



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* April 29, 2013  
*Case No.:* **2013.0159U**  
*Project Address:* 525 Harrison Street  
*Block/Lot:* 3764/063  
*Zoning:* RH-DTR (Rincon Hill Downtown Residential) Zoning District  
65-X and 65/400-R Height and Bulk District  
*Area Plan:* Rincon Hill Area Plan  
*Project Sponsor:* Cameron Falconer  
(415) 982-6200  
*Staff Contact:* Andrea Contreras – (415) 575-9044  
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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 proposal is to demolish the existing 27,500 square foot commercial building and construct a 16-story, 164-foot tall residential building. The existing building on the 12,998 square foot subject lot was constructed in 1982. The proposed new building would include 184 dwelling units and up to 280 vehicle parking spaces (94 striped and 186 stacked) in a four-level basement garage accessible from Harrison Street. An additional 2,520 square feet on the ground floor along Harrison Street would be used for retail or leasing office use, although that determination has not been made at this point.

### ENVIRONMENTAL REVIEW:

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an EIR was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR. The proposed project is located within the Rincon Hill Plan, which was evaluated in the *Rincon Hill Plan Final Environmental*

*Impact Report* certified in 2005.<sup>1</sup> However, since the proposed project is inconsistent with the development density identified in the plan, it is not eligible for community plan exemption (CPE). If the project is substantially revised such that it becomes consistent with the Rincon Hill Plan it would be eligible for a CPE. However, because it is not consistent with the Plan, the project initially requires the following documentation as part of the environmental review process, which must be completed before any project approval may be granted:

1. An **Environmental Evaluation Application**: In order to facilitate environmental review and comply with the California Environmental Quality Act (CEQA), the applicant shall submit an Environmental Evaluation Application. The information in the Environmental Evaluation Application shall be supplemented with the following background studies:
  - a) *Transportation*. Based on a review of the plans submitted as part of Preliminary Project Assessment, the Planning Department has determined that a Transportation Study is required. As part of any future analysis, the Department will focus on site circulation, ingress and egress, and loading. As such, please include dimensions of curb cuts on plans. Upon submittal of an Environmental Evaluation Application, the Planning Department will provide additional guidance related to the process for selecting a transportation consultant and assist in the development of the scope of work for the analysis.
  - b) *Historic Architectural Resources*. According to Planning Department records, the existing building on the project site was constructed circa 1982. The State of California Office of Historic Preservation recommends documenting and taking into consideration in the planning process, any cultural resource that is 45 years old. Because the existing building is less than 45 years old, it does not have the potential to be considered an historical resource for the purpose of environmental review. In addition, the project site is not proximate to any historical resources identified in the Rincon Hill Plan Area and demolition of the building onsite would not affect off-site resources. Thus, the Planning Department does not require any further analysis of this topic.
  - c) *Hazardous Materials*. While not in an area covered by the Maher Ordinance, the project site is located in a general area of the city where past industrial land uses and debris fill associated with the 1906 earthquake and bay reclamation have often left hazardous materials residue in local soils. As a result, there is a possibility that some hazardous waste (particularly lead) may be present below the pavement on the project site. As a result, the project sponsor must submit a Phase I Environmental Site Assessment. The Phase I Environmental Site Assessment should be prepared to determine the potential for site contamination and the level of exposure risk associated with the project, and one electronic and two hard copies submitted with the Environmental Evaluation Application.

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<sup>1</sup> The Rincon Hill Plan EIR is available for review on the Planning Department's Area Plan EIRs web page: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=24>. Last accessed 22 March 2013.

The Phase I will determine whether any additional analysis (e.g., a Phase II soil and/or groundwater sampling) will be necessary. Review of the Phase I and any additional studies recommended by the Phase I would require oversight from the San Francisco Department of Public Health (DPH), which may recommend that the project sponsor enroll in its Voluntary Remedial Action Program, complete and implement a Site Mitigation Plan that is approved by DPH, prepare and implement a Site Health and Safety Plan, and if required, record a deed restriction limiting the site to future use compatible with remaining hazards, if any. Such recommendations would likely require mitigation and an Initial Study could be 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 analyze the project's significance on the environment. DPH can assist the project sponsor in identifying measures to reduce any significant impacts to less-than-significant. Please note that the DPH charges a fee for oversight of site assessment and remediation activities. More information on DPH's Voluntary Remedial Action Program may be found at <http://www.sfdph.org/dph/EH/HazWaste/hazWasteVoluntaryRemedial.asp>.

Please note that these studies must be completed and submitted to the Department as part of the project's administrative files before environmental clearance is issued.

- d) *Archeological Resources*. The project is subject to preliminary archeological review by Department staff. This review will commence after submittal of an Environmental Evaluation Application and geotechnical study/studies. At that juncture, the Planning Department will determine whether additional reporting and research will be required to determine whether the project has the potential to adversely affect known or potential archeological resources.
- e) *Air Quality (AQ) Analysis*. The proposed project involves construction of a 237,065 (or 209,565 sf net new) square-foot building with up to 184 dwelling units, which does not exceed the Bay Area Air Quality Management District's (BAAQMD) construction or operational screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions is not likely to be required.

The project proposes demolition and construction across a 0.3 acre project site. 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 a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust

Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

The proposed project includes a sensitive land use (residential) that may be affected by nearby roadway-related pollutants and other stationary sources that may emit toxic air contaminants. Health Code Article 38 applies to the proposed project. Health Code Article 38 requires that new residential development greater than 10 units located within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether PM<sub>2.5</sub> concentrations from roadway sources exceed 0.2 micrograms per cubic meter (0.2 µg/m<sup>3</sup>). Sponsors of projects on sites exceeding this level are required to install ventilation systems or otherwise redesign the project to reduce the outdoor PM<sub>2.5</sub> exposure indoors. The proposed project is located within the Potential Roadway Exposure Zone, therefore an analysis of annual exposure to roadway related particulate matter would be required. You may choose to have the air quality assessment prepared by a qualified firm and forwarded to DPH for review, or you may request that DPH conduct the assessment. For more information on Health Code Article 38 see: <http://www.sfdph.org/dph/EH/Air/default.asp>.

During the environmental review process the proposed project will be reviewed to determine whether mitigation measures in the form of either construction emissions minimization measures or air filtration and ventilation mitigation measures will be required. Should the project include stationary sources of air pollutants including, but not limited to, diesel boilers or back-up generators, an Air Quality Technical Report may be 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.

- f) *Noise Measurements.* The proposed project site is located on a block bounded by Harrison Street and two Interstate 80 (I-80) on-ramps. The Planning Department's noise maps indicate that existing ambient noise levels range from 70 to above 75 decibels. The project involves the siting new noise-sensitive uses (e.g., residential uses) along Harrison Street and the adjacent I-80 on-ramp. Given the residential nature of the project proposal, the Planning Department will require preparation of an initial noise technical memorandum. This analysis shall include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes). The analysis must be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 insulation standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity.

Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels, consistent with

those in the Title 24 standards can be attained. The findings of the acoustical study are intended to be included in the environmental review document.

- g) *Wind*. The proposed 160-foot-tall building would require an initial review by a wind consultant, including a recommendation as to whether a wind tunnel analysis is needed. The consultant would be required to prepare a proposed scope of work for review and approval by the Planning Department prior to preparing the analysis.
- h) *Shadow Study*. The proposed project would result in construction of a building 40 feet or greater in height. The project, therefore, would require the preparation of a shadow fan analysis. If the shadow fan analysis prepared by Planning Department staff determines that the project could cast shadows on recreational resources, a detailed shadow study (prepared by a qualified consultant) would be required. The consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planning case manager prior to preparing the analysis.
- i) *Greenhouse Gas Compliance Checklist for Private Development Projects*. Potential environmental effects related to greenhouse gas emissions from the proposed project need to be addressed in a project's environmental evaluation. An electronic version of the Greenhouse Gas Compliance Checklist Table 1 for Private Development Projects is available on the Planning Department's website at <http://www.sfplanning.org/index.aspx?page=1886>. The project sponsor would be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental 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 San Francisco's Greenhouse Gas Reduction Strategy.
- j) *Geotechnical*. The applicant must submit with the Environmental Evaluation Application a geotechnical study that investigates the soils underlying the site, possible foundation types, and any geotechnical concerns related to the type(s) of foundation system(s) contemplated. The geotechnical study should determine whether the site is subject to liquefaction and landslides and should highlight any recommendations for reducing geotechnical hazards, as applicable, associated with any of the geotechnical concerns identified in the study. The project sponsor is required to incorporate the geotechnical recommendations into the project design as part of the Department of Building Inspection's permit review process.
- k) *Stormwater Management*. Prior to issuance of a building permit, the project sponsor is required to prepare and submit a Stormwater Control Plan (SCP) to the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program. The SCP shall demonstrate compliance with the City's Stormwater Design Guidelines. The project's environmental evaluation would generally evaluate how and where the implementation of required stormwater management and low-impact design approaches would reduce potential negative effects

of stormwater runoff. This may include environmental factors such as the natural hydrologic system, city sewer collection system, and receiving body water quality. For more information on the SFPUC's stormwater management requirements, see <http://stormwater.sfwater.org>.

- l) *Tree Disclosure Affidavit*. The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any tree identified in the Disclosure Statement must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy drip line. Please submit an Affidavit with the Environmental Evaluation Application and ensure trees are appropriately shown on site plans.
- m) *Notification of a 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 environmental review process. Please provide these mailing labels at the time of submittal of the Environmental Evaluation Application.

Based on a preliminary review of the information contained within the PPA application, the Planning Department requires preparation of an Initial Study. The Initial Study contains all topics on the City's standardized CEQA checklist. At this juncture it is not possible to determine whether the proposed project would have a significant effect on the environment. As such, it may be appropriate to prepare a Negative Declaration or Mitigated Negative Declaration (if mitigation measures are identified that would reduce potential adverse effects to less-than-significant levels). If the project could have a significant effect on the environment, then the Department would require the preparation of an Environmental Impact Report.

In any case, the Planning Department recommends that the applicant select an environmental consultant to prepare the requisite CEQA documentation. The selection of environmental consultants is subject to the Planning Department's *Consultant Selection Guidelines* and this process will be managed by an environmental planner that will be assigned to this case upon receipt of the Environmental Evaluation Application and documentation listed above.

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](http://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. **Determination of Compliance (X)**. Planning Code Section 309.1 applies to all projects in DTR districts that are greater than 50,000 gross square feet, 85 feet in height or greater, and for applications that require exceptions.

The project meets all criteria listed above, proposing a total of approximately 161,000 gross square feet of area, 164 feet in height, and exceptions. Therefore, a Section 309.1 for Determination of Compliance, 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](http://www.sfplanning.org).

2. **Exceptions.** As a component of the review process under Section 309.1, projects may seek specific exceptions to the provisions of the Planning Code. Exceptions from open space (Planning Code Sections 135 and 827), dwelling unit exposure (Planning Code Section 140), street frontage (Planning Code Section 145), off-street parking (Planning Code Sections 151.1 and 827), residential unit mix (Planning Code Section 207.6), and tower separation (Planning Code Section 270), must be justified in order for the project to be approved. The proposed open space areas do not appear to meet the minimum requirements. The proposed vehicular access and ground floor uses do not meet the requirements. The project seeks parking spaces on the ground level which is not permitted. The project also has not provided sufficient information to evaluate whether it meets the unit mix requirement. Note that very limited specific exceptions are permitted in Section 270(e) for tower separation and no variances are permitted for this requirement beyond these limited exceptions. No exceptions are permitted for bulk limitations. To the extent possible, the Department recommends limiting the exceptions being sought or demonstrating that the project meets the Code requirements. Note that based on the current height, bulk and massing of the proposed project, the project cannot be approved under the existing zoning, as the Code does not permit granting of exceptions for bulk and tower spacing that would be necessary for the proposal. Significant modifications to the proposal would be necessary to allow the project to be approved. 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](http://www.sfplanning.org).
3. **Building Permit Applications.** Permit application and notification are required for the proposed demolition, new construction and the Section 309.1 application. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

## NEIGHBORHOOD NOTIFICATION 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 neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above. Neighborhood notification per Planning Code Section 311 will be combined with the noticing process of the Large Project Authorization. Therefore, noticing materials for owners and occupants with 300-foot radius and occupants within 150-foot radius of the project site are required at the time of project intake.

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 “Applications” tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://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. **Open Space.** Planning Code Sections 135 and 827 require at least 75 square feet of usable open space per dwelling unit. At least 40 percent of the residential open space is required to be common to all residential units. The Project has a residential open space requirement of up to 13,800 square feet, and at least 5,520 square feet of which must be common open space.

Although the proposed roof deck of approximately 7,145 square feet meets the 40 percent common open space requirement, in order for the private balconies to meet the open space requirement, each balcony must measure at least six feet in every direction as required by Section

135. The proposed balconies do not appear to meet the dimensional requirements. As the project is new construction, please revise the design to comply with the requirement.

- 4. The Green Landscape Ordinance.** Planning Code Section 138.1 requires 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 seven street trees on Harrison Street. The project proposes only five trees at the Harrison Street frontage. Please review the Ordinance for additional requirements and indicate project compliance on plans.

- 5. Standards for Bird Safe Buildings.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. Any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate the method of window treatments to comply with the requirements where applicable.
- 6. Exposure.** Planning Code Section 140 requires that each dwelling unit have at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code face directly on a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. A freeway is not defined as a street and may not be used to comply with the exposure requirement. Therefore, all proposed units facing the I-80 Freeway do not meet the exposure requirement. An exception for exposure must be sought through the Large Project Authorization process. The Department generally encourages projects to minimize the number of units needing an exposure exception. A formal submittal should explore providing Code complying exposure for all the units.
- 7. Ground Floor Use, Vehicular Access and Street Frontage.** Planning Code Sections 145.1, 825 and 827 requires the following for street frontages in RH DTR: (1) Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading feet; (2) "active" use, as defined in Section 145.1 shall be provided within the first 25 feet of building depth at the ground floor; (3) ground floor non-residential uses shall have a floor-to-floor height of 14-feet; (4) frontages with active uses shall be fenestrated with transparent windows; and, (5) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The vehicular (parking and loading) entries appear to exceed the limits for vehicular access. The ground floor frontage on Harrison Street does not meet these various requirements. Parking and loading are proposed within the first 25 feet of depth from the Harrison Street façade. Note that

all parking is required to be located below grade in DTR districts per Section 825(b)(5), and above-grade parking is only partially-allowed on sloping sites provided that certain design parameters are met. Also, please indicate the required car share parking space(s) and consider access to those required spaces from non-residents.

8. **Off-Street Parking.** Planning Code Section 151.1 allows for provision of up to one car for each two dwelling units. Additionally, up to one car for each dwelling unit may be permitted subject to the criteria and procedures of Section 151.1(e). The project proposes a total of 280 off-street parking spaces (94 independently accessible and 186 stackers), which exceed the maximum requirement. For the proposed 184 dwelling units, a maximum of 184 spaces may be allowed subject to the criteria and procedures of Section 151.1(e).
9. **Unbundled Parking.** Please be advised that per Planning Code Section 167 all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units, or more, must be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units. In cases, such as the proposed project, 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 315 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 a price determined by the Mayor's Office of Housing.
10. **Bicycle Parking-** Planning Code Section 155.5 provides requirements for bicycle parking in residential development. For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50 are required. Based on 184 proposed units, the project has a bicycle parking requirement of 84 spaces. Please indicate project compliance with the requirement. Please be advised that currently the bicycle parking requirements in the Code are under review for significant changes that would likely affect the requirements for this project. The Planning Commission initiated these changes in August 2012 and an adoption date is pending. For review of potential changes, please see: <http://commissions.sfplanning.org/cpcpackets/2011.0397T.pdf>. These proposals are currently under review and are subject to change.
11. **Residential Unit Mix.** Planning Code Section 207.6 requires no less than 40 percent of the total number of proposed dwelling units to contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. Forty percent of the total proposed 184 units would be 74 units. The total number of proposed two-bedroom units is unclear. Please design accordingly to accommodate 74 two-bedroom units.
12. **Bulk and Tower Separation.** Planning Code Section 270(e) limits the plan dimension of towers between the podium height limit (in this case 65 feet) and 240 feet in height to a maximum plan length of 90 feet and a diagonal dimension of 120 feet. To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates, unless the overall tower floor plate is reduced by an equal or greater volume.

Additionally, in order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Please illustrate project compliance with these requirements.

The proposed tower configuration and envelope do not comply with the plan and diagonal dimensions. A maximum plan dimension of 90 feet and a diagonal dimension of 120 feet in addition to the 115-foot tower separation from the 45 Lansing development on the opposite block face of Harrison Street must be met. Variances from these requirements are not permitted, and the Code contains very limited specific exceptions that this proposed project does not appear to meet. As such, the proposed tower above the 65-foot tall podium cannot be approved under the existing zoning.

13. **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.
14. **Rincon Hill Infrastructure Impact Fee.** Planning Code Section 418 requires a payment of approximately \$8.60 per square foot for any residential project in the Rincon Hill Plan Area. For the proposed 237,065 square foot structure, approximately \$2,038,759.00 will be charged. Alternatively, The Project Sponsor may wish to opt for (1) an In-Kind Provision of Community Improvements, which requires Planning Commission review and for possible reduction in the Community Improvement Impact Fee as result of an agreement with the City to provide in-kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities; or (2) Provision of Community Improvements via a Community Facilities (Mello-Roos) District, where the Commission may waive the Community Improvements Impact Fee, either in whole or in part, if the Project Sponsor has entered into a Waiver Agreement with the City.
15. **SOMA Stabilization Fund Fee.** Planning Code Section 418 requires a payment of approximately \$10.95 per square foot for any residential tower in the Rincon Hill area. For the proposed 237,065-square-foot structure, \$2,595,861.70 will be charged.
16. **Inclusionary 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. The project has an affordable housing requirement of 12 percent if provided on-site, or 17 percent if provided off-site.

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

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

17. **Recycled Water.** The City requires property owners to install dual-plumbing systems for recycled water use in accordance with Ordinances 390-91, 391-91, and 393-94, within the designated recycled water use areas for new construction projects larger than 40,000 square feet.
18. **Stormwater.** As mentioned in the above Environmental Review section, 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/>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.
19. **The Transit Impact Development Fee (TIDF).** TIDF is an impact fee levied on new development citywide to offset new development's impacts on the transit system. Effective February 1, 2013, it lowers the threshold for triggering the TIDF from 3,000 square feet of new development to 800 square feet. The term "new development" for a mixed use proposal refers to the non-residential portion of the project. Please be advised that the proposed project may trigger the payment of TIDF prior to issuance of the first construction document. Please be aware that an ongoing process – the Transportation Sustainability Program – may eventually replace the Transit Impact Development Fee. You can find more information about this program here: <http://www.sf-planning.org/index.aspx?page=3035>

#### PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site Design, and Open Space.** The required tower separation will result in a significant front setback from Harrison Street. The space could be designed to augment the public realm and also provide required usable open space.

- 2. Street Frontage.** The frontage should provide a consistent and active relationship with the fronting street. Ground Floor residential uses are encouraged. The Planning Department recommends exploring the option of ground floor residential units on Harrison Street with raised and setback landscaped entries and direct access to dwellings to provide a transition from the street. A setback terrace at the ground level may count toward open space. The active ground floor use (residential or commercial) should also be designed to take engage positively with the setback.

Refer to the draft Ground Floor Residential Design Guidelines for treatment of the building along the street if the project ultimately proposes residential uses on the ground floor. The draft guidelines are located on the Department website under "Resource Center/Department Publications/Guidelines for Ground Floor Residential Design."

A single 12 foot wide opening for parking ingress and egress should be sufficient for stacked residential parking. An off-street loading zone may be considered at the curbside, in lieu of on-site.

Bicycle parking is not shown and should be located as close as possible to the lobby or garage entrance to minimize the travel distance through the garage and conflict with automobiles. Bicycle parking at the ground level may count toward active use.

- 3. Architecture.** Based on the changes necessitated by bulk and tower separation controls, it is assumed that a new design that complies with the planning controls will be developed. The Planning Department will be able to provide additional review and comments at a subsequent submission.
- 4. Required Streetscape and Pedestrian Improvements.** Per Planning Code Section 138.1, the project sponsor will be required to submit a Streetscape Plan illustrating the location and design of streetscape improvements appropriate to the street type, including site furnishings, landscaping, corner curb extensions, and sidewalk widening as appropriate. The Planning Department may require these elements as part of conditions of approval.

Harrison is an arterial street. See <http://www.sfbetterstreets.org/design-guidelines/street-types/> to identify relevant street types for the project frontage

The Planning Department recommends enhanced corner bulb-outs and pedestrian improvements at Essex and Harrison and sidewalk improvements.

If street improvements are being considered, project sponsors should contact DPW as early as possible to understand the process and requirements for permitting street improvements. For more information on process, guidelines, and requirements for street improvements, refer to [www.sfbetterstreets.org](http://www.sfbetterstreets.org). Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

- 5. In-Kind Public Realm Improvements**

Harrison Streetscape improvements have been identified as a project by the Interdepartmental Plan Implementation Committee. Please review the Rincon Hill Streetscape Plan for more information, including Rincon Hill Impact Fees.

**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 **October 29, 2014**. 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: Brit Hahn, Property Owner  
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