DATE:       June 26, 2015
TO:         Riyad Ghannam
FROM:       Joshua Switzky, Planning Department
RE:         PPA Case No. 2015-004085 for 349 8th Street

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Nicholas Perry, at (415) 575-9066 or nicholas.perry@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

[Signature]
Joshua Switzky, Senior Planner
Preliminary Project Assessment

Date: June 26, 2015
Case No.: 2015-004085 PPA
Project Address: 349 8th Street
Block/Lot: 3755/054, 065, 066
Zoning: Western SoMa Mixed Use - General
         Western Soma Special Use District 55-X
Area Plan: Western SoMa
Project Sponsor: Riyad Ghannam
               415-649-6202
Staff Contact: Nicholas Perry – 415-575-9066
               nicholas.perry@sfgov.org

DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on March 30, 2015 as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

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

PROJECT DESCRIPTION:

The proposal is to construct a new five story (55-foot tall) mixed-use residential building at 349 8th Street. The 10,325 square foot development parcel extends from 8th Street to Rogers Street. The site is currently three separate parcels, used as a parking lot. The project proposal includes 38 residential units, totaling 27,421 square feet with a combination of shared and common open space. The ground floor frontage
facing 8th Street would be occupied by a 1,236 square foot commercial space and a 435 square foot residential lobby. A maximum depth of 14-16" inches are proposed to be excavated. For the residential portion of the project, 38 Class 1 bike parking spaces and two Class 2 spaces are proposed. For the retail portion of the project, one Class 1 and two Class 2 bike parking spaces are proposed. No vehicular parking or cub-cuts are proposed; existing curb-cuts on both 8th Street and Rodgers Street would be removed.

BACKGROUND:

The project site is within the Western SoMa Area Plan. On December 6, 2012, the Planning Commission certified the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report (Western SoMa PEIR) by Motion 18756. The Western SoMa Plan and its associated rezoning became effective April 27, 2013.

ENVIRONMENTAL REVIEW:

Community Plan Exemption

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 SoMa Area Plan, which was evaluated in the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Final Environmental Impact Report (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 exemption (CPE). Please note that a CPE is a type of exemption from environmental review, and cannot be modified to reflect changes to a project after approval. Proposed increases beyond the CPE project description in project size or intensity after project approval will require reconsideration of environmental impacts and issuance of a new CEQA determination.

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

1. **CPE Only.** All potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Western SoMa PEIR, and there would be no new "peculiar" significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the 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 $13,659) and (b) the CPE certificate fee (currently $7,580).

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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 $13,659) 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 $13,659); (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:


The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

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

- **Historic Architectural Resources.** The project site was surveyed as part of the South of Market Historic Resource Survey, which was adopted by the Historic Preservation Commission in February 2011. The project site was rated California Historical Resource Status Code 6Z (found ineligible for National Register, California Register or Local designation through survey evaluation). The project site was also determined not to be within a historic district.

If the proposed project were to result in construction-related vibration, the project sponsor would have to consult with the Planning Department to determine whether adjacent or nearby buildings constitute historical resources that could be adversely affected, as described in Mitigation Measure M-CP-7a, Protect Historical Resources from Adjacent Construction Activities, in the Western SoMa

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Community Plan EIR. If it is determined that the buildings studied in M-CP-7a are historic, then construction monitoring, such as that required in Mitigation Measure M-CP-7b, Construction Monitoring Program for Historical Resources, in the Western SoMa Community Plan EIR, would likely be required for the proposed project.

- **Archeological Resources.** According to the PPA application, the project would require approximately 16 feet of excavation below grade. The exact depth of excavation shall be included as part of the EEA submittal. The Planning Department staff has preliminarily 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 requires the proposed project to conduct either Preliminary Archeological Review (PAR) conducted in-house by the Planning Department archeologist or the preparation of a Preliminary Archeological Sensitivity Study (PASS) by a Department Qualified Archeological Consultant subject to the review and approval by the Department archeologist. The PASS/PAR will determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc. The PASS/PAR would also determine whether or not the project site is located in an area of archeological sensitivity and what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to this process is the availability of geotechnical or soils characterization studies prepared for the project. Based on findings within the PASS/PAR, Mitigation Measure M-CP-4b may be required. Mitigation Measure M-CP-4b outlines procedures for ensuring that appropriate actions are taken in the event that an accidental discovery of archeological resources during construction of the project.

- **Transportation Study.** Based on the information provided in the PPA submittal, the preparation of a transportation study does not appear to be warranted. The project may be required to implement Mitigation Measure M-C-TR-2 which would impose development impact fees to help offset impacts to transit. However, an official determination will be made subsequent to the submittal of the EEA. However, the project site is located on a high injury corridor as mapped by Vision Zero. Planning staff have reviewed the proposed site plans and offer the following recommendations, some of which address the safety of persons walking and cycling to and from project site and vicinity.

- **Hazardous Materials.** The project site is within close proximity to a parcel with a leaking underground storage tank. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required.

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

• The implementation of Mitigation Measure M-HZ-3: Site Assessment and Corrective Action would largely be replaced with compliance with the City’s newly-amended Maher ordinance process. However, if the potential exists for any sensitive ecological receptors\(^4\) to be exposed, unlikely given the project site, cleanup levels shall be determined according to accepted ecological risk assessment methodology of the lead agency in deference of protection of the on-site ecological receptors.

• **Air Quality Analysis.** The proposed project would involve the construction of 38 residential units, which is below the Bay Area Air Quality Management District’s (BAAQMD) construction and/or operational screening levels for criteria air pollutants. Therefore an analysis of the project’s criteria air pollutant emissions is not likely to be required.

In addition, project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

• The project site is located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to construct new sensitive land uses (i.e., 38 residential 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 Department of Public Health (DPH) prior to the issuance of any environmental determination. Please provide a copy of the initial application with the EEA.\(^5\)

• Equipment exhaust measures during construction will likely also be required. In addition, the project may be required to implement for M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards, requiring the project to undergo a project-specific construction health risk analysis. A determination as to weather a M-AQ-7 is necessary will be determined by the Environmental Case

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\(^4\) "Ecological Receptors" is defined by the Western SeMa FEIR as sensitive plant or animal species.

\(^5\) Refer to http://www.sfdph.org/dph/eh/Air/default.asp for more information.
Coordinator and detailed information related to construction equipment, phasing and duration of each phase, and the amount (in cubic yards) of excavation shall be provided as part of the EEA. If the project would generate new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors and additional measures will likely be required to reduce stationary source emissions. Based on the information in the PPA application, the proposed project likely would not require a backup diesel generator due to the proposed height, but this will be confirmed at the time of the EEA submittal.

- **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. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a GHG Analysis Compliance Checklist. The project sponsor would 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 Case Manager 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.

- **Noise.** Construction of the proposed 38-unit residential project would generate noise. While construction noise is temporary in nature and regulated by the San Francisco Noise Ordinance, the Western SoMa PEIR identified significant construction noise impacts that would result from implementation of the Community Plan and identified two mitigation measures that when implemented, would reduce these impacts to a less-than-significant level. Mitigation Measure M-NO-2a: General Construction Noise Control Measures includes best practices for construction work, such as state-of-the-art noise shielding and muffling devices and the use of electrically- or hydraulically-powered construction equipment to minimize construction noise levels. Mitigation Measure NO-2b: Noise Control Measures During Pile Driving includes a set of site-specific noise attenuation measures for construction projects involving pile driving. A final determination as to whether the project would include pile driving would be determined based on recommendations of the geotechnical report for the project.

Mitigation Measure M-NO-1b: Siting of Noise-Sensitive Uses is intended to reduce potential conflicts between existing noise-generating uses and new sensitive receptors. This measure would apply to the proposed project because the project proposes residential uses. Mitigation Measure M-NO-1b requires that a noise analysis be prepared for new development including a noise-sensitive use, prior to the first project approval action. The mitigation measure requires that such an analysis include, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site. At least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes) shall be included in the analysis. The analysis shall be prepared by person(s) qualified in acoustical analysis and/or engineering and shall demonstrate with

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6 http://sfmea.sfpplanning.org/GHG_Checklist_T2.doc and Checklist Cover Sheet: http://sfmea.sfpplanning.org/GHG_Checklist.doc
reasonable certainty that Title 24 of the California Code of Regulations standards, where applicable, can be met, and that there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.

- **Finally, Mitigation Measure NO-1d: Open Space in Noisy Environments** would apply to the proposed project as it includes noise-sensitive uses. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels. Implementation of this measure could involve, among other things: (1) site design that uses the building itself to shield on-site open space from the greatest noise sources, (2) construction of noise barriers between noise sources and open space and (3) appropriate use of both common and private open space in multi-family dwellings. Implementation would also be undertaken consistent with other principles of urban design.

- **Biological Resources.** Bird-safe lighting is recommended for the proposed project in order to minimize bird-strikes in compliance with Improvement Measure I-BI-2: Night Lighting Minimization. The proposed project would also be subject to the City’s Standards for Bird-Safe Buildings, which require the proposed building to incorporate bird-safe design features to reduce potential effects on birds.

- **Shadow Study.** The proposed project would result in construction of a building greater than 40 feet in height, which is the height at which the preparation of a preliminary shadow fan analysis is triggered by Planning Code Section 295. Planning Code Section 295 generally prohibits new structures that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission. Planning Department staff has prepared a preliminary analysis that indicates that the proposed 55-foot-high building would not have the potential to cast shadows on properties subject to Planning Code Section 295 or other public open space. Therefore, a shadow study is not required for the project.

- **Geotechnical.** The Western SoMa PEIR did not identify any significant impacts related to geology, soils, and seismicity. However, the project site is located within a seismic hazard zone for potentially liquefiable soils. Therefore, the applicant shall submit a geotechnical study that investigates the soils underlying the site and identifies any geotechnical concerns related to the proposed project’s foundation. The geotechnical study should determine whether the site is subject to liquefaction and should provide recommendations for addressing any geotechnical concerns identified in the study. The investigation of geotechnical and soil conditions and application of the San Francisco Building Code would reduce the potential for impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. The geotechnical study will also help inform the archeological resources review mentioned above. This analysis would be included within the environmental document. This geotechnical study shall be submitted with the EEA.

- **Stormwater Management.** If the project results in a ground surface disturbance of 5,000 square feet (sf) or greater, it is subject to San Francisco’s stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding San Francisco Public Utilities
Commission (SFPUC) Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems OR (b) stormwater treatment for areas in separate sewer systems. 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

• Flood Notification. The project site appears to be underlain by artificial fill. Areas located on artificial fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and backups or flooding can occur near these streets or sewers. Applicants for building permits for new construction shall be referred to the SFPUC at the beginning of the environmental review process for a review to determine whether the project would result in ground-level flooding during storms. The SFPUC will review the permit application and comment on the proposed application and the potential for flooding during wet weather. Please contact Cliff Wong at the San Francisco Public Utilities Commission at (415) 554-8339 in regards to this process.

• Recycled Water. The project is located within San Francisco’s designated recycled water use areas and is therefore 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. The proposed project would include the construction of an approximately 29,000 sf residential/commercial building and therefore would not be required to comply with this ordinance. For more information please visit sfwater.org/index.aspx?page=687.

• Required Checklist for Tree Planting and Protection. 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. Any tree identified in the Required Checklist for Tree Planting and Protection must be shown on the site plans with the size of trunk diameter, tree height, and accurate canopy drip line. Please submit a Tree Disclosure Affidavit with the EEA and ensure that trees are appropriately shown on site plans.

7 Refer to http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf
Disclosure Report for Developers of Major City Projects. The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any “major project.” A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding $1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at http://www.sfethics.org.

PLANNING DEPARTMENT APPROVALS:

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

1. **Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and greater than 25,000 gross square feet.

2. **A Building Permit Application** is required for the proposed new construction on the subject property.

Large Project Authorization 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 Inspections at 1660 Mission Street.
NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

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

Neighborhood Notification. Because the project proposes new construction, owners and occupants within 150 feet of the project site must also be notified, in accordance with Planning Code Section 312; this notification shall be conducted in conjunction with the notification under the Large Project Authorization.

Noise Regulations Relating to Residential Uses Near Places of Entertainment (POE). New residential development within 300 feet of a Place of Entertainment shall go through the Entertainment Commission outreach process (Ordinance No. 070-15). 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 application complete until the following are completed:

(A) The Entertainment Commission has provided written notification to the Planning Department either indicating that the Entertainment Commission did not wish to hold a hearing, or that it held a hearing and the Project sponsor attended the hearing and Entertainment Commission comments are provided; and

(B) A Project Sponsor with a residential project subject to the new Entertainment Commission outreach process has shown compliance with that process by including a copy of any comments and/or recommendations provided by the Entertainment Commission regarding the proposed Project as well as the date(s) when those 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://www.sfgov2.org/index.aspx?page=338 for additional information regarding the outreach process.

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.
PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may significantly impact the proposed project.

1. **Western SOMA Area Plan.** The subject property falls within the area covered by the Western SOMA Area Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The Project Sponsor is encouraged to read the full plan, which can be viewed at:

   http://www.sf-planning.org/ftp/General_Plan/Western_SoMa_Area_Plan.pdf

2. **Large Project Authorization:** Planning Code Section 329 outlines the requirements for a Large Project Authorization in Eastern Neighborhoods Mixed Use Zoning Districts. WMUG is considered to be a Eastern Neighborhoods Mixed Use Zoning District, per Planning Code Section 201. A Large Project Authorization is required of new construction of more than 25,000 gross square feet. All large projects within the WMUG Zoning District are subject to review by the Planning Commission in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines and the Planning Code.

   As determined by the Planning Commission, exceptions could be sought through the Large Project Authorization, as follows:

   - **Rear Yard.** Planning Code Section 134 outlines the rear yard requirements within the WMUG Zoning District. The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot at grade. Currently, the proposed project does not meet this requirement, since the rear yard is provided within an inner court. Therefore, the proposed project may seek a modification of this requirement under the Large Project Authorization process. However, the Department recommends revisions to the rear yard to meet the requirements of the Western SoMa Special Use District.

   To the extent possible, the project should be designed to minimize deviations from Planning Code requirements.

3. **Western SoMa Special Use District.** Planning Code Section 823 outlines additional requirements, which are applicable to properties located within the Western SoMa Special Use District. As related to the proposed project, proposed rear yards must be provided at grade, and roof decks may not qualify as open space. Please review these requirements, and ensure compliance with this section of the Planning Code.

4. **Open Space – Residential.** Section 135 requires 80 square feet of open space (private or common) for each dwelling unit. Additionally, any such open spaces must meet the dimensional requirements of Subsections (f) and (g). The required area for 38 residential units is 3,040 square feet. The project as
proposed meets this requirement providing greater than 3,040 square feet of open space in the courtyards, balconies and sky bridge, which is not considered a roof deck based on this plan.

5. **Open Space – Non-Residential.** Section 135.3 requires this project to provide one square foot of open space for every 250 square feet of retail (and similar) uses. The proposal includes 1,236 square feet of commercial space. Therefore, between 5 square feet of open space would be required. Alternatively, per Section 426, an in-lieu fee (currently $92.23 per square foot) may be paid instead of providing the open space on site.

6. **Permitted Obstructions:** Planning Code Section 136 and 136.1 outlines the requirements for permitted obstructions over streets, setbacks, rear yards, useable open space and awnings over the street. Currently, the project proposes bay windows, open balconies and awnings. These elements must meet the dimensional requirements specified in Planning Code Section 136 and 136.1. Please be sure to provide additional information, including all dimensions, to determine whether these elements meet the requirements of the Planning Code. If these elements do not meet the dimensional requirements of the Planning Code, a modification may be sought under the Large Project Authorization process. However, the Department recommends revisions to these features, and generally does not recommend deviation from the Planning Code requirements for permitted obstructions.

7. **San Francisco Green Landscaping Ordinance.** The proposed project is subject to the San Francisco Green Landscaping Ordinance, which is described in Planning Code Section 138.1. This Planning Code section outlines a provision for adding new street trees as associated with new construction. A 24-inch box size street tree would be required for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Based on the street frontage, it appears that three street trees would be required along 8th Street and three street trees would be required along Rodgers Street. Existing trees, if they were present on the project site, would apply towards the street tree requirement.

Currently, the project provides three street trees along 8th and three street trees along Rodgers Street which is in compliance with this Section. Also, please check with the Department of Public Works and obtain an “Interdepartmental Referral for Feasibility of Tree Planting or Removal.”

8. **Standards for Bird Safety.** Adopted on July 14, 2011, the Standards for Bird Safe Buildings, Section 139, specify requirements for a bird safe building. Please review the standards and indicate the method of glazing treatment where applicable.

9. **Street Frontage.** Planning Code Section 145.1 outlines requirements for street frontages to ensure that they are pedestrian-oriented, fine-grained, and are appropriate and compatible with the buildings in WMUG District. Currently the proposed project appears to meet most of these requirements. Please ensure that the ground floor street frontage meets all of these requirements as related to use, height, transparency, fenestration, gates, railings and grillwork.
10. **Shadow**: Planning Code Section 147 states that a shadow analysis is required for any project over 50 feet in height in the Eastern Neighborhoods Plan Area. Similarly, 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 will not cast shadows on any nearby public parks.

11. **Bicycle Parking**: Planning Code Section 155.2 outlines requirements for Class 1 and Class 2 bicycle parking spaces for residential developments. The proposed project is required to provide one Class 1 bicycle parking space for every dwelling unit and one Class 2 bicycle parking space for every twenty dwelling units. Therefore, the proposed project is required to provide a total of 38 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces for the dwelling units. For the proposed ground floor retail use, a minimum of two Class 2 bicycle parking spaces are required.

The proposal outlined on the Zoning page of the PPA application (Sheet 5) indicates that 38 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces are proposed for the residential uses, and one Class 1 bicycle parking space and two Class 2 bicycle parking spaces are proposed for the retail use. However, the plan drawings do not reflect these numbers, and only show 38 Class 1 bicycle parking spaces and two Class 2 bicycle parking. In total, four Class 2 bicycle parking spaces are required. Please resolve this discrepancy. Refer to Zoning Administrator Bulletin No. 9 for guidance on bicycle parking design and layout:


12. **Dwelling Unit Mix**: Planning Code Section 207.6 outlines the requirements for minimum dwelling unit mix for new residential properties within the WMUG Zoning District. The project must provide either: no less than 40 percent of the total number of proposed dwelling units as at least two bedroom units; or no less than 30 percent of the total number of proposed dwelling units as at least three bedroom units. Currently, the project appears to meet this requirement, since it provides fourteen two-bedroom and one three-bedroom dwelling units, which is 40 percent of the total number of proposed dwelling units.

13. **Height and Height Exemptions**: The project is located in a 55-X Height District. The development as proposed appears to meet that height limit. However, pursuant to Planning Code Section 260 certain building features are allowed above the height limit. Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows are limited to the top 10 feet of such features where the height limit is 65 feet or less. However, elevator penthouses shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. These features are further limited to a total horizontal area of 20% or less. The elevations are unclear if all features meet this requirement. Please review this section and limit all features except the elevator penthouse to 10 feet.

The “skylights” labeled on the plans are part of the bay window structures that do not qualify for the height exemption. This is clearly shown in the cross section where the additional height of the structure is above the height limit.
14. **Narrow Street Height Provisions**: For projects within the WMUG Zoning District along a Narrow Street (a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width), Planning Code Section 261.1 specifies that all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street. No part or feature of a building may penetrate the required setback plane. Rodgers Street measures approximately 35-ft wide, and would be considered a "narrow street." Currently, the project appears to meet this requirement.

15. **Transit Impact Development Fee**. Pursuant to Planning Code Section 411 et seq., the Transit Impact Development Fee (TIDF) will apply to this project for the new non-residential square footage.

16. **Affordable Housing Requirements**. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more dwelling units. Please provide information, including the Department’s *Inclusionary Housing Program: Affidavit for Compliance*, about how the project will meet the requirements of this program. 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.

Based upon the submitted information it is unclear which program the project sponsor will elect to address this requirement. Please clarify how the proposed project would meet this requirement and submit “Inclusionary Affordable Housing Program: Affidavit of Compliance,” which may be downloaded from the Planning Department’s website under “Permits & Zoning” “Permit Forms.”

17. **Eastern Neighborhoods Impact Fees**. Planning Code Section 423 outlines the requirements for development impact fees for projects located within the Eastern Neighborhoods Area Plan. The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. The proposed project is subject to Tier 2 EN Impact Fees. The proposed project includes new construction of residential units. Please refer to the Citywide Development Fee Register for information on the most current fees. This register may be accessed on the Department of Building Inspection (DBI) website at:

These fee amounts are subject to annual review by the City Controller, and may be subject to change. Payment of these impact fees must be received prior to the issuance of the first site permit by DBI of the first site or building permit for a development project. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

18. First Source Hiring: Projects involving the new construction of 10 dwelling units or more than 25,000 square feet of residential development are subject to the First Source Hiring Program.

Please contact the First Source Hiring Program Manager with the San Francisco Human Services Agency’s Workforce Development Division and submit the First Source Hiring Program Form, which is available on the Planning Department’s website under “Permits & Zoning” “Permit Forms.” This form should be submitted to the Planning Department upon submittal of the first planning entitlement.

19. Flood Notification. The project site is in a block that has the potential to flood during storms. The SFPUC will review the permit application to comment on the proposed application and the potential for flooding during wet weather. Applicants for building permits for either new construction, change of use or change of occupancy, or for major alterations or enlargements shall contact the SFPUC at the beginning of the process to determine whether the project would result in ground-level flooding during storms. Requirements may include provision of measures to ensure positive sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. The side sewer connection permits for such projects need to be reviewed and approved by the SFPUC at the beginning of the review process for all permit applications submitted to the Planning Department, DBI, or the Successor Agency to the San Francisco Redevelopment Agency. For information required for the review of projects in flood-prone areas, the permit applicant shall refer to Bulletin No. 4: http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf. (See Environmental Section)

20. 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 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. 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. (See Environmental Section)
21. **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. (See Environmental Section)

22. **Hazardous Materials.** The proposed project may be subject to Article 22A of the Health Code, also known as the Maher Ordinance. Please review the Environmental section of this document for further information. (See Environmental Section)

23. Interdepartmental Project Review. This review is required for all proposed new construction in seismic hazard zones, in which the subject property is located.

**PRELIMINARY DESIGN COMMENTS:**

The project is located the Western SoMa Special Use District. The area is mixed in use, but is primarily two to four stories in height and industrial in character. Nearby buildings are predominantly masonry with punched openings. The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Open Space and Massing.** The Planning Department supports the project as shown except as specified in the below paragraph.

2. **Street Frontage.** The ground floor residences at Rogers street have the opportunity and the obligation to contribute to the positive activation of the street. To that end, the Planning Department recommends the residential units be brought closer to the street edge with individual raised and setback entries that are directly accessible from Rogers, per the Ground Floor Residential Design Guidelines. The space provided by the “outer court” should be combined with the inner court to help define a mid-block open space pattern. If an exception from the ground floor guidelines is sought and justified, the common open space at Rogers Street should either be open to the public or highly transparent.

   The Planning Department encourages the ground floor to be transparent and activated however the storefront should be designed as compatible with the existing pattern of storefronts: it should neither be all transparent, nor all in the same plane. Provide recesses for entries.

3. **Architecture.** The Planning Department recommends modifying the bay dimensions to be code complying and a thicker architectural element between the ground floor glazing and the mezzanine/clerestory light to better align with the neighboring context and add a human comfort and scale defining feature. The Planning Department encourages greater solidity and masonry in
character and in particular the vertical edges of the 8th Street façade. Create a more intentionally defined roof line.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Large Project Authorization Application, or Building Permit Application, as listed above, must be submitted no later than **December 28, 2016**. 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: Places of Entertainment Map

cc: Rodgers Street, LLC, Property Owner  
Kimberly Durandet, Current Planning  
Laura Lynch, Environmental Planning  
Maia Small, Design Review  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA  
Jerry Sanguinetti, Public Works  
Pauline Perkins, SFPUC  
June Weintraub and Jonathan Piakis, DPH  
Planning Department Webmaster (webmaster.planning@sfgov.org)
Places of Entertainment within 300 feet of 349 8th Street

Legend

- Place of Entertainment
- Area Within 300ft of a Place of Entertainment
- CityLots

The City and County of San Francisco (City) does not guarantee the accuracy or completeness of any information on this map. This map is for information purposes only and including but not limited to: zoning regulations, boundaries, addresses, lot size, property lines and area. The City makes no warranty or representation with respect to these matters, and this map is not intended for use as a legal document.

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