



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: January 26, 2018
TO: John Kevlin, Rueben, Junius & Rose, LLP
FROM: Richard A. Sucré, Planning Department
RE: PPA Case No. 2017-012783PPA

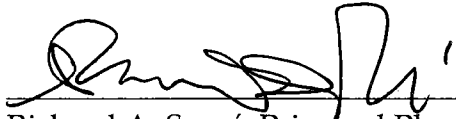
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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Kimberly Durandet at (415) 575-6816 or kimberly.durandet@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.


Richard A. Sucré, Principal Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: January 26, 2018
Case No.: **2017-012783PPA**
Project Address: 346 9th Street
Block/Lot: 3519/067
Zoning: RCD [Regional Commercial] Zoning District
Western SoMa Special Use District
55-X Height & Bulk District
Area Plan: Western SoMa
Project Sponsor: John Kevlin, Rueben, Junius & Rose, LLP
415-567-9000
Staff Contact: Kimberly Durandet- 415-575-6816
kimberly.durandet@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 September 27, 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, and federal regulations as of the date of this document, all of which are subject to change.

The PPA application indicates that the project sponsor intends to apply the State Density Bonus Law. The "Project Description" section of this PPA describes both the code-complaint base project as well as the state density bonus project. The "Environmental Review" section of this PPA letter provides feedback on the environmental review requirements of the higher-density bonus project that the sponsor ultimately seeks to have entitled. The remainder of the PPA letter primarily addresses the code-complaint base project, which must be evaluated in order to assess the project's eligibility to receive concessions,

incentives, and waivers, as well as a density and height bonus, if requested. Note that this PPA letter does not make a determination of the project's eligibility for such concessions, incentives, and waivers.

PROJECT DESCRIPTION:

The existing 24,439 square-foot (sf) office building on the approximately 12,500-sf subject lot was constructed in 1920. The proposed project would alter the existing building retaining the existing use and construct residential above the second floor. A residential lobby, bicycle parking and mechanical equipment would be added to the ground floor. No automobile parking is proposed and excavation would depend on foundation requirements for the additional height but is currently estimated to be three feet in depth, 12,500 sf of area and 1,390 cubic yards of soil disturbance. The following descriptions detail the base project and the state density bonus project:

Base Design. The proposed base project would alter the existing two-story building and construct two additional stories of residential use for a total of 34 single-room occupancy (SRO) dwelling units. The proposed 40,600-sf, four-story, 55-foot tall building would provide thirty-nine Class 1 and four Class 2 bicycle parking spaces, and 4,692-sf of private open space. No automobile parking is proposed.

State Density Bonus Design. The proposed state density bonus project would construct three additional stories of residential use for a total of 45 single-room occupancy (SRO) dwelling units. The proposed 47,300-sf, five-story, 67-foot tall building would provide fifty Class 1 and five Class 2 bicycle parking spaces, and 2,632-sf of private and 1,797-sf of common open space. No automobile parking is proposed.

BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plan. The Eastern Neighborhoods Area Plans cover the Mission, Western SoMa, East South of Market (SoMa), Showplace Square/Potrero Hill, and Central Waterfront neighborhoods. The proposed project site is in the Western SoMa Community Plan area of the Eastern Neighborhood Area Plan. On August 7, 2008, the Planning Commission certified the *Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR)*.^{1,2} 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.

1. **Western SoMa Area Plan.** The subject property falls within the area covered by the Western SoMa 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

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

² 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_CEQA_Part7_Web.pdf, accessed August 17, 2012.

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. **State Density Bonus.** The proposed project has expressed a desire to utilize the State Density Bonus Law (California Government Code Section 65915). Information on the Planning Department's implementation of the Individually Requested State Density Program is available at:

<http://sf-planning.org/density-bonus-programs>

The Project Sponsor will need to provide an application to the Department, and should also highlight the proposed project's waivers and/or incentives/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 **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 <http://sf-planning.org/permit-forms-applications-and-fees>. See "Environmental Applications" on page 2 of the current Fee Schedule for a calculation of environmental application fees.³ 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 update the EEA project description as necessary to reflect feedback provided in this PPA letter and include the additional information and/or documents requested herein and listed again below.

- Detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project;
- Plans identifying the location and dimensions of existing and proposed sidewalks;
- Detailed information whether pile driving or other particularly noisy construction methods are required;

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

- Detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation;
- A copy of the article 38 application submitted to San Francisco Department of Public Health;
- Detailed information related to any proposed stationary sources of toxic air contaminants (e.g., diesel backup generators);
- A geotechnical study prepared by a qualified consultant including foundation recommendations and boring logs for the proposed project;
- A copy of the Maher application submitted to the San Francisco Department of Public Health and *phase 1 environmental site assessment*. If available, provide any phase II hazardous materials report.

If you have already filed your EEA, you may provide the requested information and documents as supplements to your application.

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 Western South of Market (SoMa) Community Plan Area, which was evaluated in the *Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 Eighth Street Project Final EIR* (“*Western SoMa 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 *Western SoMa 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 *Western SoMa 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 \$14,910) and (b) the CPE certificate fee (currently \$8,266).
2. **Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Western SoMa 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 *Western SoMa PEIR*, with all pertinent

mitigation measures and CEQA findings from the *Western SoMa 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 *Western SoMa PEIR*, with all pertinent mitigation measures and CEQA findings from the *Western SoMa 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 project site was previously evaluated in the South of Market Historic Resource Survey and contains a building which is a contributor to the National Register-eligible Western SoMa Light Industrial and Residential Historic District. Therefore, the proposed construction is subject to additional review by the Department's historic preservation staff for compatibility with the eligible district. An Environmental Evaluation Application and Historic Resource Evaluation Report (HRER) Part 2 Fee is required in order for the Department's historic preservation staff to review the proposed project for compatibility with the historic district.
2. **Archeological Resources.** According to the PPA application, the project would require approximately 3 feet of excavation below existing grade. The Department staff has preliminary determined that *Western SoMa PEIR Archeological Mitigation Measure-M-CP-4a: Project Specific Preliminary Archeological Assessment* would be applicable to the proposed project. Mitigation Measure M-CP-4a would require *preliminary archeological review* by a Department archeologist. To aid this review the Department archeologist may request a *preliminary archeological sensitivity assessment* 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 sensitivity assessment is required. The preliminary review 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 preliminary review will identify additional measures needed to address the potential effect. These measures may include preparation of an

archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.

3. **Transportation.** Based on the PPA submittal, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA. However, the project site is located on a high injury corridor as mapped by Vision Zero.⁴ In order to facilitate the official transportation impact study determination, please include the locations and dimensions of existing and proposed sidewalks on the plans.
4. **Noise.** The proposed project would be subject to Western SoMa PEIR Mitigation Measure M-NO-2a. *Western SoMa PEIR Noise Mitigation Measure M-NO-2a: General Construction Noise Measures* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to the Department of Building Inspection prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.
5. **Air Quality.** The proposed project, with 45 dwelling units, is below the Bay Area Air Quality Management District's construction and operation screening levels for criteria air pollutants.⁵ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. However, please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA. 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 proposed project will be required to adhere to the dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code article 22B and San Francisco Building Code section 106.A.3.2.6.

The project site is also 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 modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to construct new sensitive land uses (i.e., dwelling units), which are subject to enhanced ventilation measures pursuant to Health Code article 38. The project sponsor will be required to submit an article 38 application to health department prior to the issuance of any environmental determination. Please provide a copy of the article 38 application with the EEA.⁶ In addition, equipment exhaust measures during construction, such as those listed in *Western SoMa PEIR Air Quality Mitigation Measure M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants* and *Western SoMa PEIR Air Quality Mitigation Measure M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards* will likely be required.

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

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

⁶ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

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 67 feet, the proposed project would not likely require a backup diesel generator and additional measures, such as that described in *Western SoMa PEIR Air Quality Mitigation Measure M-AQ-4: Siting of Uses that Emit PM_{2.5} or DPM and Other TACs* that would likely be necessary to reduce its emissions. However, please provide detailed information related to any proposed stationary sources with the EEA.

6. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's 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 Department has prepared a GHG Analysis Compliance Checklist.⁷ 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 GHG Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the GHG Reduction Strategy.
7. **Wind.** The proposed project would not involve construction of a building over 80 feet in height. Therefore, a consultant-prepared wind analysis is not anticipated to be required.
8. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Department staff indicates that the proposed project would not cast shadows on any Recreation and Park property subject to Planning Code section 295, or other publicly accessible non-Recreation and Park properties, including schoolyards. Therefore, preparation of a consultant-prepared shadow study is not required.
9. **Geology.** The project site is located within a seismic hazard zone (liquefaction hazard zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review.⁸ A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist 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

⁷ Refer to <http://sf-planning.org/consultant-sponsor-resources> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

⁸ San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://sf-planning.org/permit-forms-applications-and-fees>

with boring logs for the proposed project. This study will also help inform the Department archeologist of the project site's subsurface geological conditions.

10. **Hazardous Materials.** The proposed project is located in an area that it is known or suspected to contain contaminated soil and/or groundwater. In addition, construction of the proposed project would require the disturbance of more than 50 cubic yards of soil. Therefore, the proposed project is subject to article 22A of the San Francisco Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health, requires the project sponsor to retain the services of a qualified professional to prepare a *phase I environmental site assessment* that meets the requirements of Health Code section 22.A.6. The site assessment would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

The Department of Public Health (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 the DPH's fee schedule, available at:

<http://www.sfdph.org/dph/EH/Fees.asp#haz>

Please provide a copy of the submitted Maher Application and site assessment with the EEA.

Additionally, *Western SoMa PEIR Hazardous Materials Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement* 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 is responsible for regulating airborne pollutants including asbestos. Please contact the air district 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 for requirements related to the demolition of buildings that may contain lead paint.

11. **Naturally Occurring Asbestos.** Based upon mapping conducted by the U.S. Geological Survey (USGS) the project site may be underlain by serpentine rock.⁹ Project construction activities could release serpentinite into the atmosphere. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA) or tremolite-actinolite, a fibrous mineral that can be hazardous to human health if airborne emissions are inhaled. In the absence of proper controls, NOA could become airborne during excavation and handling of excavated materials. On-site workers and the public could be exposed to airborne asbestos unless appropriate control measures are implemented. To address health concerns from exposure to NOA, ARB enacted an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations in July 2001. The requirements established by the Asbestos ATCM are contained in California Code of Regulations (CCR) Title 17, section 93105,¹⁰ and are enforced by the Bay Area Air Quality Management District. The proposed project would be required to comply with the requirements of the Asbestos ATCM, which include measures to control fugitive dust from construction activities, in addition to the requirements of the Construction Dust Control Ordinance discussed above.
12. **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. **Development on a Large Lot.** Under Planning Code Section 121.1 Conditional Use authorization is required for development of lots greater than 10,000 square feet. The subject lot is 12,500 square feet therefore, a conditional use authorization by the Planning Commission is required. In addition to the criteria of Section 303(c), the Planning Commission shall consider the extent to which the following criteria are met: (1) The mass and facade of the proposed structure are compatible with the existing scale of the district (2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

⁹ Planning Department, GIS Layer, "Areas Affected by Serpentine Rocks." Created February 25, 2010 from United States Geological Survey and San Francisco Department of Public Health data.

¹⁰ California Air Resources Board, Regulatory Advisory, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, July 29, 2002.

2. **Rear Yard.** Under Planning Code Section 134, a rear yard equal to 25 percent of the lot depth is required at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

Currently, the existing building has full lot coverage and does not meet this requirement, therefore, it is a legal non-complying structure. Under Section 188 an non-complying structure may be enlarged, altered or relocated, or undergo a change or intensification of use in conformity with the use limitations of this Code, provided that with respect to such structure there is no increase in any discrepancy, or any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in this Code, and provided the remaining requirements of this Code are met. The proposed addition will provide 25 percent of the lot depth as a rear yard for all levels and appears to meet this requirement.

3. **Open Space – Residential.** Section 135 requires 80 square feet of usable open space per dwelling unit for private or 100 square feet of common open spacer each dwelling unit. For group housing structures, SRO units, and dwelling units that measure less than 350 square feet plus a bathroom, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be one-third the amount required for a dwelling unit as specified above. Additionally, open space must meet the standards set forth in Section 135.

Currently, there is insufficient detail information in the submittal to determine if the proposed project would meet this Code requirement. Please provide dimension and area calculations of each private and common open spaces as well as the total provided for the project.

4. **Permitted Obstructions.** Section 136 limits the amount that at balcony can project into the required setback.

Currently, there is insufficient detail information in the submittal to determine if the proposed project would meet this Code requirement, however, it appears that it would not.

5. **Shadow Analysis** (Sections 147 & 295). The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Department staff indicates that the proposed project would not cast shadows on any Recreation and Park property subject to Planning Code Section 295, or other publicly accessible non-Recreation and Park properties, including schoolyards (Sec. 147). Therefore, preparation of a consultant-prepared shadow study is not required.

6. **Streetscape Plan – Better Streets Plan Compliance.** (Section 138.1) Pedestrian and streetscape improvements consistent with the Better Streets Plan are required if your project meets the conditions delineated in Planning Code section 138.1. Projects that trigger section 138.1 will be reviewed by the Department's Streetscape Design Advisory Team (SDAT). SDAT is an interagency group that includes representatives from the Planning Department, Department of Public Works and the Municipal Transportation Agency that provides design guidance on private developments that

impact the public right-of-way. Based on the submitted plans, the project does not trigger the requirements of a Streetscape Plan project, but may be required to provide street trees per Article 16 of the Public Works Code.

7. **Dwelling Unit Exposure.** Section 140 requires each Dwelling Unit of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the [Housing Code](#) shall face directly on an open area of one of the following types: (1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code. It appears that the project would meet this requirement.
8. **Street Frontage** (Section 145.1). Planning Code section 145.1 outlines requirements for street frontages to ensure that they are active, pedestrian-oriented, fine-grained, and are appropriate and compatible with the buildings. As the design of the proposed project is developed, please ensure that the ground floor street frontage meets these requirements.
9. **Transportation Demand Management (TDM) Program.** (Sec. 169) The TDM Program was adopted by the Board of Supervisors in February 2017, and it took effect on March 19, 2017. The proposed project includes 45 dwelling, and thus is subject to the TDM Program. Based on the proposed 0 parking spaces associated with the residential use, the project will be required to meet or exceed a target score of 10 points for land use category C.
10. **Bicycle Parking (Class 1).** Planning Code section 155 requires this project to provide Class 1 bicycle parking spaces. The proposed base and bonus project contains thirty-nine and fifty Class 1 bicycle parking spaces respectively and, therefore complies with the requirement.
11. **Bicycle Parking (Class 2).** Planning Code section 155 requires the proposed base and bonus project to provide four Class 2 bicycle parking spaces provided through on-street bicycle racks; however SFMTA has final authority on the type, placement and number of Class 2 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 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 2 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. **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 <http://sfgov.org/entertainment/contact-us> for additional information regarding the outreach process.

13. **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

14. **Stormwater.** If the project results in a ground surface disturbance of 5,000 sf 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 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 for assistance.
15. **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 will require between 15% and 30% of roof space to incorporate solar (photo voltaic and/or solar thermal systems), living (green) roofs, or a combination of both. The legislation goes into effect

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/departments-publications>.

16. **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.
17. **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, 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. 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.** Although the existing 9th Street facade will be retained, the retention of facades alone does not constitute preservation. As currently proposed, the scale of the vertical addition subordinates the existing 9th Street facade. In order to avoid significant impacts to the existing historic resource and the surrounding properties, Site Design, Massing and Open Space configuration must meet the Secretary of the Interior's Standards for Rehabilitation, and contribute positively to the character of the Western SoMa Light Industrial and Residential Historic District. The proposed work should:

- Retain the historic building volume and provide a significant full-height setback from 9th Street to minimize visibility of the vertical addition from the street, and/or flip the massing of the addition (front to back) to clearly and unambiguously differentiate the mass of the historic building from the mass of the addition.
 - The vertical addition should feel subordinate to the historic resource.
 - Modulate the massing of the vertical addition to break down the scale in a manner that references the tripartite rhythm of the existing building.
2. **Streetscape and Street Frontage.** Due to the lack of detail provided in the proposed Ground Floor Plan and 9th Street Elevations, Street Frontage (i.e. the interface between private and public realms at the Ground Floor) could not be evaluated in depth. In general, the ground level façade should provide a welcoming public-private interface:
- The length of ground floor façade occupied by transformers and other non-active uses should be minimized.
 - Provide more-detailed proposed Ground Floor Plan and Elevations with future submittals.
3. **Architecture.** The level of architectural detail provided in the submission is preliminary. Further design review will be provided on subsequent submissions; however, in general the façade should express significant depth, feature high-quality materials, and reflect the architectural detailing and character of the neighborhood as well as the Secretary of the Interior's Standards for Rehabilitation of the existing building. Intentional care is needed in the restoration of older buildings, in order to enhance – rather than weaken – the original character of such buildings. For example:
- Repair, repaint and/or replace existing historic windows in-kind.
 - Replace existing non-historic windows on the ground floor with windows that reference the historic mullion patterns.
 - Locate and size any new openings on the façade in a manner that is complimentary to the scale, pattern, and detailing of existing openings.
 - Retain existing columns at the interior of the buildings, and use the existing structural grid to organize both the reuse of the existing buildings and the new vertical addition, where feasible. The existing building and vertical addition should be spatially, as well as visually, integrated.
 - Incorporate exterior and ambient lighting that highlights the historic features of the buildings.

The proposed vertical addition should read as evidently distinct from *and* complimentary to the character defining features of the historic district. The addition should take architectural references and visual cues from the existing structure and from the character-defining elements of the Western

SoMa Light Industrial and Residential Historic District and reinterpret these elements in a contemporary language. Façade treatment should reference the materials, color palate, fenestration rhythm, or other design features of the historic building. Innovative architecture is encouraged

4. **Vision Zero.** In 2014, the City adopted the [Vision Zero Policy](#) which seeks to eliminate all traffic deaths in the City by 2024. The City subsequently established a network of Vision Zero Corridors which have higher rates of traffic-related injuries and fatalities compared to most San Francisco Streets. The City has determined that streets on the Vision Zero network should be prioritized for safety improvements especially those that improve the safety of vulnerable users like people walking and people on bikes. This project is located on a pedestrian high-injury corridor, and is encouraged to incorporate safety measures into the project.

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)
2. Residential Child Care Impact Fee (§414A)
3. Eastern Neighborhoods Impact Fees (§423)

AFFORDABLE HOUSING:

Inclusionary Affordable Housing (§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. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units; unless a Costa Hawkins exception agreement is secured by the project sponsor. Affordable units designated as on-site units shall be affordable units for the life of the project. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application has not yet been accepted by the Planning Department; therefore, pursuant to Planning Code Section 415.3 and 415.6 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative for projects greater than 25 or more units currently is to provide 19% for rental and 21% for

ownership, of the proposed dwelling units as affordable. Please refer to the Affidavit for Compliance with the Inclusionary Affordable Housing Program form on our website at http://forms.sfplanning.org/Inclusionary_Affordable_Housing_Affidavit.pdf

For your information, if a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- direct financial construction from a public entity
- development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to the Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

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. An **Environmental Evaluation Application** is required to assess the project pursuant to the California Environmental Quality Act (CEQA).
2. A **Conditional Use Authorization** is required for the significant enlargement of an existing building located on a lot larger than 10,000 square feet, per Planning Code Sections 121.1 and 303.
3. A **Building Permit Application** is required for alteration of the subject property.
4. **Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls.

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. 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 <http://sf-planning.org/permit-forms-applications-and-fees> listed under "N" for Neighborhood Notification Pre-Application Meeting. The registered neighborhood group and organizations mailing list is available online at <http://sf-planning.org/department-publications> listed under "N".
2. **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. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.
3. **Building Permit Application Notification.** Once the Building Permit Application review is completed by the Planning Department, neighborhood notification will be required under Section 312.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation and Building Permit Application, as listed above, must be submitted no later than **July 26, 2019**. 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: Preliminary Shadow Fan

cc: Frank Chiu c/o AC Property Holdings, Property Owner
Kimberly Durandet, Current Planning
Sheri George, Environmental Planning
Benjamin Caldwell, Citywide Planning and Analysis
Jonas Ionin, Planning Commission Secretary
Charles Rivasplata, SFMTA
Jerry Sanguinetti, Public Works
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