wind speeds resulting from the project. Therefore, a wind analysis would not likely be required.
9. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project could cast shadows on Balboa Park, which is under the jurisdiction of the Recreation and Park Department. The Balboa Park Station PEIR stated that the project sponsor is therefore required to hire a qualified consultant to prepare a detailed shadow study. The consultant must submit a Shadow Study Application, which can be found on the Planning Department's website (<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539>). A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.
10. **Geology.** A geotechnical study prepared by a qualified consultant should be submitted with the EEA. The study should address geotechnical concerns identified in the study area. 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.
11. **Hazardous Materials.** The proposed project would demolish an existing building constructed in 1921 and introduce residential uses to the project site. In addition, project construction would involve excavation of over 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,