



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: March 26, 2012
Case No.: **2011.1300U**
Project Address: 901 16th Street / 1200 17th Street
Block/Lot: 3949 / 001, 001A, 002
3950 / 001
Zoning: UMU (Urban Mixed Use) District
48-X / 68-X
Project Sponsor: Josh Smith
445 Virginia Avenue
San Mateo, CA 94402
650.348.3232
Staff Contact: Ben Fu – 415.558.6613
ben.fu@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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 project site consists of multiple adjacent lots that were recently rezoned to UMU. The property is bounded by 16th Street to the north, Mississippi Street to the east and 17th Street to the south. The proposal is to demolish existing metal warehouses and temporary office buildings, preserve and rehabilitate the existing brick building, lot line adjustment to create two lots, and construct approximately 200 dwelling units in a four-story building fronting 17th Street, and construct a five-story Kaiser Permanente medical office building with ground floor retail fronting on 16th Street.

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:

1. An **Environmental Evaluation Application** is required for the full scope of the project (demolition and expansion) and may include the following:

As you are aware from our Preliminary Project Assessment (PPA) meeting on December 7, 2011, since the proposed medical office building and 200-dwelling-unit building project is within the Eastern Neighborhoods. Showplace Square/Potrero Area Plan, it would qualify for a Community Plan Exemption (CPE) with either a focused Mitigated Negative Declaration or a focused Environmental Impact Report, and you will be required to pay an Environmental Document Determination fee.

One of the following two scenarios could occur during Environmental Planning staff's review of the project proposal:

1. The project qualifies for a *CPE plus a focused Initial Study/Mitigated Negative Declaration*: One or more new "peculiar" significant impact(s) for the proposed project are identified that were not identified in the underlying Eastern Neighborhoods Rezoning and Area Plans programmatic Final Environmental Impact Report (FEIR). If new significant impacts "peculiar" to the proposed project can be mitigated, then a focused Mitigated Negative Declaration (MND) to address these impacts is prepared and a supporting CPE certificate would be prepared to address all other impacts that were encompassed by the underlying rezoning and area plan FEIR, with all pertinent mitigation measures and CEQA findings from the underlying rezoning and area plan FEIR also are applied to the proposed project. With this outcome, the applicable fees in addition to the current Environmental Document Determination fee of \$12,720.00 would include: (a) the standard environmental evaluation (EE) fee based on the cost of construction; and (b) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Eastern Neighborhoods Rezoning and Area Plans FEIR.

2. The project qualifies for a *CPE plus a Focused EIR*: One or more new "peculiar" significant impact(s) may be identified for the proposed project, which were not identified in the underlying rezoning and area plan FEIR. If any new significant impacts "peculiar" to the proposed project cannot be mitigated, then a focused EIR to address these impacts is prepared and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the underlying rezoning and area plans FEIR, with all pertinent mitigation measures and CEQA findings from the underlying rezoning and area plans FEIR also applied to the proposed project. With this outcome, the applicable fees in addition to the current Environmental Document Determination of \$12,720 are: (a) the standard environmental evaluation (EE) fee based on the cost of construction; (b) one-half of the standard EIR fee; and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.

The environmental review of the proposed project to determine whether a focused MND or a focused EIR would be required may include the following:

- a. *Land Use Planning.* The proposed project would include demolition of metal warehouse buildings and temporary office buildings, and construction of a large, approximately 175,100-square-foot medical office building and a 200-dwelling unit building with 733 off-street parking spaces which may require evaluation of land use and planning impacts on the adjacent and surrounding area land uses.
- b. *Aesthetics.* Aesthetics will need to be evaluated in relation to the proposed development in the context of adjacent and surrounding development and the new public park across the street on the north side of 16th Street.
- c. *Historic Resource Evaluation Report (HRER).* The project site has a 1926-constructed brick building, which has been identified as potentially eligible for the California Register in the Showplace Square/Northeast Mission Historic Resource Survey. Hence, the project will require a historic architectural resource evaluation. After initial evaluation of the building by our department's Historic Preservation staff, a Historic Resource Evaluation Report will be required to be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History.

Since the proposed project will create six or more dwelling units, and construct two new buildings of 10,000 square feet or more each, use of the Historic Resource consultant pool for identification of a preservation consultant to prepare the HRER would be required. The Department will provide the project sponsor with a list of three consultants from the Historic Preservation Consultant Pool, which shall be known as the "potential consultant list" or "PCL".

For more information on the Planning Department's historic architectural resource evaluation, please see San Francisco Preservation Bulletin No. 16, which is available at www.sfplanning.org under "Historic Preservation."

- d. *Archeological Study.* An archeological study would be required since the proposed project would involve excavation of the site to a depth greater than ten feet, and the site is not within Archeological Mitigation Zones A and B (see Mitigation Measure J-2: Properties With No Previous Studies, on page S-47 of the FEIR). A Preliminary Archeological Review (PAR) will be prepared by our Planning Department archeologist. During the PAR, our archeologist will determine what type of soils disturbance/modification would result from project development, such as, installation of foundations, soils improvement, site remediation. Any submitted or available geotechnical /soils or Phase II hazardous materials report prepared for the project site will be reviewed at this time. In addition, an assessment will be made whether the project site is found to be in an archeologically sensitive area. Third, if and when our staff archeologist determines that the project has the potential to affect an archeological resource, the PAR memorandum will identify appropriate actions to be taken. Such actions may include application of an appropriate archeological mitigation measure, and/or requiring additional archeological studies as part of the environmental evaluation. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project.

e. *Transportation Impact Study.* A Transportation Impact Study (TIS) would be required. The project proposal to construct 200 dwelling units, approximately 175,100 square feet of medical office space, approximately 14,500 square feet of retail space, 733 parking spaces, and two off-street truck loading spaces, and to provide two separate entrances/exits for the residential and commercial parking garages and a freight loading entrance/exit all on Mississippi Street, with curb cuts proposed to be wider than the Planning Code-allowed maximum curb cut width of 20 feet would need to be evaluated by our Transportation Planning staff. In addition, the proposed public bicycle and pedestrian path connection between 17th and 16th streets on the project site, and the proposed public crosswalk from the connection to the north side of 16th Street would need to be evaluated by our Transportation Planning staff, the San Francisco Municipal Transportation Authority (MTA) staff, and the San Francisco Department of Public Works (DPW) staff.

The scope of the TIS will be determined once the environmental application is filed. However, it is anticipated that the analysis can at least in part be based on the *Eastern Neighborhoods Rezoning and Community Plans Transportation Study* (Case No. 2004.0160E).¹

It is important to note that the Transit Effectiveness Project (TEP) is currently undergoing environmental review. As part of that effort, SFMTA is in the process of developing proposals for the 16th Street corridor. While these proposals are preliminary, they could include relocation of the bike facility to 17th Street, new traffic signals, pedestrian improvements, median boarding islands, transit only lanes and prohibition of left turns in the vicinity of the project site. As part of the environmental review process for this project, Planning staff and SFMTA would like to work with the project sponsor on project site access and circulation in order to ensure that the site layout is supportive of the TEP effort.

In addition, there are transportation mitigation measures in the FEIR that may be required for the proposed project. They include: *Mitigation Measure E-4: Intelligent Traffic Management*, detailed on page 502; *Mitigation Measure E-4: Intelligent Traffic Management*, detailed on page 503, and *Mitigation Measure E-11: Transportation Demand Management*, detailed on page 506. Our Transportation Planning staff would determine through the analysis of the TIS if the proposed project would be required to implement these mitigation measures.

f. *Noise.* The project site is in proximity to the I-280 Freeway, which high traffic affects the street noise level on Mississippi Street in the project area such that the noise level is higher than 70.0 Ldn (dBA) along the project block of Mississippi Street. In addition, the project site has street frontage on 17th Street, which has a street noise level of 65.1 to 70.0 Ldn (dBA) along the project site block. Since the proposed project includes the development of dwelling units,

¹ The *Eastern Neighborhoods Rezoning and Community Plans Transportation Study* assumed a net increase of approximately 195,000 square feet of medical land uses in the Showplace Square area. The proposed 175,100 square feet of medical office use appears to be within the land uses anticipated by the Eastern Neighborhoods transportation analysis.

considered sensitive noise receptors, a detailed analysis of noise reduction requirements for the proposed residential development will be required. The analysis must be prepared by a professional qualified in acoustical analysis and/or engineering. In addition, the analysis must demonstrate with reasonable certainty that Title 24 standards can be met; and that there are no particular circumstances about the project site that appear to warrant additional noise attenuation to those of Title 24 requirements.

Compliance with *Mitigation Measure F-3: Interior Noise Levels*, and *Mitigation Measure F-4: Siting of Noise-Sensitive Uses*, both detailed on page 508 in the FEIR, will be required for the project. *Mitigation Measure F-1 and Mitigation Measure F-2: Construction Noise Mitigations*, which are described on page 507, also will be required for the project. Other noise mitigation(s) may be required according to the results of the detailed noise analysis.

g. *Air Quality (AQ) Analysis.* The proposed project consisting of demolition of temporary office buildings, metal warehouses, and a parking area and construction of 200 dwelling units and approximately 189,600 square feet of medical office space and retail space exceeds the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions is likely to be required. The proposed project includes sensitive land uses in proximity to Interstate Highway 280, a high volume roadway. Public health research consistently demonstrates that children and other sensitive receptors (daycare, schools, senior care facilities, hospitals, and dwelling units) within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to roadway-related toxic air contaminants.

In addition, the proposed project is in proximity to the Caltrain railroad tracks. This would be a factor in the analysis of air quality effects on project-site sensitive receptors. If the project would generate sources of toxic air contaminants including, but not limited to: diesel generators or boilers, or includes any other stationary sources, the project would result in toxic air contaminants that may affect on-site and off-site sensitive receptors.

If the proposed project's construction and/or demolition activities require the use of heavy duty diesel equipment, emissions of diesel particulate matter (DPM), a known toxic air contaminant, may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site.

During the environmental review process an Air Quality Screening Analysis will be conducted for the proposed project. The results of the screening analysis will indicate whether an Air Quality Technical Report is required for additional air pollutant modeling. If an Air Quality Technical Report is required, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any required analysis and/or modeling determined necessary.

h. *Greenhouse Gas (GHG) Emissions Analysis.* Demolition, excavation, and construction activities plus project operations will need to be analyzed for Greenhouse Gas emissions.

- i. *Shadow Impact Study.* Shadow impact from the proposed 68-foot tall medical office building on the new park (potential to be under the jurisdiction of the Recreation and Park Commission) across the street on the north side of 16th Street would be required to be analyzed. The Shadow Analysis application may be found on our Web site, www.sfplanning.org.
- j. *Geology and Soils.* A geotechnical and soils investigation will be required because a northeast portion of the project site is within a seismic hazard zone, and the project would include excavation of the site. The investigation must be prepared by a professional with expertise in geology and/or geotechnical engineering.
- l. *Hydrology and Water Quality.* Since the proposed project would include ground level open space and a proposed public bicycle and pedestrian path, potential hydrology and water quality effects of the project may be examined. If Environmental Planning requires an evaluation of hydrology and water quality effects, the San Francisco Public Utilities Commission (SFPUC) staff also would review the evaluation of these effects.
- k. *Hazardous Materials.* A Phase I Report is required for the proposed project because the project site is occupied by industrial uses and has been in industrial use in the past. Since the project would involve site excavation, there is the potential that contaminated soils could be encountered. If the Phase I study identifies likely soil contamination, a Phase II Environmental Site Assessment (ESA) will be required, along with coordination with the San Francisco Department of Public Health (DPH). Also, the demolition of the temporary office buildings and the metal warehouses will be subject to Mitigation Measure L-1: Hazardous Building Materials, described on page 523, which requires the identification and removal of hazardous building materials prior to demolition of the building.

As noted at the beginning of this Environmental Review section of the letter, the environmental review of the proposed project may be done in conjunction with the required project approval cases listed below, but must be completed before any project approvals may be granted. 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, First Floor; 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. *Large Project Authorization (X).* Planning Code Section 329 applies to all new construction and proposed alterations of existing buildings in the Eastern Neighborhoods that meet at least one of the following criteria:

- a. The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or
- b. The project involves a net addition or new construction of more than 25,000 gross square feet.

The project meets Criteria 1b above with a total of approximately 408,000 gross square feet of area. Therefore, a Large Project Authorization, or X case, is required. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

2. *Exceptions.* As a component of the review process under Section 329, projects may seek specific exceptions to the provisions of the Planning Code. Exceptions from rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140), and street frontage (Planning Code Section 145) must be justified in order for the project to be approved. The proposed rear yard and side yard do not meet the minimum requirements. Approximately 30 percent of the 200 proposed units, or 60 units, do not meet the exposure requirement. Please consider revising the project design and program to provide code-complying exposure to the units. The proposal also does not comply with the 17-foot ceiling height for non-residential ground floor uses and exceed the maximum 20-foot vehicle entrance. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.
3. *Building Permit Applications.* Permit application and notification are required for the proposed demolition and new construction and the Large Project Authorization. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.
4. *Conditional Use Authorization.* Planning Code Section 843.45 requires a Conditional Use (CU) for each retail use and space over 4,000 gross square feet. The project proposes a number of retail spaces on the ground floor of the medical office building that exceed 4,000 square feet.

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. 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 "Applications" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Publications" tab.

Preliminary Project Comments:

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

1. *First Source Hiring.* Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

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

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

2. *Tree Disclosure Affidavit.* A Tree Disclosure Affidavit must be filled out and submitted with the Large Project Authorization application.
3. *Stormwater Design Guidelines.* Projects that disturb 5,000 square feet or more of the ground surface must comply with the Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review. To view the Guidelines and download instructions for preparing a Stormwater Control Plan, go to <http://stormwater.sfwater.org/>. Please contact stormwaterreview@sfwater.org for assistance or additional information.
4. *Interdepartmental Project Review.* Interdepartmental Project Reviews are mandatory for new construction projects that propose buildings eight stories or more and new construction on parcels identified by the State of California Department of Conservation, Division of Mines and Geology as Seismic Hazard Zones in the City and County of San Francisco. Project Sponsors may elect to request an interdepartmental review for any project at any time; however, it is strongly

recommended that the request is made prior to Planning Department approval of the first construction building permit. The Planning Department acts as the lead agency in collaboration with the Department of Building Inspection (DBI); the Department of Public Works (DPW); and the San Francisco Fire Department (SFFD). Staff from each of these disciplines will attend your meeting.

5. *Commercial Open Space.* Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable square footage not provided pursuant to this Code section.
6. *Streetscape and Pedestrian Improvements.* Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological storm water management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section 98.1). The building will be subject to the "Better Streets" streetscape improvements per Planning Code Section 138.1. A streetscape plan will be required to illustrate proposed public realm improvements.
7. *The Green Landscape Ordinance.* Planning Code Section 138.1 require permeable paving and street trees to be installed by the property owner or developer in the case of the construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of the existing building. The minimum installation shall be one **24-inch box** tree for each 20 feet of frontage of the property along each street or alley, with each remaining 10 feet requiring one additional tree.

The proposed project triggers a requirement for 19 street trees for frontages on 16th and 17th Streets and 20 trees for the frontage on Mississippi Street. Please review the Ordinance for additional requirements and indicate project compliance.

8. *Dwelling Unit Exposure.* Every dwelling unit in every use district is required per Planning Code Section 140 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

Although the proposed rear yard and side yard inner on the Project Site would provide all units with adequate light and air, the open areas do not meet the minimum dimensions. The required rear yard is 25 percent of the lot depth, or 50 feet for the project site. The required side yard is 25 feet clear of any obstructions; the proposed side yard is 20 feet. Units on the north and west sides do not comply with Section 140. Specifically, approximately 30 percent of the 200 proposed units,

or 60 units, do not meet the exposure requirement. For a new construction on a sizable lot, open areas that comply with the dimensional requirements should be accommodated.

9. *Screening and Greening of Parking and Vehicle Use Areas.* Planning Code Section 142 requires a combination of permeable landscaping compliant with the applicable water use requirements of Administrative Code Chapter 63 and ornamental fencing where the permeable surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has been otherwise configured to result in either: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce storm water runoff. Please indicate compliance on the plans.
10. *Ground Floor Commercial Space and Street Frontage.* Please ensure that the height of the ground floor is 17 feet minimum from grade to ceiling for the medical office building fronting 16th Street. The intent of the requirement for the tall ground floor is to provide space suitable for a mixture of non-residential uses, which also require access to loading facilities and features like large roll-up doors. Explore providing more entries into the commercial space and whether the space could be subdivided into multiple storefronts for smaller tenants.
11. *Off-Street Loading Spaces.* Planning Code Section 152.1 requires (1) one off-street loading space for a project proposing a total retail space between 10,001 to 30,000 square feet, (2) 0.1 space for every 10,000 square feet of office use, (3) residential uses between 200,001 to 5000,000 square feet. The project proposes approximately 14,500 square feet of ground floor retail, 162,700 square feet of office space, and 218,000 square feet of residential space. Therefore, a total of four off-street loading spaces are required.
12. *Car Share Spaces.* Planning Code Section 166 requires (1) one car share space for a project proposing 50 to 200 dwelling units, and (2) one car share space plus one for every 50 parking spaces over 50. The project proposes a total of 200 dwelling units and 563 non-residential parking spaces. Therefore, 13 car share space are required. Please illustrate on plans the location of the proposed car share spaces.
13. *Bulk: Horizontal Mass.* Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet. The proposed residential building to the south and facing 17th Street does not appear to meet the required separation.
14. *Shadow Analysis.* As discussed in the Environmental Review section of this document, projects over 40 feet in height require a Shadow Analysis Application per Section 295 to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department. A preliminary shadow analysis was conducted based on the plans submitted as part of the PPA Application. The analysis indicated there would be no new shadows cast on properties under the jurisdiction of the Recreation and Park Department.

Nonetheless, a Shadow Analysis Application must be filed in order to document that the project will not cast any shadows on Recreation and Park properties.

15. *Standards for Bird Safe Buildings.* Adopted on July 14, 2011, the Standards for Bird Safe Buildings specify requirements for a bird safe building. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
16. *Impact Fees.* The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service; Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1 for residential and Tier 2 for non-residential uses. Tier 1 requires \$8 per gross square-foot of residential space, and Tier 2 requires \$10 per gross square-foot of non-residential space.

Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit for a development project, the sponsor of any project containing space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 423.3. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

17. *Inclusion Housing.* Affordable housing is required for a project proposing five or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419,' 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:

- 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 Kelley Amdur, Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

Preliminary Design Comments:

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

1. *Site Design and Open Space.* The intent of the mid-block alley requirement in the UMU district is to moderate long blocks and building mass, and facilitate pedestrian circulation. The proposed mid-block connection between 16th and 17th streets is 100' away from an existing intersection, on a 480' long block. Please consider locating the alley toward the middle of the block and the parcel. The Kaiser green is built entirely above structured parking and split into two distinct levels, both above street grade. A more physical and visual access at grade should be accommodated.
2. *Building Massing Location and Orientation.* Please consider using the North / South mid-block alley to break buildings into four distinct buildings would improve the scale and overall massing. The orientation of the common open space, augmented by the north south midblock alley in conjunction with the residential courtyard would improve solar access of the open space.
3. *Parking, Loading and Service.* The loading and parking for both residential and office uses should be accessed from a single point of entry from Mississippi Street. Additionally, the width of the parking entrance should be no wider than 22'. The loading and trash compactor should be accessed internally, and not have its own 45' wide opening on the street. Because of existing and future transit improvements on 16th street, and an existing bike route along 17th street, the Planning Department considers the proposed number of parking spaces to be excessive.
4. *Ground Level Street Front.* Ground floor dwelling units should be raised above grade, and have recessed entries accessed directly from the street no deeper than 10' per the draft Ground Floor Residential Design Guidelines. The 16th Street façade should likewise be designed to provide active frontage per the draft ground floor residential design guidelines.

Please provide more entrance doors along 16th Street. Consider articulating and setting the storefront back slightly to allow additional sidewalk space to be usable – perhaps for seating. The building will be subject to the “Better Streets” streetscape improvements per Planning Code Section 138.1. A streetscape plan will be required to illustrate proposed public realm improvements.

5. *Architecture.* The proposed architectural design is preliminary. The massing of the residential building is moderated by the reticulations and balconies. Consider adding bays and altering the depth and height; stepping the roof massing along with greater refinements to the detailing of bays and fenestration. The 3D massing model indicates an opening from the commons to the inner court of the residential building, yet the plans indicate an enclosed lobby. The break in the building mass should be open to the sky on the street façade as well.

Care should be given to the articulation between the existing buildings to be retained, and the new buildings. Emphasis should be given to significant retention and repurposing of the buildings, while allowing them to be integrated yet seen as independent and apart from the new

buildings. Successful integration of the existing historical resource building should employ a means of seeing it as distinct and freestanding as possible. The plan of the residential lobby entry flanking the existing building starts to do this. The design needs to clarify the new use for the existing building.

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 **September 26, 2013**. 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.

cc: Josh Smith, Project Sponsor
Ben Fu, Current Planning
Irene Nishimura, Environmental Planning
Sue Exline, Citywide Policy & Analysis