DATE: February 23, 2016  
TO: Michael Stanton, Stanton Architecture  
FROM: Joy Navarrete, Planning Department  
RE: PPA Case No. 2015-015553PPA for 439 Washington Street

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Julie Moore, at (415) 575-8733 or Julie.Moore@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

Joy Navarrete, Senior Planner
Preliminary Project Assessment

Date: February 23, 2016
Case No.: 2015-01553PPA
Project Address: 439 Washington Street
Block/Lot: 0206/013
Zoning: C-3-O Downtown-Office
Area Plan: Downtown Plan
Project Sponsor: Michael Stanton, Stanton Architecture
415-865-9600
Staff Contact: Julie Moore – 415-575-8733
Julie.Moore@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 November 23, 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 demolish a two-story, 9,500-square-foot (sf) building and to construct a 22-story, 101,000-sf hotel. The existing building on the 4,704-sf lot was constructed in 1907 and consists of 2,500 sf of retail use and 7,000 sf of office space. The proposed hotel would be 200-feet-tall and contain approximately 189 guest rooms with approximately 4,500 sf of ground level retail.
The proposed project would excavate to a depth of about 14 feet for a basement that would contain a fitness center and building support facilities. On the ground floor, the hotel lobby and entrance would be located on the Washington Street side of the building with an open mezzanine above; a restaurant/bar would be located at the building rear with additional seating on the mezzanine level and an entrance on Merchant Street. Levels 2-20 would typically have 10 guest rooms, or 9 rooms on floors with handicap accessibility. Level 21 would be set back and smaller, and include 6 guest rooms. The roof would contain a water heater room, generator room elevator overhead, and equipment wells above the stairway shafts. The proposed project would not include any vehicle parking, but would include a bicycle storage area in the basement for approximately ____ bicycles.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an Environmental Evaluation Application (EEA) for the full scope of the project. 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 calculation of environmental application fees.¹

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.

If the additional analysis outlined below indicates that the project would not have a significant effect on the environment, the project could be eligible for a Class 32 infill development categorical exemption under CEQA Guidelines Section 15332. If a Class 32 exemption is appropriate, Environmental Planning staff will prepare a certificate of exemption.

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

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

Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.

2. **Archeological Resources.** 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 one of the Planning Department’s three standard archeological mitigation measures (archeological testing, monitoring, or accidental discovery), or other appropriate measures.

3. **Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a class of resource established under 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.

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. In order to facilitate that determination, Planning staff request the following information:

- Project information regarding passenger loading times and approximate number of passenger loading trips, location of passenger loading and any on-street loading zones;
- Description of proposed curb cuts, if any; and
- Review adequacy of proposed bicycle parking area.
5. **Noise.** Based on the Environmental Planning Noise Levels ArcMap, the project site is located along a segment of Washington Street with noise levels above 60 dBA Ldn (a day-night averaged sound level). Therefore, an acoustical analysis is required for the proposed new noise-sensitive hotel development. The acoustical analysis must demonstrate with reasonable certainty that the California Noise Insulation Standards in Title 24 of the California Code of Regulations can be met. Should such concerns be present, the 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, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

Construction noise would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during the construction, measures to reduce construction noise may be required as part of the proposed project. The EEA application should indicate whether pile driving or other particularly noisy construction methods are required.

6. **Air Quality.** The proposed project, with 189 hotel rooms, is below the Bay Area Air Quality Management District’s (BAAQMD) construction screening levels for criteria air pollutants. However, please provide detailed information related to construction equipment, phasing and duration of each phase, and volume of excavation as part of the EEA.

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

The project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on modeling of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. Given that the project site is not within an Air Pollutant Exposure Zone, no additional measures or analysis related to local health risks are anticipated. However, if the project would include new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Given the project’s height of 200 feet, the proposed project will likely require a backup diesel generator and additional measures. 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 may be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco’s Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

8. **Wind.** The proposed project would involve construction of a building over 80 feet in height. The project will therefore require a consultant-prepared wind analysis, which may include wind tunnel analysis if needed. The consultant will be required to prepare a proposed scope of work for review and approval by the Environmental Planning coordinator prior to proceeding with the analysis.

As discussed below under “Preliminary Project Comments,” the project site is in the C-3 zoning district, and is subject to Planning Code limits on ground-level wind speeds. A wind tunnel analysis may be required in order to determine project compliance with these Planning Code provisions. Additionally, ground-level wind speeds will be assessed as part of the project’s environmental review. The project will therefore require a consultant-prepared wind analysis. The consultant will be required to prepare a proposed scope of work for review and approval by the assigned Current Planning and Environmental Planning staff prior to proceeding with the analysis.

9. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height. A preliminary shadow fan analysis prepared by Planning Department staff indicates that the proposed project could cast shadows on Maritime Plaza, Embarcadero Center Plazas, Sydney G. Walton Square, Transamerica Redwood Park, and Sue Bierman Park. The project sponsor is therefore required to hire a qualified consultant to prepare a detailed shadow study. The consultant must submit a Shadow Study Application, which can be found on the Planning Department’s website (http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539). A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.

10. **Geology.** The project site is located within a Seismic Hazard Zone (Liquefaction Hazard Zone likely underlain by artificial fill). Any new construction on the site is therefore subject to a mandatory Interdepartmental Project Review. A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should address whether the site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist

---


Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site’s subsurface geological conditions.

11. **Hazardous Materials.** The proposed project would excavate within an area of potential site contamination based on proximity to known leaking underground fuel tank sites. 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.

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.

12. **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 such trees must be shown on the site plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit the Tree Planting and Protection Checklist with the EEA and ensure that trees are appropriately shown on site plans. Also see the comments below under “Street Trees."

13. **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. A **Conditional Use Permit** is required for the construction of a hotel in the C-3 zoning district (Planning Code Section 303(g)).

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.

Conditional Use 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](http://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](http://www.sfplanning.org) under the “Permits & Zoning” tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://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.

PRELIMINARY PROJECT COMMENTS:

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

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

2. **Floor Area Ratio (FAR).** Planning Code Sections 123, 124, and 202 establish the FAR limits for development lots located within the C-3-O District. The base FAR limit in the C-3-O District is 9:1. With Transferable Development Rights (TDR), the gross floor area of a structure on a lot in the C-3-O District may be increased to a ratio up to 18 to 1. Per the plans submitted with the PPA, the maximum allowable FAR (with TDR applied) appears to have been exceeded. With 101,000 SF of proposed Uses on a 4,704 SF lot, the FAR calculates to 21.5:1. Plans submitted to the Department on January 14, 2016 (Sheet A0005, “FAR”) denote a gross floor area of 89,412 SF of Uses (Hotel and Retail); the FAR would then calculate to 19:1, which still exceeds the maximum allowable FAR by Code.

3. **Setbacks and Streetwall Articulation (C-3 District).** Planning Code Section 132.1 requires setbacks of the upper parts of a building abutting a public sidewalk in any C-3 District. In order to provide light and air between structures, all structures in the S Bulk Districts shall be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley. The setback shall be a minimum of 15 horizontal feet measured from the interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing to the widths as the building increases in height. As Washington Street is approximately 72’ wide, the base is therefore 90’. Beginning at 90’, a 15’ setback on all sides of the building (both those fronting Washington Street and Merchant Street) as well as the interior property line windows. Per 132.1(d)(2), exceptions to these requirements may be allowed in accordance with the provisions of Code Section 309.

4. **Privately-Owned Public Open Space (POPOS) Requirement.** Planning Code Section 138 requires new construction projects located within C-3 Districts provide open space in the amount and in accordance with the standards set forth in Section 138. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this Section shall be made in accordance with the provisions of Section 309. The ratio of square feet of open space to GFA with open space requirements for development lots located within the C-3-O District is 1:50. With 101,000 GFA, the minimum amount of open space required is 2,020 SF.
The open space required by Section 138 may be on the same site as the building for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space must be located entirely within the C-3 District. Open space is within 900 feet of the building within the meaning of Section 138 if any portion of the building is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a first certificate of occupancy, as defined in Code Section 401, of the building whose open space requirement is being met off-site.

5. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1(c)(1) requires one street tree for every 20 feet of street frontage for new construction. With approximately 94 feet of street frontage (approximately 47 feet of frontage along Washington Street and 47 feet along Merchant Street), 5 street trees would be required (4.7 rounds up to 5). Code Section 138.1(d)(1) requires that in any C-3 District, sidewalk paving as set forth in the Downtown Streetscape Plan shall be installed by the applicant.

6. **Standards for Bird-Safe Buildings.** Planning Code Section 139 requires new building construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be “bird hazards.” The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Given that the property is not located within 300’ of a possible urban bird refuge, feature-related standards would apply to the project. For more information please consult Code Section 139 (‘Standards for Bird-Safe Buildings’), and refer to the following document for: [http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf](http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf).

7. **Screening of Rooftop Features in C Districts.** Planning Code Section 141 states that rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building.

8. **Street Frontages in Commercial Districts.** Planning Code Section 145.1 outlines requirements for development lots to promote street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in Commercial Districts. The following controls apply to the proposed project:

   - **Active Use.** Active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.
   
   - **Ground Floor Ceiling Height.** Ground floor non-residential uses in all C-3 shall have a minimum floor-to-floor height of 14 feet, as measured from grade.
o **Street-Facing Ground Level Spaces.** The floors of street-facing interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Street-facing ground-level spaces housing non-residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.

o **Transparency and Fenestration.** Frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

9. **Reduction of Shadows.** Planning Code Section 147 states that new buildings in C-3, where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: The amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this Section with respect to C-3 Districts shall be made in accordance with the provisions of Section 309 of this Code.

A preliminary shadow study was conducted by Staff in conjunction with this PPA Application, and it indicated that the project will cast a shadow on a park or open space protected under Planning Code Section 295. Department staff has prepared a shadow fan that indicates the project may cast new shadow on the following Recreation and Park Department (RPD) properties: Sue Bierman Park, and Maritime Plaza, as well as the following private Open Spaces: Embarcadero Center Plazas; Sidney Walton Park; and Transamerica Redwood Park. Therefore, 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 the aforementioned properties, pursuant to Section 147. If this detailed shadow analysis finds that the project would cast shadow on the aforementioned properties, the sponsor should explore sculpting of portions of the project to avoid casting new shadows on the open space.

10. **Wind.** Pursuant to Planning Code Section 148, the proposed project is subject to the following wind regulations: ground-level wind speeds shall not exceed the seating comfort criterion of 7 mph for more than 10 percent of the time year-round, shall not exceed the pedestrian comfort criterion of 11 mph for 10 percent of the time year-round, and shall not reach or exceed the wind hazard criterion of 26 mph for a single hour of the year. The Planning Commission may grant exceptions from the comfort criteria, but no exceptions from the wind hazard criterion may be granted. In order to demonstrate project compliance with the provisions of Section 148, a wind tunnel test is required. Please retain a consultant who is familiar with San Francisco’s methodology to conduct the wind tunnel test. The consultant will be required to prepare a proposed scope of work for review and approval by the assigned Environmental Planning and Current Planning staff prior to proceeding with the wind tunnel test. Please see the topic of wind under the Environmental Review section of this PPA letter for additional information.
An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

11. **Bicycle Parking.** Planning Code Section 155.5 requires the proposed project to provide Class I and Class II bicycle parking spaces in the following amounts:

   - **Retail Use:** One (1) Class I space (1:7,500 SF); Two (2) Class II spaces (a minimum of 2, then 1:2,500 SF).
   - **Hotel Use:** Six (6) Class 1 space (1:30 hotel rooms); Six (6) or more Class II spaces, depending on the amount of ancillary hotel use (a minimum of 2, 1:30 rooms + 2 for every 5,000k of ancillary hotel use).

12. **Diaper Changing Stations.** Planning Code Section 168 requires that every Public-Serving Establishment with a Use size greater than 5,000 SF to provide and maintain Baby Diaper-Changing Accommodations.

13. **Hotel Use.** Planning Code Section 303(g) states that with respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to other criteria listed in Section 303, the following:

   - (1) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;
   - (2) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;
   - (3) The market demand for a hotel or motel of the type proposed; and
   - (4) In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved.

14. **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 must 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](http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf).

15. **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 for assistance.

16. **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).

17. **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 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](http://www.sfwater.org/np). Project teams may contact nonpotable@sfwater.org for assistance.

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

- Transportation Sustainability Fee (TSF) (formally Transit Impact Development Fee (TIDF)) (Planning Code Section 411A)
- Jobs-Housing Linkage (Planning Code Section 413)
- Child-Care (Planning Code Section 414)
- Public Art (Planning Code Section 429)

**PRELIMINARY DESIGN COMMENTS:**

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

The project site is located in a transitional zone between Downtown and the Jackson Square historic district. The project site contains a structure considered to be a potential historic resource; therefore, the proposed project is subject to further design review by the Department’s Historic Preservation staff. Please refer to the Environmental Planning Review – Historic Resources section of the Preliminary Project Assessment for further instruction. In addition, the proposed project would cast shadows on several nearby parks.

Regardless of the determination of the Historic Resource Evaluation, the age, character, and context of the existing 2-story brick building, warrant careful consideration of its retention and adaptive re-use.

1. **Site Design, Open Space and Massing.** Because 1) the building exceeds its basic allowable F.A.R., 2) setbacks for tower separation above 90’ height would apply, and 3) significant shadows would be cast on public parks by the proposed 200’ tower, and 4) the project site is located in a transitional zone between Downtown and the Jackson Square historic district, the Planning Department recommends that the building height might be more appropriate at 90’ to 100’. The Planning Department recommends establishing a base, lower and upper tower tapered toward the top per Planning Code bulk controls and Downtown Plan objectives and policies. Determination of the prevailing street wall height and a setback at the established street wall height may also be required. Additionally, wind may also likely inform the siting and massing of the building.
2. Streetscape and Pedestrian Improvements. The project will be required to provide publicly accessible privately owned open space (POPOS). The Planning Department prefers this be provided at grade, and recommends investigating means to POPOS requirements that may include an atrium pass-through from Washington to Merchant, a forecourt, and street improvements.

3. Architecture. The Planning Department recommends a greater effort to sculpt the building to make it appear slender and provide an interesting tower top, per the Downtown Plan. (Policies 13.2 and 13.3) the Planning Department requests the use of high-quality materials and the inclusion of significant depth in the fenestration in street-facing facades. Policy 15.1 requires new facades relate harmoniously to nearby façade patterns. Please refer to the Downtown Plan for other goals and objectives that might relate to the development of the design (http://www.sf-planning.org/ftp/general_plan/downtown.htm).

As the project is diagrammatic, the Planning Department has little comment on the architecture at this time but recommends that the project express significant façade depth, provide high-quality materials compatible with the context and meet the architectural detailing and character of the neighborhood.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of 18 months. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application) as listed above, must be submitted no later than August 23, 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: Preliminary Shadow Fan Analysis

cc: Peninsular Realty LLC., Property Owner
    Michael Stanton, Stanton Architecture
    Nicholas Foster, Current Planning
    Julie Moore, Environmental Planning
    Kimia Haddadan, Citywide Planning and Analysis
    Maia Small, Design Review
    Jonas Ionin, Planning Commission Secretary
    Charles Rivasplata, SFMTA
    Jerry Sanguinetti, Public Works
    Pauline Perkins, SFPUC
    Planning Department Webmaster (planning.webmaster@sfgov.org)
The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.