



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: January 14, 2015
TO: Gaye Quinn, Westlake Kirkham Heights, LLC
FROM: Ms. Joy Navarrete, Planning Department
RE: PPA Case No. 2014.1584U for 1530 – 1585 Fifth Avenue

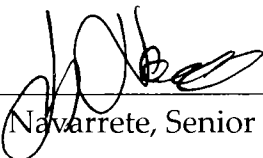
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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Rachel A. Schuett, at (415) 575-9030 or rachel.schuett@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Ms. Joy Navarrete, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: January 14, 2014
Case No.: **2014.1584U**
Project Address: 1530 – 1585 Fifth Avenue
Block/Lot: 2636/001
Zoning: RM-2
40-X
Area Plan: N/A
Project Sponsor: Gaye Quinn, Westlake Kirkham Heights, LLC
(650) 353.5627
Staff Contact: Rachel A. Schuett – (415) 575.9030
rachel.schuett@sfgov.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The proposed project would include demolition of the existing 70,120 square feet of residential development, comprised of 86 units within 11 two- to four-story buildings, and construction of six new three- to eight-story buildings for a total of up to 460 residential units. The proposal also includes up to 230 parking spaces located in several subterranean parking garages, reconfiguration of the Fifth Avenue right-of-way, the creation of common and private open spaces, and improvements to pedestrian connectivity and Americans with Disabilities Act (ADA) accessibility across the site.

ENVIRONMENTAL REVIEW:

The project initially requires the following environmental review. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted:

- *Archeological Resources.* The proposed project is anticipated to involve 30 to 35,000 cubic yards of excavation; therefore, archeological review would be required. The proposed project would require a Preliminary Archeological Review (PAR) which would be conducted in-house by Planning Department archeologist. During the PAR it will be determined what type of soils disturbance/modification will result from the project, such as, excavation, installation of foundations, soils improvement, site remediation, etc. Any available geotechnical/soils or phase II hazardous materials report prepared for the project site will be reviewed at this time. Secondly, it will be determined if the project site is in an area that is archeologically sensitive. The results of this review is usually in the form of a memorandum to the Environmental Planner assigned to the project. When it is found that the project has the potential to affect an archeological resource, the PAR memorandum will identify appropriate additional actions to be taken including the appropriate archeological measure and/or if additional archeological studies will be required as part of the environmental evaluation.
- *Geotechnical Study.* Based on the City's GIS-based map the majority of the project site contains slopes of greater than 20 percent and is located in a landslide hazard area. As proposed, the proposed project is anticipated to involve 30 to 35,000 cubic yards of excavation. As such, the project sponsor would be required to prepare a geotechnical investigation report to identify the primary geotechnical concerns associated with the proposed project and the project site; including the hazards associated with the areas of greater than 20 percent slope and landslide areas, and recommend hazards minimization measures including, but not limited to, soil preparation and foundation design. This report will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions. The geotechnical report should be prepared by a qualified consultant and submitted with the EE Application.
- *Transportation Study.* Based on a preliminary review of the PPA submittal, the Planning Department's transportation impact analysis guidelines, the project would potentially add more than 500 PM peak hour person trips and thus would require additional transportation analysis. The transportation report would need to be prepared by a qualified consultants working at the direction of the Planning Department staff. The Planning Department's list of approved transportation consultants is available at http://www.sf-planning.org/ftp/files/MEA/Transportation_consultant_pool.pdf.

Please see "Transportation Impact Analysis Guidelines for Environmental Review" on the Planning Department's website and "Miscellaneous Fees" in the Planning Department's current *Fee Schedule for Applications*. As noted on the *Fee Schedule*, there is a separate fee to SFMTA for review of the transportation report.

In order to comply with Planning Code Section 155.2, the proposed project is required to provide Class 1 and Class 2 bicycle parking spaces. A detailed view of all bicycle parking layout is required.

Pursuant to Section 152 of the Planning Code, residential uses that are over 100,001 square-feet are required to provide off-street freight loading spaces. See table in Section 152 of the Planning Code. Please demonstrate on the project plans how the proposed project will meet these requirements.

As with all land use development projects in San Francisco, the Planning Department is in support of all features of a project that work to support and encourage trips made by sustainable modes such as transit, bicycle and pedestrian trips. For example, the project sponsor is encouraged to consider offering secure bicycle parking facilities for residents and guests outside of the residential units and/or ensuring that there is a clear and convenient ingress/egress between the public right-of-way and the individual residential units for residents and guests and their bicycles.

Also, to further discourage peak period vehicle trips and encourage greater use of sustainable transportation modes the Department encourages the applicant to consider the following not exceeding the minimum amount of off-street parking required under Section 151 of the Planning Code and electing to provide up to five additional car-share parking spaces (beyond the three car share spaces required pursuant to Planning Code Section 166.

- *Hazardous Materials.* The project site is not located within or adjacent to an area subject to Article 22A of the Health Code, also known as the Maher Ordinance, nor is it located in an area that was historically industrial. Therefore, it is not likely that known soils and/or groundwater contamination are associated with the site. However, due to the extensive amount of grading and excavation work associated with the proposed project, a Phase I study should be submitted to the Planning Department as part of the EEA.
- *Air Quality (AQ) Analysis.* As proposed, the project includes up to 460 residential units, of which 374 would be new. The size of the proposed project is below the Bay Area Air Quality Management District's (BAAQMD) operational screening levels for criteria air pollutants. Therefore, an analysis of the project's operational criteria air pollutant emissions is not likely to be required. However, the project exceeds the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants,¹ therefore an analysis of the project's criteria air pollutant emissions is likely to be required. Detailed information related to construction equipment, phasing and duration of each phase, and cubic yards of excavation shall be provided as part of the EEA.

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the since the project site is greater than ½ acre in area, the proposed project would be required to prepare a Construction Dust Control Plan for review and approval by

¹ BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

the San Francisco Department of Public Health (DPH) and comply with applicable dust control requirements outlined in the ordinance.

In addition, the project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code, Article 38. 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 an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. Given the project site is not within an Air Pollutant Exposure Zone, no measures or additional 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. Detailed information related to any proposed stationary sources shall be provided with the EEA.

- *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.² 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.
- *Noise.* 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. Detailed information related to construction equipment, phasing, and duration of each phase may be required as part of environmental evaluation to assess construction noise levels and methods to reduce such noise, as feasible.

Based on the City's GIS-based traffic noise model map, the project site is not located in an area with noise levels above 70 dBA L_{dn} (a day-night averaged sound level). Therefore, a detailed noise analysis is not likely to be required.

- *Shadow Analysis.* The proposed project would not result in the construction of buildings greater than 40 feet in height. Therefore, no shadow analysis would be required.
- *Wind Study.* The proposed project would not involve the construction of a building over 80 feet in height. Therefore, no wind study would be required.

² Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

- *Historic Resources.* The project site contains one or more structures considered to be a potential historic resource (building constructed 45 or more years ago); therefore, the proposed alteration or demolition 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 email HRE@sfgov.org to scope the content of the HRE report. In general, the HRE should include a Part I (Significance Evaluation). A Part II (Project Evaluation) may be requested at the discretion of the Department. The historic resource consultant may submit the draft HRE report for review to the Environmental Planning Division after the project sponsor has filed the EE Application and updated it as necessary to reflect feedback received in the PPA letter.

- *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 a *Tree Planting and Protection Checklist* with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
- *Notification of a Project Receiving Environmental Review.* Notice is 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. Please be prepared to provide mailing addresses on a CD upon request following submittal of the Environmental Evaluation Application.

Please note that this project is not likely to qualify for a Categorical Exemption under CEQA. Additional analysis will determine if an Initial Study is required. If so, the Initial Study will help determine that either (1) the project is issued a Negative Declaration stating that the project would not have a significant effect on the environment, or (2) an Environmental Impact Report (EIR) is required to determine the project's significance on the environment.

Environmental Evaluation 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.

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 separate **Demolition Permit Application** is required for the demolition of each existing building on the subject property.
2. A separate **Building Permit Application** is required for each proposed new building on the subject property.
3. **Planned Unit Development.** Development of lots that have an area of not less than ½ acre qualify for authorization as a Planned Unit Development pursuant to Section 304 of the Planning Code. The subject property measures 276,697 square feet which greatly exceeds the minimum amount of area needed for these purposes. The objective of the planned unit development process is to allow well-reasoned modifications to certain Code provisions for sites of considerable size that are developed as integrated units and designed to produce a desirable development which will benefit the occupants, the neighborhood and the City as a whole. Therefore, if the project requires any modifications to Code provisions described below, it can be done so through the Planned Unit Development process where possible.
 - a. **Rear Yard.** Pursuant to Section 134 of the Planning Code, the minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated at grade level and at each succeeding level or story of the building. The location of the forward edge of the required rear yard line shall be expressed parallel to the rear property line. This rear yard requirement can be reduced based upon the average depth of the adjacent buildings' qualifying rear walls. Development is permitted below grade within the required rear yard but not within the rear 15 feet of lot depth. As proposed, the project requires an exception from this section of the Planning Code but you can seek an exception from this requirement through the Planned Unit Development process.
 - b. **Front Setback.** Pursuant to Section 132 of the Planning Code, a minimum front setback area shall apply to every building within this district. The amount of setback required shall be based upon the average setback of the two adjacent buildings. It does not appear that all of the buildings proposed for the property are in compliance with this requirement. You can seek an exception from this requirement through the Planned Unit Development process.
 - c. **Dwelling Unit Density.** The maximum permitted dwelling unit density ratio is one dwelling unit for each 600 square feet of lot area. Thus, the subject property's maximum permitted dwelling unit density is 461 dwellings. The maximum permitted dwelling unit density with authorization as a Planned Unit Development is 690 dwellings.
 - d. **Open Space.** Section 135 of the Planning Code requires 80 square-feet of private usable open space per dwelling unit or 106.4 square-feet of common usable open space per dwelling unit

or any combination thereof. Your project proposes 461 dwellings which would require 36,880 square-feet of private usable open space or 49,050 square-feet of common usable open space or any combination thereof. In addition to the area requirements, usable open space must be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which do not exceed a 5% slope.

Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet. Usable open space must also meet exposure requirements. To meet the exposure requirement, usable open space must either face a street, or be within a rear yard, or face or be within some other space which at the level of the private usable meets the minimum dimension and area requirements for common usable open. Open space located within a courtyard may be credited if is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

There are two types of usable open space that are being provided in your project. There is the programmed usable open space that is internal to the site and the forested open space located at the eastern edge of the site adjacent to the Mount Sutro Open Space Reserve. The forested open would appear to have more than a 5% slope in which case it could not be credited as usable open space pursuant to the Planning Code. However, you can seek an exception from this requirement through the Planned Unit Development process to have the area credited as usable open space.

- e. **Dwelling Unit Exposure.** Section 140 of the Planning Code 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, which faces directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. Courtyards must be at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor. It is unclear from your plans whether the proposed dwellings comply with this requirement since floor plans were not provided. You can seek an exception from this requirement through the Planned Unit Development process.
- f. **San Francisco Green Landscaping Ordinance.** The proposed project is subject to the San Francisco Green Landscaping Ordinance, which is described in Planning Code Section 138.1.

Planning Code Section 138.1 requires one street tree for every 20 feet of frontage for new construction, with an additional tree required for every remaining 10 feet of street frontage.

Please note that the trees must be a 24-inch box size and meet the following additional requirements: (1) have a minimum 2 inch caliper, measured at breast height; (2) branch a minimum of 80 inches above sidewalk grade; (3) be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches; (4) include street tree basins edged with decorative treatment, such as pavers or cobbles; (5) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

- g. **Tree Planting and Protection.** Completion of a tree planting and protection checklist is required. No permit will be approved by the Planning Department before satisfying all applicable tree-related requirements. Before any application is made to the Planning Department, you may choose to go directly to the Department of Public Works (DPW) to determine whether or not the required trees mentioned above can feasibly be planted. In order to do this, you should bring to DPW: (1) a completed Tree Planting and Protection Checklist [this need NOT be signed by Planning Department staff]; (2) project plans [11"x17" is acceptable]; and (3) a DPW tree planting application. Submittals can be made to DPW's offices at 1155 Market Street or electronically at www.sfdpw.org -> "Services A-Z" -> "Trees". After DPW does their analysis and fieldwork, DPW will provide you with a signed referral form with their determination which should then be provided to the Planning Department. Prior to permit approval, you will need to obtain a street tree removal permit from the Bureau of Urban Forestry for the removal of any street tree.
4. **Development Agreement.** In order to achieve some of the proposals in the project, including the replacement of rent-controlled units, a Development Agreement between the City and the project sponsor will likely be necessary. Other components that might benefit from being spelled out in a development agreement include the vacation/dedication of public streets, public open space, and other public amenities. Development Agreements require approval by both the Planning Commission and Board of Supervisors and will involve the input and coordination from a variety of city agencies.
5. **General Plan Referrals.** General Plan Referrals will be required for a Development Agreement. Subsequent General Plan Referrals will also be required for any right-of-way dedication, vacation, official curb line change and other land-use actions requiring legislation, on an ongoing basis as the project is built out. The Development Agreement will need to include a set of master findings that demonstrate how the overall development is in general conformity with the General Plan and Planning Code Section 101.1. In general, subsequent General Plan Referral applications can rely on these "master" general plan findings to the extent feasible. General Plan Referrals are usually applied through the Agency seeking the legislation on the project's behalf.

For a copy of a General Plan Referral application, go to:

<http://www.sfplanning.org/Modules/ShowDocument.aspx?documentid=8409>

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

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Neighborhood notification pursuant to Planning Code Section 312 will be combined with the noticing process for the Planned Unit Development Hearing. Therefore, noticing materials for owners and occupants with 300-foot radius and occupants within 150-foot radius of the project site are required.

1. **Pre-Application Meeting.** The project is subject to 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 Meeting 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.
2. **Neighborhood Notification.** The project proposes new construction; therefore, owners and occupants within 150 feet of the site must also be notified in accordance with Planning Code Section 311.
3. **Notification of Project Receiving Environmental Review.** Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site at the initiation of the Community Plan Exemption process. The environmental planner assigned will request these mailing labels after assignment. Other notices may be required depending on the level of environmental review necessary.

PRELIMINARY PROJECT COMMENTS:

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

1. **Housing.** This is a key development site for the Western side of San Francisco and an ideal site for new housing. The site offers excellent open space access and robust transit connections. The provision of 460 new housing units, including retaining 86 rent controlled units on site and devoting 12% of new units to households with incomes less than 55% of Adjusted County Median Incomes, is in keeping with numerous objectives and policies within the Housing Element of the San Francisco General Plan.

The applicant is encouraged to refer to the Housing Element for more information on these policies:

http://www.sf-planning.org/ftp/General_Plan/I1_Housing.html

2. **City Form and Pattern.** Due to the size and unique location of the proposed project, it has great potential to shape the city's urban form. The Urban Design Element of the San Francisco General Plan establishes a variety of objectives and policies that are relevant to this proposal. Overall, the project appears to be in keeping with the spirit of the Urban Design Element. A few noteworthy objectives and policies are highlighted in the Preliminary Design Comments section of this letter. The applicant is encouraged to review the proposal for consistency with the entire Urban Design Element, available at: http://www.sf-planning.org/ftp/general_plan/I5_Urban_Design.htm
3. **Public Access.** It's currently undetermined which rights of way will be public versus privately owned and managed. Regardless of the final decisions on ownership, public access through the site and to the adjacent Mt. Sutro Open Space Reserve should be welcoming to the public and clearly marked.
4. **Green Connections.** The San Francisco Green Connections project aims to increase access to parks, open spaces, and the waterfront by envisioning a network of 'green connectors' – city streets that will be upgraded incrementally to make it safer and more pleasant to travel to parks by walking, biking, and other forms of active transportation. Kirkham Street is part of the Green Connections network (Listed as Route 5: Ocean Beach to the Mount Sutro Open Space).

The proposed project is located at the eastern terminus of Route 5 and serves as a potential gateway to the Mount Sutro Open Space Reserve. The applicant is highly encouraged to further develop potential trail connections to Mount Sutro, especially the proposed connection at the terminus of Kirkham Avenue. At the terminus of Kirkham Avenue, signage, landscaping, and other design features should be incorporated to communicate to the public Kirkham's status as a Green Connections route. Please refer to the Green Connections website for further information:

<http://greenconnections.sfplanning.org/>

1. **Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls. An application is enclosed.
2. **First Source Hiring.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which

results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please see contact information below:

Ken Nim, Workforce Compliance Officer
CityBuild, Office of Economic and Workforce Development
City and County of San Francisco
50 Van Ness, San Francisco, CA 94102
Direct: 415.581.2303
Fax: 415.581.2368

3. **Anti-Discriminatory Housing Policy.** Pursuant to Administrative Code Section 1.61, the Planning Department must collect an application with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.

The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is routed to the Human Rights Commission. For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please contact Mullane Ahern at (415) 252-2514 or mullane.ahern@sfgov.org.

Please note that all building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.

4. **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>.

5. **Priority-Planning Policies.** Code Section 101.1 establishes eight priority-planning policies and requires review of conditional use, variance, and change of use applications for consistency with said policies.
6. **Standards for Bird-Safe Buildings.** The guidelines for providing bird-safe buildings identify location and feature related hazards and treatment requirements. Please refer to the published document on the Planning Department website for details and specific requirements:

[http://www.sfplanning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards for Bird Safe Buildings 7-5-11.pdf](http://www.sfplanning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird_Safe_Buildings_7-5-11.pdf).

7. **Height measurement.** The property is located within a 40-X height and bulk district. In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level. See table in Section 260 of the Planning Code. Furthermore, where a lot slopes up from the street, the single point that is used for height measurement purposes can only be used for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. The method of height measurement specified above can be modified with Planned Unit Development authorization provided that it does not result in a deviation that is tantamount to a height reclassification.
8. **Permitted Off-Street Parking, Residential.** Section 151 of the Planning Code requires one off-street parking space per dwelling. For each 25 off-street parking spaces provided, one such space shall be designed and designated for persons with disabilities. To encourage greater use of public transit, the Department encourages you not to exceed the required amount of off-street parking.
9. **Parking Costs Separated from Housing Costs.** All off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to the owners or renters of two bedroom units, and then to the owners or renters of other units. Renters or buyers of on-site

inclusionary affordable units provided pursuant to Section 415 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, and at a price determined by the Mayor's Office of Housing

10. **Car-Share Parking Spaces.** Pursuant to Section 166 of the Planning Code, your project requires three car share parking spaces. The required car-share spaces shall be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers. In addition to these required car share parking spaces, you may elect to provide a maximum of five additional car-share parking spaces.
11. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, for buildings containing more than 100 dwelling units, 100 Class 1 bicycle parking spaces plus one Class 1 space for every four dwelling units over 100. In addition, one Class 2 bicycle parking space is required for every 20 dwellings. More information about the bicycle parking requirement can be found in Zoning Administrator Bulletin No. 9. You will be required to provide a detailed view of all bicycle parking layouts. The number of required automobile parking spaces may be replaced with bicycle parking pursuant to Section 150(e) of the Planning Code.
12. **Off-Street Freight Loading.** Pursuant to Section 152 of the Planning Code, residential uses that are over 100,001 square-feet are required to provide off-street freight loading spaces. See table in Section 152 of the Planning Code.
13. **Streetscape and Pedestrian Improvements.** As discussed further under 'Preliminary Design Comments' Planning Code Section 138.1 requires additional streetscape and pedestrian improvements for large projects on sites that are ½ acre or more. Standard streetscape improvements are defined within the Better Streets Plan and include benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings selected from a City-approved palette of materials and furnishings and subject to approval by all applicable City agencies.
14. **Inclusionary Housing Program.** Projects proposing ten or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

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

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

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

- 15. **Recycled Water Ordinance:** For new construction of 40,000 sf or more or the addition of 10,000 sf or more of irrigated space, plumbing systems must recycle water. For more information, please contact the Department of Building Inspection.
- 16. **General Plan Referral.** A General Plan Referral is required for any portions of the project which encroach into the public R.O.W.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may significantly impact the proposed project.

Overall, the Planning Department supports the design of this project. In particular, introducing a continuation of the existing street pattern into the site and providing thoughtful and appropriate street design in coordination with building frontages that are likely to activate the street. The stepping of the building massing with the topography is appropriate, as is the parking strategy.

As previously mentioned, due to the size and unique location of the proposed project, it has great potential to shape the city's urban form. As a result, this letter includes a preliminary analysis of the project's adherence to the Urban Design Element of the San Francisco General Plan. Noteworthy objectives and policies are highlighted below. The applicant is encouraged to review the proposal for consistency with the entire Urban Design Element, available at:

http://www.sf-planning.org/ftp/general_plan/I5_Urban_Design.htm

Scale and Massing. As the design moves forward, the applicant is encouraged to continue to carefully consider the scale and massing of the development in relation to neighboring structures. Specifically, the design of Building 1 should be carefully articulated to create smooth transition to the smaller-scale development to the north on Fifth Avenue.

The Department appreciates the rendering and vantages provided in the PPA application. As the project is reviewed in more detail, the Department will want to look at renderings and/or 3D modeling which explore the project's appearance from more distant public vantage points to understand the scale and massing of proposed structures and their relationship to topography and the form of the City. Relevant policy excerpts from the general plan are copied below.

