Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Kay Cheng, at (415) 575-9094 or kay.cheng@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

Joshua Switzky, Senior Planner
Preliminary Project Assessment

Date: June 6, 2014
Case No.: 2014.0519U
Project Address: 2100 Market Street
Block/Lot: 3542/041
Zoning: NCT Upper Market Neighborhood Commercial Transit 40-X  60/65-X
Area Plan: Market Octavia Plan Area
Project Sponsor: Brian Spiers 415. 445.4671
Staff Contact: Kay Cheng 415.575.9094 kaycheng@sfgov.org

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 Department of Building Inspection, Department of Public Works, Department of Public Health, and others. 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 proposal is to demolish an existing 2-story mixed-used building and construct a 7-story, mixed-use residential and retail building. The proposed new building will include 64 dwelling units, on grade parking for 15 cars with car lifts, and 4,700 square feet of retail commercial space on Market, 14th and Church Streets.

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.

The proposed project is located in the Castro/Upper Market neighborhood and within the Market and Octavia Neighborhood Plan Area, which was evaluated in "Market and Octavia Neighborhood Plan Final"...
Environmental Impact Report (EIR), certified in 2007.\(^1\) Because the proposed project is consistent with the development density identified in the area plan, it is eligible for a community plan exemption (CPE). Within the CPE process, there can be three different outcomes as follows:

- **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in Market and Octavia Neighborhood Plan Final EIR (Market and Octavia FEIR), and there would be no new significant impacts peculiar to the proposed project or the project site. In these situations, all pertinent mitigation measures and CEQA findings from the Market and Octavia FEIR 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 $13,339); (b) the CPE certificate fee (currently $7,402); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Market and Octavia FEIR.

- **CPE + Focused Initial Study/Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the Market and Octavia FEIR, 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 certificate is prepared to address all other impacts that were encompassed by Market and Octavia FEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia FEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently $13,339); (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Market and Octavia FEIR.

- **CPE + 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 certificate is prepared to address all other impacts that were encompassed by the Market and Octavia FEIR, with all pertinent mitigation measures and CEQA findings from the Market and Octavia FEIR also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently $13,339); (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of Market and Octavia FEIR.

In order to begin formal environmental review, please submit an Environmental Evaluation Application (EEA). See page 2 of the current Fee Schedule for calculation of environmental application fees. Below is a list of topic areas that would require additional study or may necessitate the implementation of mitigation measures from the Market and Octavia FEIR based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated March 4, 2014. 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.

Results of the following studies will determine which of the three different CPE outcomes described above is necessary for completion of CEQA review.

- **Historical Resources:** The existing commercial building on the project site was constructed in 1955 and was previously evaluated in the Market and Octavia historical survey conducted by the Planning Department. Based on this survey, the site was assigned a Category “3CD” rating and was determined to not be individually eligible for national, California, or local listing. However, the project site was found to be a contributor to the potential Upper Market Street Commercial Historic District. Therefore, the project would be reviewed by the Department’s Historic Preservation staff to evaluate whether the project would have an impact on the potential historic district. To assist in analysis of the proposed project, the Department requires the preparation of a Historic Resource Evaluation (HRE), focused on evaluating impacts of the proposed project on the identified historic resource (potential Upper Market Street Commercial Historic District), to be prepared by a qualified professional who meets the Secretary of the Interior’s Professional Qualification Standards in Historic Architecture or Architectural History. The Planning 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.** The Market and Octavia FEIR anticipated that development on the project site would have the potential to disturb archeological deposits and Mitigation Measure C2 - General Soil Disturbing Activities was determined to be applicable to projects involving soil-disturbing activities beyond a depth of four feet for which no archeological assessment report has been prepared. This mitigation measure requires the preparation of either a Preliminary Archeological Review (PAR), conducted in-house by the Planning Department Archeologist, or a Preliminary Archeological Sensitivity Assessment (PASS) prepared by a Department Qualified Archeological Consultant and subject to review and approval by the Department’s Archeologist.

The PAR would: (1) determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc.; (2) determine whether or not the project site is located in an area of archeological sensitivity; and (3) determine what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to the PAR process is the availability of geotechnical or soils characterization studies prepared for the project along with the proposed foundation type and maximum depth of excavation.

---

Alternatively, preparation of a PASS requires the project sponsor to retain the services of a qualified archeological consultant from the Planning Department’s rotational Qualified Archeological Consultants List (QACL). The project sponsor must contact the Department Archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The QACL is available at:


Based on the results of either the PAR or the PASS, the Environmental Review Officer would determine if an Archeological Research Design/Treatment Plan is required to more definitively identify the potential for California Register of Historic Resources eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources.

- **Transportation Study.** Based on the information provided in the PPA submittal, the preparation of a transportation study does not appear to be warranted. However, an official determination will be made subsequent to the submittal of the EEA. The Planning Department’s Transportation planners have reviewed the proposed development plan and recommend that a warning signal be added at the garage entry to minimize pedestrian conflicts. Also, a narrative explaining the operational aspects of the future commercial loading activities associated with the proposed retail space should be provided with the EEA and should detail what measures should be established to minimize conflicts with vehicles, bicycles, and pedestrians.

- **Air Quality (AQ) Analysis.** The proposed 64 residential units and 4,700-square-foot ground floor retail space is below the Bay Area Air Quality Management District’s (BAAQMD) construction and operational screening levels for criteria air pollutants. Therefore, an analysis of the project’s criteria air pollutant emissions is not likely to be required.

  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.

  In addition to construction dust, excavation and construction activities would require the use of heavy-duty diesel equipment which emit diesel particulate matter (DPM). DPM is a designated toxic air contaminant, which may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site. Additional measures may be required to reduce DPM emissions from construction vehicles and equipment, though the project site is not within an identified Air Pollution Exposure Zone.
The proposed project includes sensitive land uses (64 residential dwelling units) that may be affected by nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. The project site is currently within an area requiring enhanced ventilation systems for sensitive receptors (Article 38 of the SF Health Code). During the environmental review process, the proposed project will be reviewed to determine whether mitigation measures in the form of either construction emissions minimization measures or other air filtration and ventilation mitigation measures will be required.

- **Greenhouse Gases.** The 2010 CEQA Air Quality Guidelines provide CEQA thresholds of significance for greenhouse gas (GHG) emissions. On August 12, 2010, the San Francisco Planning Department submitted to the BAAQMD a draft of the City and County of San Francisco’s Strategies to Address Greenhouse Gas Emissions. This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco’s Qualified Greenhouse Gas Reduction Strategy. The BAAQMD reviewed San Francisco’s GHG reduction strategy and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD’s CEQA Guidelines (2010). Therefore, projects that are consistent with San Francisco’s GHG reduction strategy would result in less-than-significant GHG emissions.

In order to facilitate a determination of compliance with San Francisco’s GHG reduction strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The project sponsor will be required to submit a completed checklist as part of the environmental review process. A copy of the checklist can be downloaded at:

http://sfmea.sfplanning.org/Table%201_Private%20Development%20projects_Revised_09042013.doc

- **Noise.** The proposed project site is located at the corner of Market/Church/14th Streets. The San Francisco General Plan Noise Background Map indicates that existing ambient noise level in this area exceeds 75 decibels Ldn. No noise mitigation measures were identified as part of the Market and Octavia FEIR, due in part to the existing Title 24 noise standards for sensitive receptors (e.g. residential land uses). The project involves the siting of new noise-sensitive uses (e.g., residential uses) and therefore requires an acoustical analysis demonstrating how the building would meet Title 24 noise insulation standards. This analysis should include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes). The analysis must be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 noise insulation standards, where applicable, can be met, and that there are no particular circumstances about the project site that warrant heightened concern about noise levels in the vicinity. All required common open space should be designed in a manner that minimizes noise annoyance for users of the open space.

---

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

• **Hazardous Materials.** Information regarding the total cubic yards (cy) of excavation that would be required for the project should be provided with the EEA. A portion of the project site is within the City’s mapped Maher Ordinance area (Article 22A of the SF Health Code). If more than 50 cy of excavation is planned, a Maher Ordinance application would be required to be submitted to the San Francisco Department of Public Health (DPH) during the environmental review process. A Phase I Environmental Site Assessment should be prepared and submitted with the environmental review application that would identify the potential for site contamination from historic uses of the site and the level of exposure risk. The Phase I will determine whether any additional analysis (e.g., a Phase II soil sampling) is necessary. Review of the Phase I and any additional studies recommended by the Phase I would require oversight from DPH, which may recommend that the project sponsor enroll in its Maher Ordinance program. Information on DPH’s Maher Ordinance application and oversight process may be found at: [http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp](http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp).

• **Geology and Soils.** A geotechnical study prepared by a qualified consultant should be submitted with the EEA. The site is in a mapped liquefaction zone. The geotechnical study should address liquefaction and other seismic and geological hazards, and should provide recommendations for addressing liquefaction and any other geotechnical concerns identified in the study. Mitigation Measure G1 - Construction Related Soils Mitigation Measure in the Market and Octavia FEIR requires that project-level temporary construction soil impacts be mitigated through implementation of erosion control best management practices (BMPs) designed to protect disturbed areas by limiting exposure of excavation areas, controlling surface runoff, and trapping sediment on-site.

• **Wind Study.** The proposed project would not involve construction of a building over 80 feet in height. Therefore, a wind study is not required to be prepared for the project. However, Mitigation Measure B2 - All New Construction in the [Market and Octavia FEIR](http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp) established the following standards for reduction of ground-level wind currents that are required to be applied to all new construction within the Project Area.

New buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed more than 10 percent of the time the comfort level of 11 mph equivalent wind speed in pedestrian areas and 7 mph equivalent wind speed in public seating areas. For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. When pre-existing ambient wind speeds exceed these comfort criteria levels, the building shall be designed to reduce the ambient wind speeds to meet these goals. An exception to this requirement may be permitted, if and to the extent that the project sponsor demonstrates that the building cannot be shaped or wind-baffling measures cannot be adopted without unduly restricting the development potential of the project site. This exception may permit

---

the building to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the project site's development potential.

Notwithstanding the above, no exception shall be allowed and no building shall be permitted that causes equivalent wind speeds to reach or exceed the wind hazard criterion level of 26 mph for a single hour of the year.

- **Shadow.** Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Department staff has prepared a preliminary shadow fan analysis to determine whether the proposed 65-foot tall building could potentially cast shadow on Recreation and Park Department public open space. Based on this, it does not appear that the project would cast shadow on any of those public open spaces (both Recreation and Park Department jurisdiction and non-Recreation and Park Department jurisdiction).

- **Tree Planting and Protection Checklist.** The project site does not contain any existing trees, however, there are existing street trees adjacent to the project site on Market Street. The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of “landmark, significant, and street trees” located on private and public property. Please submit a Tree Planting and Protection Checklist with the EEA. Any trees identified in the Tree Planting and Protection Checklist must be shown on the project site plans with size of the trunk diameter, tree height, and accurate canopy dripline.

- **Recycled Water.** Projects located in San Francisco’s designated recycled water use areas are required to install recycled water systems for irrigation, cooling, and/or toilet and urinal flushing in accordance with the Recycled (or Reclaimed) Water Use Ordinance, adopted as Article 22 of the San Francisco Public Works Code. New construction or major alterations with a total cumulative area of 40,000 square feet or more; any new, modified, or existing irrigated areas of 10,000 square feet or more; and all subdivisions are required to comply. To determine if the proposed project is in a designated recycled water use area, and for more information about the recycled water requirements, please visit sfwater.org/index.aspx?page=687.

- **Stormwater.** If the project results in a ground surface disturbance of 5,000 ft² 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.

If any of the additional analyses determine that mitigation measures not identified in the Area Plan EIR are required to address significant impacts that were not identified in the Market and Octavia Plan FEIR, the environmental document will be a Community Plan Exemption plus a Focused Initial Study/Mitigated Negative Declaration.

If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a community plan exemption with a Focused Initial Study/EIR. A Community Plan Exemption and a Community Plan Exemption plus a Focused Initial Study/Mitigated Negative Declaration can be prepared by Planning Department staff, but a Community Plan Exemption with a Focused Initial Study/EIR would need to be prepared by a consultant on the Planning Department’s environmental consultant pool: http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf

Please see “Studies for Project inside of Adopted Plan Areas - Community Plan Fees” in 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. Additionally, these approvals are subject to the Planning Department Pre-application process. All forms and applications are available from 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.

1. **Rear Yard.** Pursuant to Section 733.12 of the Code, the project requires a 25% rear yard at grade level and above located opposite and parallel to the Market Street frontage. The proposed project requires a Variance from this Section of the Code because it includes building area within the required rear yard at the property’s northwest corner.

2. **Large Lot Development.** Pursuant to Section 733.11 of the Code, Conditional Use authorization is required to develop a lot that is greater than 9,999 square-feet in area. The proposed project requires Conditional Use authorization because the subject lot is approximately 10,416 square-feet.

3. **Dwelling Unit Mix.** Pursuant to Section 207.6 of the Code, no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. The proposed project would provide 25 two-bedroom units or 39 percent of the 64 total units. Thus, Conditional Use authorization is required.
4. **Parking Access from Protected Cycling Street Frontages.** The proposed project would require a Conditional Use authorization to access off-street parking from 14th Street, which is an official City bicycle route. In NCT Districts, no curb cuts accessing off-street parking shall be created or utilized on street frontages identified along any official City bicycle routes or bicycle lanes, where an alternative frontage is available. Where an alternative frontage is not available, parking access along any official City bicycle routes may be allowed on streets not listed in subsection (2) above as an exception in the manner provided in Section 303 for NCT Districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to the safety of bicyclists to the fullest extent feasible.

5. **Dwelling Unit Exposure.** Every dwelling unit in every use district is required per Planning Code Section 140 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor. It appears that several of the dwelling units that face the exterior courtyard do not meet the exposure requirement and thus your project requires a Variance from this section of the Code.

6. **Use Size Limitation.** Pursuant to Section 733.21 of the Planning Code, the permitted gross floor area allowed for each individual nonresidential use is 2,999 square-feet within this District. Your project requires Conditional Use authorization because you have proposed a single, ground floor, commercial space that is 4,700 square-feet.

7. **Ground Floor Ceiling Height.** Pursuant to Section 145.1(c)(4)(B) of the Code, the ground floor non-residential ceiling height in the NCT District shall be no less than 14-feet at any point measured from grade. You must seek and justify a Variance from this section of the Code because a portion of the ground floor commercial space would be less than 14-feet in height.

8. **Ground Floor Commercial Uses.** On Market Street, for the entirety of the Upper Market Street NCT District, an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing façade, pursuant to section 145.4(d) of the Code. Modifications to this requirement may be granted through the Conditional Use process.

9. **A Demolition Permit Application** is required for the demolition of the single-story, commercial building on the property.

10. **A Building Permit Application** is required for the new construction of the mixed-use building on the lot.

Please note that all required hearings would be combined into one joint hearing before the Planning Commission and the Zoning Administrator.
NEIGHBORHOOD NOTIFICATION:
The project sponsor is encouraged to conduct public outreach early in the development process. Neighborhood notification per Planning Code Section 312 will be combined with the noticing process for the Conditional Use Hearing. Therefore, noticing materials for owners and occupants with 300-foot radius and occupants within 150-foot radius of the project site are required.

Pre-application meeting is also required with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at www.sfplanning.org under the “Permits & Zoning” tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the “Resource Center” tab.

PRELIMINARY PROJECT COMMENTS:
The following comments address general issues that may significantly impact the proposed project:

1. **First Source Hiring.** 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 see contact information below:

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
Direct: 415.581.2303
Fax: 415.581.2368
2. **Priority-Planning Policies.** Code Section 101.1 establishes eight priority-planning policies and requires review of conditional use, variance, and change of use applications for consistency with said policies.

3. **Standards for Bird-Safe Buildings.** The guidelines for providing bird-safe buildings identify location and feature related hazards and treatment requirements. Please refer to the published document on the Planning Department website for details and specific requirements:


4. **Height measurement.** The property is located within 65-X and 40-X height and bulk districts. Planning Code Section 102.12(d) allows the owner to choose the street or streets from which the measurement of height is to be taken where the lot has frontage on two or more streets, if the scope of the rules stated in subsections (a) – (c) are followed. It appears that the project proposes to take the height measurement at the centerline of the Market Street frontage where it would measure 65-feet in height. The additional five-foot height exception for ground floor uses, permitted by Section 263.20 of the Code, only applies to properties within 40-X or 50-X height and bulk districts. Therefore, the additional five-foot height exception can only be applied to the southern portion of the lot which is located within the 40-X height and bulk district.

5. **Open Space.** Section 135 of the Code requires 60 square-feet of private usable open space per dwelling unit or 80 square-feet of usable open space per dwelling unit or any combination thereof. The open space must also meet certain exposure requirements. It appears that the proposed rooftop open space complies with this Code requirement.

6. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space for every dwelling unit. Therefore, the project requires 64 Class 1 bicycle parking spaces.

7. **Permitted Off-Street Parking, Residential.** Sections 151 and 733.94 of the Planning Code requires no off-street parking but principally permits up to one space for every two dwellings. Conditional use authorization is required to provide up to three spaces for every four dwellings. The project includes 64 dwelling units and 13 off-street parking spaces for a ratio of less than one space for every two dwellings, which is less than what is principally permitted in the District. Consistent with the principles of the Market and Octavia Plan and the location of the project on Market Street adjacent to multiple rail lines, the Department is supportive of reducing the parking provision as much as possible, especially given the constrained geometry of the site and the need to provide active ground floor uses and stellar design on this very prominent site.

8. **Shadow.** Planning Code Section 295 requires a shadow analysis be conducted for any project greater than 40 feet in height. The preliminary analysis for the proposed project indicates that it would not cast shadow on any nearby park. Therefore, further shadow analysis is not required.
9. **Formula Retail Use.** Be advised that the establishment of a formula retail use, as defined in Section 703.3, in any Neighborhood Commercial District, as identified in Article 7, shall require conditional use authorization pursuant to the criteria of Sections 303(c) and 303(i) and be subject to the terms of Sections 703.3(g) and (i).

10. **Interim Zoning Controls.** For an 18-month period, there are interim zoning controls in the District requiring Conditional Use authorization for Limited Financial Service and Business or Professional Service uses.

11. **Streetscape Improvements.** Planning Code Section 138.1 requires streetscape and pedestrian improvements for new developments. One street tree is required for every 20 lineal feet of street frontage. This Section also requires additional streetscape and pedestrian elements in conformance with the Better Streets Plan for new construction on a lot with 250 feet or more of total lot frontage on one or more publicly-accessible rights-of-way.

12. **Market and Octavia Affordable Housing Fee.** The Market and Octavia Affordable Housing Fee applies to the Project Area. Per Section 416 of the Code, the project requires payment per net new gross square foot of residential development. The Market and Octavia Plan Area and Upper Market NCD Affordable Housing Fee shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

13. **Market and Octavia Impact Fees.** The Market and Octavia Community Improvement Impact Fees applies to the Project Area. These fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project.

The Market and Octavia Plan Area and Upper Market NCD Community Improvement Impact Fees shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

**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 Market and Octavia Community Improvements Impact Fee from the Planning Commission. This process is further explained in Section 412.3(d) of the Planning Code.
14. **Inclusionary Housing Program.** Projects proposing ten or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The Project Sponsor must submit an ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program’ to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

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:

a. direct financial construction from a public entity  
b. 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. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

15. **Recycled Water Ordinance:** For new construction of 40,000 sf or more or the addition of 10,000 sf or more of irrigated space, plumbing systems must recycled water. For more information, please contact the Department of Building Inspection.

**PRELIMINARY DESIGN COMMENTS:**

The site is located in the Upper Market/Castro District and Market Octavia Plan Area on a highly visible triangular site. The design for this development should conform to the Market and Octavia Area Plan – Fundamental Design Principles. The Planning Department will conduct its review subject to these guidelines. The Upper Market Guidelines also apply. The general neighborhood context consists of two environments: Market Street is a more civic and larger-scaled street with a wider public realm with primarily retail over residential uses while 14th Street a more neighborhood scaled street designed in a finer grain and texture of materials, entries and detailing of residential buildings. The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends reallocating the massing to maintain a consistent street wall, and create a transition to the lower scale and height along 14th Street. The Planning Department suggests the building step down to 40’ to provide a more contextually appropriate height in the more residential area, and the rear yard be relocated interior to the lot.
2. **Street Frontage.** Generally, the Planning Department finds that the ground floor level should be more in alignment with neighborhood pattern and retain more solidity punctuated with glazing rather than the proposed continuous wall of glazing. As well, the two sides should be more contextual to their respective street environments—the Market Street side can be more open, civic, and transparent while the 14th side should be more crenelated, detailed, and deeper. The Planning Department also recommends more entrances and hierarchically-pronounced canopies to demarcate their presence.

   Ground floor retail spaces in the Upper Market Plan Area are required to have a minimum 15’ ceiling height. As the site slopes, the more embedded portion of the ground floor appears lower. To counteract this sense of compression, the Planning Department recommends that the expression of the ground floor be higher on the end or that the design include a mezzanine to actually increase the height above 15’.

   Due to the scale and importance to the site, the lobby should be given more street frontage on Market Street. The Planning Department recommends swapping the locations of the bicycle parking and the lobby entry doors.

3. **Parking and Access.** The Planning Department finds the amount of parking acceptable but recommends reducing the garage opening, driveway, and curb cut to 10’ in width. This will better support the public realm on 14th Street.

4. **Architecture.** The Planning Department appreciates the clarity of the architectural idea that creates a folding plane as façade with breaks at the corners. The idea, however, presents three concerns:

   The first concern is that the corner at Market Street is the most visible and urbanistically prominent, yet the others are handled in the same way diminishing its distinctiveness. The Planning Department recommends that the other corners are made more secondary through a reduction of glazing or other differentiated architectural treatment.

   The second is that the building has a continuous design pattern that treats the two different street environments in essentially the same way. The 14th Street side is more residential and finer-grain in character and has more solidity punctuated by vertical windows. The Planning Department recommends re-evaluating how the planar idea can be adapted to this environment. One change that might support this is increasing the interior and exterior interfaces along this façade, specifically adding full balconies or Juliette balconies where the existing design already indicates their potential at the truncated bays. Another option would be to break the vertical columns of bays into groupings that are more in character and scale with the 14th Street bay pattern. Additionally, the materials might change to add seams, texture in at the scale of siding or other character or dimension to add more detail.
And finally, the Planning Department recommends that the top of the building be more articulately defined and proportioned than proposed. The building termination at the roofline in the current proposal is a very thin and unremarkable solid wall. This does not require a traditional cornice, but within the proposed architectural language, the design should provide more substantial termination distinction.

Overall, while the Planning Department appreciates the intent to create a more inventive façade, the overall appearance of the building, with the floating planes with the glass infill at the corners, gives the impression of a building that is more commercial in character in a retail/residential neighborhood that is more defined by three-dimensional solid and voids. This may help in the above three concerns.

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 December 7, 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: PPA Shadow Analysis
Flood Notification: Planning Bulletin
SFPUC Recycled Water Information Sheet

cc: Brian Spiers, Project Sponsor
    Michael Smith, Current Planning
    Heidi Kline, Environmental Planning
    Kay Cheng, Citywide Planning and Analysis
    Jonas Ionin, Planning Commission Secretary
    Jerry Robbins, MTA
    Jerry Sanguinetti, DPW
The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.
San Francisco’s
Stormwater Design Guidelines

The San Francisco Stormwater Design Guidelines (Guidelines) describe the requirements for stormwater management for development and redevelopment projects subject to the San Francisco Stormwater Management Ordinance and give project proponents the tools to achieve compliance.

THE GOAL OF THE GUIDELINES IS TO PROTECT AND ENHANCE THE FUNCTION OF THE CITY AND COUNTY OF SAN FRANCISCO’S SEWER SYSTEM AND THE QUALITY OF RECEIVING WATERS BY:

• managing stormwater runoff from development that would otherwise mobilize pollutants and degrade local water quality;
• reducing stormwater run-off rates, volume, and nonpoint source pollution whenever possible, through stormwater management controls, and ensuring that these management controls are safe and properly maintained.

DOES MY PROJECT NEED TO COMPLY?

All projects disturbing 5,000 square feet or more of the ground surface or surface over water must comply with these Guidelines if they filed for a site permit application or building permit application on or after January 12, 2010.

IN ORDER TO PROVE COMPLIANCE WITH THE GUIDELINES YOUR PROJECT MUST:

1. Determine if it is located in an area served by combined sewer or the separate sewer.
2. Meet the applicable Performance Measures (see reverse).
3. Submit a Preliminary Stormwater Control Plan (SCP) in accordance with the SCP Instructions (available on our website) to the SFPUC for review and approval prior to receiving a Site or Building Permit.
4. Submit a Final SCP to the SFPUC for review and approval to the SFPUC prior to receiving the Certificate of Final Completion.
5. Develop a maintenance plan for all proposed stormwater controls and submit it as part of the Preliminary and Final SCP.
6. Sign and record a Maintenance Agreement.

Stormwater Design Guidelines Resources

STORMWATER CONTROL PLAN APPLICATION Each project subject to the Guidelines is required to submit a Stormwater Control Plan (SCP) to the SFPUC for review and approval to ensure project compliance. The SFPUC has developed a Project Information Form, SCP Instructions and SCP Technical Report Template to assist with the development of the SCP.

BMP SIZING CALCULATORS The SFPUC has developed two Best Management Practices (BMPs) Sizing Calculators (one for combined sewer areas and one for separate sewer areas) to help project applicants estimate the appropriate size of selected BMPs to achieve the required performance standards.

MAINTENANCE AGREEMENT The Guidelines requires a maintenance agreement for all projects to ensure that treatment and control facilities continue to provide effective stormwater management. The SFPUC has developed a Maintenance Agreement Template and Recordation Instructions.

STORMWATER BMP FACT SHEETS The BMP Fact Sheets provide design guidance for several stormwater BMPs that can be used to meet the stormwater management requirements outlined in the Guidelines.

FREQUENTLY ASKED QUESTIONS The Guidelines FAQs clarify common questions regarding the Guidelines procedure, including performance measures, stormwater management control design, BMP size calculation methods, and SCPs.

To access these resources and find more information, please visit www.sfwater.org/sdg or email us at stormwaterreview@sfwater.org

October 2013
The City of San Francisco is encouraging the development of green infrastructure throughout its urban landscape via the Stormwater Design Guidelines, including green roofs, bio-retention basins and pervious pavement.

PERFORMANCE MEASURES
To comply with the Guidelines, projects must meet the applicable performance measures, depending on the type of sewer system serving the project:

**Combined Sewer Areas**
- For sites with existing imperviousness of less than or equal to 50%, stormwater runoff rate and volume shall not exceed pre-development conditions for the 1- and 2-year 24-hour design storm.
- For sites with existing imperviousness of greater than 50%, stormwater runoff rate and volume shall be decreased by 25% from the pre-development conditions for the 2-year 24-hour design storm.
- This requirement is equivalent to LEED Sustainable Sites Credit 6.1.

** Separate Sewer Areas:**
- Capture and treat the rainfall from a design storm of 0.75 inches.
- This requirement is equivalent to LEED Sustainable Sites Credit 6.2.

Integrating BMPs into San Francisco’s Urban Landscape

**Example: Former Shipyard**

1. Vegetated Roof
2. Cisterns to Harvest Rainwater for Reuse
3. Bioretention
4. Constructed Wetland
5. Urban Stormwater Plaza/Detention Pond

San Francisco Stormwater Design Guidelines
The Guidelines describe an engineering, planning, and regulatory framework for developing new infrastructure in a manner that reduces pollution in stormwater runoff as well as stormwater flow rate and volume. The Guidelines include in-depth information on design, plan approval, and ongoing maintenance requirements.

Please visit www.sfwater.org/sdg to download a copy of the Stormwater Design Guidelines.