DATE: August 22, 2016
TO: Lawrence Badiner, Badiner Urban Planning Inc.
FROM: Joshua Switzky, Planning Department
RE: PPA Case No. 2015-015138PPA for 625 Mariposa Street

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, John M. Francis, at (415) 575-9147 or john.francis@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

Joshua Switzky, Senior Planner
Preliminary Project Assessment

Date: August 22, 2016
Case No.: 2015-015138PPA
Project Address: 625 Mariposa Street
Block/Lot: 3996/013
Zoning: UMU (Urban Mixed Use)
58-X Height and Bulk District
Area Plan: Eastern Neighborhoods Area (Central Waterfront)
Project Sponsor: Lawrence Badiner
(415) 865-9985
Staff Contact: John M. Francis – (415) 575-9147
john.francis@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 May 23, 2016 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 site is located on a parcel bounded by Mariposa Street, Tennessee Street, 18th Street, and Minnesota Street in San Francisco’s Central Waterfront neighborhood. The site currently contains a one-story 7,500 square foot auto body shop, constructed in 1978. The project proposes to demolish the existing PDR use and construct a five-story, mixed-use building with 35 residential units and 3,500 square feet of retail on the ground floor. The project would include 15 parking spaces in stackers located on the ground floor.
The project would include 530 cubic yards of soil excavation and up to 8 feet of soil excavation for the foundation and stacker parking.

BACKGROUND:

The project site is within the Eastern Neighborhoods Area Plans. The Eastern Neighborhoods Area Plans cover the Central Waterfront (location of project site), East South of Market (SoMa), Showplace Square/Potrero Hill, and Mission neighborhoods. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Programmatic Final Environmental Impact Report (Eastern Neighborhoods PEIR) by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.1,2 The Eastern Neighborhoods Area Plans and its associated rezoning became effective December 19, 2008.

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 Eastern Neighborhoods Area Plan, which was evaluated in the Eastern Neighborhoods 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 Eastern Neighborhoods 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 Eastern Neighborhoods PEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees are: (a) the CPE determination fee (currently $14,017) and (b) the CPE certificate fee (currently $7,779).

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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 *Eastern Neighborhoods 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 *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently $14,017) 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 *Eastern Neighborhoods PEIR*, with all pertinent mitigation measures and CEQA findings from the *Eastern Neighborhoods PEIR* also applied to the proposed project. With this outcome, the applicable fees are: (a) the CPE determination fee (currently $14,017); (b) the standard environmental evaluation fee (which is based on construction value); and (c) one-half of the standard EIR fee (which is also based on construction value). An EIR must be prepared by an environmental consultant from the Planning Department’s environmental consultant pool (http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

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.3

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

1. **Historic Resources.** The project site contains a building considered to be a potential historic resource (constructed 45 or more years ago); therefore, the proposed project is subject to review by the Department’s Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department’s Historic Resource Consultant Pool. Please contact Tina

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Tam, Senior Preservation Planner, via email (tina.tam@sfgov.org) for a list of three consultants from which to choose. Please contact the HRE scoping team at HRE@sfgov.org to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed the EEA Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.

2. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a class of resource established under the California Environmental Quality Act (CEQA) in 2015. TCRs are defined as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe, that is either included on or eligible for inclusion in the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines is a TCR. Planning Department staff will review the proposed project to determine if it may cause an adverse effect to a TCR; this will occur in tandem with preliminary archeological review. No additional information is needed from the project sponsor at this time. Consultation with California Native American tribes regarding TCRs may be required at the request of the tribes. If staff determines that the proposed project may have a potential significant adverse impact on a TCR, mitigation measures will be identified and required. Mitigation measures may include avoidance, protection, or preservation of the TCR and development of interpretation and public education and artistic programs.

3. **Archeological Resources.** The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the Eastern Neighborhoods PEIR. Therefore, the proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of project mitigation measures (such as archeological testing, monitoring, or accidental discovery), or other appropriate measures.

4. **Transportation.** Based on the PPA submittal, a transportation impact study is not anticipated; an official determination will be made subsequent to submittal of the EEA. Planning staff have
reviewed the proposed site plans and offer the following recommendations: coordinate construction phasing with the proposed project located at 603 Tennessee Street across from the project site.

5. **Noise.** *Eastern Neighborhoods PEIR Noise Mitigation Measure F-1: Construction Noise* addresses requirements related to the use of pile-driving. The project sponsor has indicated that the project may involve pile driving. Therefore, *Noise Mitigation Measure F-1* would apply to the proposed project. This mitigation measure prohibits the use of impact pile drivers wherever feasible and requires that contractors use pile driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

*Eastern Neighborhoods PEIR Noise Mitigation Measure F-2: Construction Noise* requires that the project sponsor develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant when the environmental review of a development project determines that construction noise controls are necessary due to the nature of planned construction practices and sensitivity of proximate uses. This mitigation measure requires that a plan for such measures be submitted to DBI prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.

6. **Air Quality** The project size is below the construction and operational criteria air pollutant screening size for a mid-rise residential building. However, detailed information related to cubic yards of excavation must be provided as part of the EEA.

In addition, project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the proposed project will be required to adhere to the dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6. The proposed project is also required to prepare a Construction Dust Control Plan for review and approval by the San Francisco Department of Public Health (DPH).

The project site is also located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. The project proposes to construct a new sensitive land use (i.e., residential), which is subject to enhanced ventilation measures pursuant to Health Code Article 38. The project sponsor will be required to submit an Article 38 application to DPH prior to the issuance of any environmental determination. Please provide a copy of the Article 38 application with the EEA.\(^4\) In addition, equipment exhaust measures during construction, such as those listed in Mitigation Measure M-AQ-2, Air Quality for Sensitive Land Uses will likely be required.

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\(^4\) Refer to [http://www.sfdph.org/dph/eh/Air/default.asp](http://www.sfdph.org/dph/eh/Air/default.asp) for more information.
If the project would generate new sources of toxic air contaminants including, but not limited to diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Given the proposed project’s height of 58 feet, the proposed project would not likely require a backup diesel generator. Please provide detailed information related to any proposed stationary sources with the EEA.

7. **Greenhouse Gases.** The *City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco’s Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco’s Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco’s Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco’s Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

8. **Shadow.** Planning Code Section 295 restricts new shadowing on public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height. Planning Code Section 147 requires that new buildings in Eastern Neighborhoods Mixed Use Districts that exceed 50 feet be shaped to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project could cast shadows on Mariposa Park, which is an existing city-owned public open space, not under the jurisdiction of the Recreation and Park Department. The project sponsor is therefore required to hire a qualified consultant to prepare a detailed shadow study. The consultant must submit a Shadow Study Application, which can be found on the Planning Department’s website (http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539). A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

9. **Geology.** The project sponsor should prepare a geotechnical study to identify the primary geotechnical concerns associated with the proposed project and the site. A geotechnical study prepared by a qualified consultant should be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that

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you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site’s subsurface geological conditions.

10. **Hazardous Materials.** The proposed project is located on the Maher map and may contain hazardous materials. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: [http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp](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](http://www.sfdph.org/dph/EH/Fees.asp#haz). Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

*Eastern Neighborhoods EIR Hazardous Materials Mitigation Measure L-1: Hazardous Building Materials* would be applicable to the proposed project. The mitigation measure requires that the project sponsor ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, and any fluorescent light tubes containing mercury be removed and properly disposed of in accordance with applicable federal, state, and local laws. In addition, any other hazardous materials identified, either before or during work, must be abated according to applicable federal, state, and local laws.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, because of its age (constructed prior to 1978), lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

11. **Stormwater.** If the project would result in a ground surface disturbance of 5,000 sf or greater, it would be 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, and 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. Applicants may contact stormwaterreview@sfwater.org for assistance.

12. **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 (LPA)** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 25,000 gross square feet in the Eastern Neighborhoods Mixed Use Districts. Under the LPA, the project would require exceptions from certain Planning Code requirements, including: rear yard, dwelling unit exposure, and street frontage. The Department recommends that the project be redesigned to minimize the exceptions from the Planning Code.

2. A **Building Permit Application** is required for the demolition of the existing building on the subject property.
3. A Building Permit Application is required for the proposed new construction on the subject property.

All applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged, and in some cases required, to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

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.

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.

Neighborhood Notification (312). In all UMU and Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of use shall be subject to the provisions of Subject 312. Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a written notice, to be posted on the site, describing the proposed project and to be sent to the notification group. The notification area shall be all properties within 150 feet of the subject lot in the same Assessor’s Block and on the block face across from the subject lot.

PRELIMINARY PROJECT COMMENTS:

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

1. Central Waterfront Area Plan. The subject property falls within the area covered by the Central Waterfront Area Plan (“Area Plan”) in the General Plan. As proposed, the project is generally consistent with the overarching objectives of the Plan, though the project and design comments below discuss any items where more information is needed to assess conformity with either specific policies or Code standards or where the project requires minor modification to achieve consistency. The project sponsor is encouraged to read the full plan, which can be viewed at http://sf-planning.org/sites/default/files/FileCenter/Documents/2015-Central_Waterfront_Area_Plan_DEC_08_FINAL_ADOPTED.pdf.
• **Land Use Mix.** The Area Plan encourages the preservation of Production, Distribution, and Repair (PDR) uses in the plan area. As currently proposed, the project would replace the existing PDR use on the site with a smaller amount of retail. The project sponsor is encouraged to explore flexible ground floor design approaches that would provide the opportunity for PDR uses to occupy the ground floor of the building, including, but not limited to, generous floor to ceiling heights (17’ or higher). Please refer to the specific requirements related to active street frontages in mixed use districts discussed in bullet #8 below.

2. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 4:1 for properties within the UMU Zoning District and a 58-X Height and Bulk District. The project site measures 7,515 square feet; thus, resulting in a maximum allowable floor area of 30,060 square feet for non-residential uses. The Project would construct approximately 3,492 square feet of retail sales and service use, and would comply with Planning Code Section 124.

3. **Rear Yard.** Per Planning Code Sections 134 and 843.04, the project is required to provide a rear yard of at least 25 percent of the lot depth, extending the full width of the lot at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. Because this project is located on a corner site, one of the street frontages (Mariposa Street or Tennessee Street) must be designated as the front of the property, and the rear yard would then be provided based on that determination. The Planning Department holds the discretion to determine where the rear yard is located, for the purposes of calculating the requirement.

Currently, the project does not provide a code-complying rear yard, since the proposed terrace on the second floor does not extend the width of the lot. Therefore, the project requires an exception from the rear yard requirements under a Large Project Authorization. If the project chooses to seek an exception for rear yard, please ensure that the project provides code-complying open space equivalent to and/or exceeding the amount of open space that would have been provided via a code-complying rear yard.

4. **Open Space – Residential.** Planning Code Sections 135 and 843.11 outline the requirements for usable open space per residential unit. In the UMU Zoning District, at least 80 square feet of usable open space is required per dwelling unit, or 54 square feet of usable open space is required per dwelling unit, if publicly accessible. For the proposed 31 dwelling units, the project is required to provide 2,480 square feet of usable open space.

Currently, the project provides open space through a series of private balconies, a second floor terrace and a roof deck. The project appears to meet the open space requirement through the common roof deck, which measures 2,864 square feet.

5. **Open Space – Non-Residential.** Planning Code Section 135.3 requires the project to provide one foot of open space for every 250 square feet of retail (and similar) uses. The proposal includes 3,492 square feet of retail sales and service space; therefore, 14 square feet of open space would be required for the retail use. Please demonstrate where this usable open space is being provided on site.
Alternatively, per Planning Code Section 426, the project may pay an in-lieu fee for required usable open space not provided.

To assist in the review of this proposal, please identify the amount of non-residential open space and the overall dimensions for all open space elements on the project in your formal submittal. Please demonstrate compliance with the additional standards for both private and common usable open space.

6. **Bird Safety.** Planning Code Section 139 includes feature-related standards for Bird-Safe buildings. Depending on the proposed glazing in the formal submittal, the project may be required to implement Bird-Safe measures into the façade glazing. Further information is available on the Department’s website at:


   As proposed, the project is incorporating significant glazing via balconies, roof handrails and roof penthouses. The formal plan submittal will need to include details and specifications to demonstrate that the project complies with the requirements of the Planning Code.

7. **Dwelling Unit Exposure.** Planning Code Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard is not code-complying and does not provide a large enough courtyard to meet the exposure requirement for those units that only have windows fronting the rear yard area. Therefore, the proposed project requires a revision to meet the minimum exposure requirement, or you may request and justify an exception from the dwelling unit exposure requirements through the Large Project Authorization process. The Department generally encourages projects to minimize the number of units needing an exposure exception.

8. **Street Frontages in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

   The project meets the ground floor ceiling height requirements with a proposed ground floor ceiling height of 18-to-19-feet. However, the project does not meet the active use requirements, since bicycle parking is not considered an active use and is currently located within the first 25-feet from the street frontage. Therefore, the proposed project may request and justify an exception from the street frontage-active use requirements through the Large Project Authorization process. The Department
generally encourages revisions to minimize the number of exceptions sought, and to provide code-
complying street frontages. As noted in bullet #1 of this section above, the project sponsor is
couraged to design the building’s ground floor space to allow for land use flexibility, including the
option of retaining PDR uses on the site.

9. **Shadow Analysis.** A preliminary shadow study, at 75 feet to include the elevator and stair penthouse
heights, was conducted by Staff in conjunction with this PPA Application, and it indicated that the
project will not cast a shadow on any park or open space protected under Planning Code Section 295.
However, Planning Code Section 147 also requires that new buildings and additions to existing
buildings in the Eastern Neighborhoods Mixed Use Districts that exceed 50 feet shall be shaped to
reduce substantial shadow impacts on public plazas and other publicly accessible spaces *other than
those protected under Section 295*. The aforementioned shadow study indicates the project may cast new
shadow on Mariposa Park, which is an existing city-owned public open space not under the
jurisdiction of the Recreation and Park Department (i.e. not protected under Section 295). Therefore,
pursuant to Section 147, a detailed shadow analysis would need to be prepared to determine if the
project would create new shadow that results in an adverse impact to Mariposa Park.

If this detailed shadow analysis finds that the project would cast shadow on Mariposa Park, the
Project Sponsor should explore sculpting portions of the project to avoid casting new shadows on the
open space. Furthermore, for CEQA purposes, the analysis also determines whether a project has the
potential to cast shadows on other parks and other spaces. The project sponsor is therefore required
to hire a qualified consultant to prepare a detailed shadow study. The consultant must submit a
Shadow Study Application, which can be found on the Planning Department’s website
required. The consultant must also prepare a proposed scope of work for review and approval by
Environmental Planning staff prior to preparing the analysis.

13. **Transportation Demand Management Program.** On April 28, 2016, the Planning Commission
adopted a resolution to initiate Planning Code amendments that would require development projects
to comply with a proposed Travel Demand Management (TDM) Program. The intent of the proposed
TDM Program is to reduce vehicle miles traveled (VMT) and to make it easier for people to get
around by sustainable travel modes such as transit, walking, and biking.

Under the proposed TDM Program, land uses are grouped into four categories, A through D. For
each land use category that is subject to the TDM Program, the City would set a target based on the
number of accessory vehicle parking spaces that the project intends to provide for that land use
category. To meet each target, the project sponsor must select TDM measures—each worth a specified
number of points—from a menu of options. In general, if a project sponsor proposes more parking,
the target for that land use category—and thus, the number of TDM measures that the sponsor must
implement to meet it—would increase. Some of the TDM measures included in the menu are already
required by the Planning Code. Points earned from implementing these measures would be applied
towards achieving a project’s target(s). Project sponsors would be required to implement and
maintain TDM measures for the life of the project.
The proposed project includes 35 dwelling units and 3,500 square feet of retail use. Based on the proposed 15 parking spaces associated with the residential use, the project would be required to meet or exceed a target of 13 points for land use category C.

The Planning Code would currently require the project, as described in the PPA, to provide the following TDM measures:

- Bicycle Parking (Planning Code Section 155.2; TDM Menu ACTIVE-2 – option a)
- Parking unbundling (Planning Code Section 167; TDM Menu PKG-1)

The project may be required to select and incorporate additional TDM measures to meet the target listed above. A full list of the TDM measures included in the menu of options is available on this [link](http://sf-planning.org/shift-encourage-sustainable-travel). When an environmental planner is assigned, he or she will provide additional guidance regarding the proposed TDM Program and next steps.

The proposed project also includes 3,500 square feet of non-residential uses, which would not be subject to the TDM Program, as currently proposed.

10. **Off-Street Parking and Curb Cuts.** Planning Code Sections 151.1 and 843.10 do not require any off-street parking within the UMU Zoning District. Off-street parking is principally permitted up to 0.75 parking spaces for each dwelling unit.

As proposed, the 15 off-street parking spaces with car stackers comply with Planning Code Section 151.1. However, upon submittal, please provide a full site plan that indicates the location and dimension of curb cuts. This will assist the Department in further assessing the impacts on pedestrians, bicyclists, and overall site design.

11. **Bicycle Parking**

*Residential:* Planning Code Sections 155.2 and 843.07 outline the bicycle parking requirements for Class I and II bicycle parking spaces for dwelling units. For dwelling units, one Class I space for every dwelling unit and two Class II spaces are required for every 20 dwelling units are required. Currently, the proposed project meets the bicycle parking requirement with 31 Class I bicycle parking spaces and 2 Class II bicycle parking spaces.

*Retail Sales and Services:* Planning Code Sections 155.2 and 843.07 outline the bicycle parking requirements for Class I and II bicycle parking spaces for retail sales and services. For retail sales and services, one Class I for every 7,500 square feet of occupied floor area and one Class II space for every 2,500 square feet of occupied floor area, with a minimum of two spaces, are required. For a proposed retail space of 3,492 square feet, one Class I bicycle parking space is required and two Class II bicycle parking spaces are required. As proposed, no bicycle parking spaces are designated for the retail unit. Please demonstrate compliance with this requirement. If Class II bicycle racks are proposed in the public right of way along either Mariposa or Tennessee Street, please demonstrate preliminary
approval from the San Francisco Municipal Transportation Authority to ensure their guidelines and standards are met.

12. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units. The Project is providing off-street parking that is accessory to the dwelling units. Please demonstrate compliance and indicate that these spaces will be unbundled and sold and/or leased separately from the dwelling units.

13. **Dwelling Unit Mix.** Planning Code Sections 207.6 and 843.25 outline requirements for minimum dwelling unit mixes for new residential units in the Eastern Neighborhoods Mixed Use Districts. In an UMU Zoning District, no less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or, no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Currently, the project proposes seven studios, 12 one-bedroom units, and 12 two-bedroom units. To meet the dwelling unit mix requirement, the project is required to provide at least 13 two-bedroom units. Please revise the project to meet the dwelling unit mix requirements.

14. **Height.** Planning Code Section 260 specifies how building height is measured and allows the project sponsor to choose the street frontage for height measurement (§260(a)(1)(D)). Please clarify on the formal submittal which street frontage is being used, best displayed in the longitudinal section. Ensure the longitudinal section extends to the street curb. Further, per Planning Code Section 260, elevator, stair, and mechanical penthouses up to a certain height are exempted from the height limits established by the Planning Code. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less. However, for elevator penthouses, the exemption 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. As proposed, the stair and elevator lobby (roof lobby) is not code-complying because elevator penthouse is limited to the footprint of the elevator shaft and should not exceed 20 percent of the horizontal area of the roof. Further, the project is within a 58-X Height & Bulk District. Please revise the project to ensure that the elevator and stair penthouse meet the requirements of the Planning Code.

15. **Large Project Authorization: Additional Design Standards for LPAs within the Central Waterfront Area Plan.** Per the Board of Supervisors File No. 151281, the Planning Commission must consider additional design standards for projects in the Central Waterfront Area Plans receiving a Large Project Authorization. Approvals for a Large Project Authorization under Planning Code 329 in the Central Waterfront Area Plan must conform to the existing provisions of the Planning Code and must also demonstrate the following:

   (1) An awareness of urban patterns, and harmonizes visual and physical relationships between existing buildings, streets, open spaces, natural features, and view corridors;

   (2) An awareness of neighborhood scale and materials, and renders building facades with texture, detail, and depth; and
(3) A modulation of buildings vertically and horizontally, with rooftops and facades designed to be seen from multiple vantage points.

Please demonstrate compliance with the Interim Controls regarding Additional Design Standards for LPAs within the Central Waterfront Area Plan. You may submit this additional material with the Large Project Authorization Application.

16. **Inclusionary Affordable Housing.** Inclusionary Affordable Housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ to the Planning Department identifying the method of compliance, on-site, off-site, or affordable housing fee. The following Inclusionary Affordable Housing requirements are those in effect at the time as of issuance of this letter. In the event that the requirements change, the Project Sponsor shall comply with requirements in place at the time of the issuance of first construction document. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units, unless a Costa Hawkins exception agreement is secured by the project sponsor. Affordable units designated as on-site units shall be affordable units for the life of the project. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application has not been submitted; therefore, pursuant to Planning Code Sections 415 through 415.9 as well as 419, the Inclusionary Affordable Housing Program requirement for a Tier A project within the UMU Zoning District is 33% affordable housing fee, 25% on-site, or 33% off-site. As proposed, the project would have a minimum requirement of eight units if provided on-site, and ten units if provided off-site.

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.

17. **Street Trees.** The Department of Public works requires the planting of Street Trees pursuant to Article 16, Section 805(a) and (d) and 806 (d). Generally, one street tree for every 20 feet of frontage for new construction will be required. You may contact Carla Short at the Department of Public Works for additional information (carla.short@sfdpw.org). Additional information on this requirement may be obtained from the Department of Public Works’ website.
18. **Green Benefits District.** The project site is within a Green Benefits District. A Green Benefit District is like a homeowner’s association, but on a neighborhood scale. Each Green Benefit District provides additional maintenance and capital improvements to parks, sidewalks, and open spaces within a designated neighborhood, supplementing the City’s existing level of baseline services. The services, improvements, and administration of Green Benefit Districts are funded by a local property assessment and governed by a nonprofit association that advocates on behalf of the neighborhood. Additional information on this requirement may be obtained from the Department of Public Works’ website ([http://www.sfpublicworks.org/get_involved/green-benefit-districts](http://www.sfpublicworks.org/get_involved/green-benefit-districts)) and/or by contacting Jonathan Goldberg at the Department of Public Works ([jonathan.goldberg@sfdpw.org](mailto:jonathan.goldberg@sfdpw.org)).

19. **First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct ten or more units or more than 25,000 gross square feet. For more information, please contact:

   Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
415 Van Ness Avenue, San Francisco, CA 94102  
(415) 581-2303

20. **Stormwater.** If the project results in a ground surface disturbance of 5,000 sf 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. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to [http://sfwater.org/sdg](http://sfwater.org/sdg). Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

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](http://sfwater.org/index.aspx?page=687).

22. **Non-Potable Water Reuse.** Beginning November 1, 2015, all new buildings of 250,000 square feet or more of gross floor area, located within the boundaries of San Francisco’s designated recycled water use areas, must 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](http://sfwater.org/index.aspx?page=687).
use area, must install non-potable water reuse systems to treat and reuse available alternate water sources for toilet and urinal flushing and irrigation. This requirement expands to the entire city the following year, on November 1, 2016. Your project will need approvals from the San Francisco Public Utilities Commission and permits from both the Department of Public Health and DBI to verify compliance with the requirements and local health and safety codes. To view more information about the requirements, please visit http://www.sfwater.org/np. Project teams may contact nonpotable@sfwater.org for assistance.

23. **Anti-Discriminatory Housing:** Pursuant to Administrative Code Section 1.61, all permit applications for residential or mixed-use projects of ten dwelling units or more that the Planning Department or Planning Commission processes must complete and submit an Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application.

24. **Impact Fees.** This project will be subject to various impact fees. Please refer to the Planning Director’s Bulletin No. 1 for an overview of Development Impact Fees, and to the Department of Building Inspection’s Development Impact Fee webpage for more information about current rates.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

- a. Transportation Sustainability Fee (411A)
- b. Residential Child Care Impact Fee (414A)
- c. Affordable Housing Fee (415)
- d. UMU Affordable Housing Fee (419)
- e. Eastern Neighborhoods Impact Fee (423)
- f. Eastern Neighborhoods Impact Fee: Replacement or Change of Use (423.3)
- g. Non Residential Open Space In-Lieu Fee (426)

**PRELIMINARY DESIGN COMMENTS:**

The following comments address preliminary design issues that may substantially affect the proposed project:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends that the rear yard comply with the intent of the Code with a rear yard that is 25% of the lot area. The rear yard should be located on the same level as first level of residential uses.

   Ground floor residential units need to conform to the Draft Ground Floor Residential Design Guidelines, with individual entries that are set back and raised a minimum of three feet above grade. As currently designed, the ground floor residential units do not conform to the guidelines. Please refer to the guidelines here:
Although certain roof structures and appurtenances may be allowed by Code, they should be generally minimized. The design of architectural roof features should be located or minimized to reduce the creation of shadows on adjacent public space and adjacent private open space, and to reduce the appearance of an additional floor. As currently designed, this appears to be inconsistent with typical approvals.

The Planning Department encourages ground floor residential use on Tennessee and a small commercial at the corner of Mariposa. Commercial frontages should also include a high degree of transparency along with human-scaled features.

2. Parking and Circulation. Due to proximity to Third Street Muni, the Planning Department recommends minimizing the quantity of parking to that which is principally permitted.

Bike storage is not considered an active use, therefore the Planning Department recommends finding an internal location for the bike room that is convenient to the entrance lobby to provide more street frontage for active uses. The size of the bike room seems too small to accommodate 36 bicycles.

3. Architecture. If ground floor residential units are proposed, the Planning Department recommends increasing the transparency along the ground floor and reducing the solidity.

At this point the architecture is assumed to be preliminary and Planning Staff will provide further detailed design review on the subsequent submission with information about materials and systems. The Planning Department encourages use of high quality, compatible materials.

As noted in the Preliminary Project Comments section under bullet #15 above, per the Board of Supervisors File No. 151281, the Planning Commission must consider additional design standards for projects in the Central Waterfront Area Plans receiving a Large Project Authorization. Approvals for a Large Project Authorization under Planning Code 329 in the Central Waterfront Area Plan must conform to the existing provisions of the Planning Code and must also demonstrate the following:

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Please demonstrate compliance with the Interim Controls regarding Additional Design Standards for LPAs within the Central Waterfront Area Plan. You may submit this additional material with the Large Project Authorization Application.
Preliminary Project Assessment

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of 18 months. An Environmental Evaluation Application, Large Project Authorization, or Building Permit Application, as listed above, must be submitted no later than February 22, 2018. 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: Neighborhood Group Mailing List
Preliminary Shadow Fan Analysis

cc: Esmeralda Jardines, Current Planning
Lana Russell-Hurd, Environmental Planning
John M. Francis, Citywide Planning and Analysis
David Winslow, 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 (planning.webmaster@sfgov.org)
Title: 625 Mariposa Street
Comments: Shadow Fan taken at 69' inclusive of the stair, elevator and roof terrace heights.
Printed: 15 June, 2016

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