



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Eastern Neighborhoods Large Project Authorization

HEARING DATE: JULY 14, 2011

*Date:* July 7, 2011  
*Case No.:* **2008.1395X**  
*Project Address:* **1501 15th STREET**  
*Zoning:* UMU (Urban Mixed Use) District  
58-X Height and Bulk District  
*Block/Lot:* 3553/054  
*Project Sponsor:* David Silverman  
One Bush Street Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Kimberly Durandet – (415) 575-6816  
[kimberly.durandet@sfgov.org](mailto:kimberly.durandet@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

Request for Large Project Authorization and exceptions pursuant to Planning Code Section 329. The subject property is located on the southwest corner of South Van Ness Avenue and 15<sup>th</sup> Street, Lot 054 of Assessor's Block 3553, in the UMU (Urban Mixed Use) Zoning District, and a 58-X Height and Bulk District. The proposed project would replace a vacant lot (formerly a gas station) with a 58 foot high, five-story, 66,043 square foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 8,222 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15<sup>th</sup> Street. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space with exceptions pursuant to Planning Code Sections 134 and 140. Planning Code Section 329 requires that the Planning Commission review and evaluate all physical aspects of "Large Projects" proposed in the Eastern Neighborhoods Mixed Use Districts at a public hearing. A "Large Project" is defined as meeting one of the following criteria: (1) 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 (2) the project involves a net addition or new construction of more than 25,000 gross square feet; or (3) the project has 200 or more linear feet of contiguous street frontage on any public right of way. Pursuant to Planning Code Section 329, the project requests Large Project Authorization with exceptions for (1) rear yard, and (2) exposure.

## **SITE DESCRIPTION AND PRESENT USE**

The property is located on the southwest corner of South Van Ness Avenue and 15<sup>th</sup> Street. The lot is 125 feet in length on 15<sup>th</sup> Street and 113 feet in length on South Van Ness Avenue. The site is currently occupied by a vacant automobile service station which has been closed since 2006. The pumps and underground tanks from the former gasoline station have already been removed, the closure has been approved by the Department of Public Health, and all remediation measures required by the Department of Public Health have been completed. The lot is surrounded by a chain link fence. There is one tree onsite as well as some vegetation.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of South Van Ness Avenue and 15<sup>th</sup> Street. The adjacent property to the south is a two story structure that is authorized for auto repair and is the only other parcel on this block that is in the UMU Zoning District. The adjacent property to the west is a three-story over garage residential building. The rest of the block is zoned RTO-M (Residential, Transit-Oriented, Mission Street) District. The area is a mix of zoning districts including RH-3, RTO, NCT, P, UMU and PDR-1-G. The area is truly mixed use with pockets of residential buildings, surrounded by a variety of uses ranging from auto service stations and sales, video production, a public school, Muni bus terminal, UCSF production facility, bars, and a variety of goods and other services.

## **ENVIRONMENTAL REVIEW**

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 27, 2011, the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	June 24, 2011	June 22, 2011	23 days
Posted Notice	20 days	June 24, 2011	June 24, 2011	20 days

Mailed Notice	20 days	June 24, 2011	June 24, 2011	20 days
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The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the EN Large Project Authorization process. In addition the Environmental Review Notice was sent on September 18, 2009 to property owners within a 300 foot radius with a full project description. Also, the Gas Station Conversion Notice was sent to property owners within a 300 foot radius on which it was stated that a five-story mixed use building was proposed on the site on March 7, 2011.

## **PUBLIC COMMENT**

- To date, the Department has received 1 phone call opposed to the project with concerns regarding the ingress/egress location on 15<sup>th</sup> Street.

## **PAST HISTORY AND ACTIONS**

On November 27, 2007, the Project Sponsor filed Environmental Review Application No. 2007.1359E with the Planning Department, and on December 6, 2007, filed Conditional Use Application No. 2007.1359C for a car wash on May 1, 2008 which was disapproved by the Planning Commission. Motion No. 17589 stated that the proposed car wash was inconsistent with the intent of the Mission Area Plan. The Mission Area Plan was part of the Eastern Neighborhoods rezoning, which was in progress at the time of the hearing, and the new controls had not yet been adopted. The subject property was subsequently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use). The purpose of this zoning re-classification was to encourage mixed-use development. Therefore, the Commission found (Finding No. 11) the Project to be generally inconsistent with the rezoning effort as part of the Mission Area Plan in providing a commercial-only use (car washing facility) in an area that was to be rezoned as Urban Mixed Use. And, recommended that due to the project site's close proximity to the 16th Street BART Station, a mixed-use project offering both commercial and residential uses would be strongly encouraged. Furthermore, on January 6, 2010 the Historic Preservation Commission reviewed the proposed project and concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15<sup>th</sup> Street.

## **ISSUES AND OTHER CONSIDERATIONS**

The Department had a number of design comments which the Project Sponsor although deliberated, did not integrate into the revised plans or minimally addressed the concern. The Department realizes that from the architect's perspective, the design is very cohesive and deliberate, forming a minimalist facade. Therefore, any attempts to change it would compromise the integrity of the design. The Department's main concerns are as follows:

If the courtyards remain, in all likelihood gates will be needed to secure the outdoor activity areas after the retailers close in the evening. Staff would like to see the proposed treatment to address this issue in the design.

The Department would like to see the use of the neighboring property's light-well preserved, such as matching the light-well.

The recessed wall on South Van Ness Ave. presents a blank wall above the ground floor and should have additional detail and fenestration to provide scale and interest.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Large Project Authorization pursuant to Planning Code Section 329 with exceptions for rear yard and exposure.

### **BASIS FOR RECOMMENDATION**

- The Project is a residential with ground floor commercial development in an underutilized site in close proximity to transit to downtown.
- The Project site is an opportunity site that is currently only used as a vacant automobile service station which significantly degrades the built and pedestrian environment that surrounds it.
- The area around the Project site was recently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use) as part of a long range planning goal to create a mixed use neighborhood that provides a higher ratio of family and affordable housing.
- The project provides 60% 2 bedroom units and 18% affordable units.
- The ground floor character of the building is active and commercially oriented along South Van Ness Avenue and 15<sup>th</sup> Street.
- Curb cuts are minimized to one parking access point for entire project.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

- Zoning Map
- Height and Bulk Map
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Project Sponsor Submittals

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal  |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Parcel Map                  | <input checked="" type="checkbox"/> Site Photos  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input checked="" type="checkbox"/> Context Photos   |
| <input checked="" type="checkbox"/> Aerial Photo                | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

kjd  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input type="checkbox"/> Child Care Requirement (Sec. 414)            |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Other (EN Impact Fee – Sec. 423)  |

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## Planning Commission Draft Motion

HEARING DATE: JULY 14, 2011

*Date:* July 7, 2011  
*Case No.:* **2008.1395X**  
*Project Address:* **1501 15th STREET**  
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**ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO SECTION 329 OF THE PLANNING CODE TO ALLOW A SIX-STORY, 58 FEET TALL MIXED USE BUILDING INCLUDING UP TO 40 DWELLING UNITS AND APPROXIMATELY 8,222 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND TO: (1) ALLOW EXCEPTIONS TO THE REAR YARD REQUIREMENTS PURSUANT TO PLANNING CODE SECTIONS 134 AND 134(f); (2) ALLOW EXCEPTIONS TO DWELLING UNIT EXPOSURE PER PLANNING CODE SECTION 140; WITHIN THE UMU (URBAN MIXED USE) DISTRICT, MISSION ALCOHOL SPECIAL USE DISTRICT, AND AN 58-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On December 20, 2008, Project Sponsor filed Environmental Review Application No. 2008.1395E, on March 16, 2009, filed Shadow Study (Prop K) Application No. 2008.1395K, on November 16, 2010, filed for a Gas Station Conversion Determination Application No. 2008.1395U, and on April 14, 2011, filed for Large Project Authorization Application No. 2007.0689X (hereinafter "Application") per Planning Code Section 329 to create a Large Project to allow the construction of a six-story, 58 feet tall mixed use building including up to 40 dwelling units, approximately 8,222 square feet of ground floor commercial space, up to 39 parking spaces, up to 21 bicycle parking spaces, and including the following exceptions: (1) rear yard; and (2) exposure.

The environmental effects of the Project were determined by the San Francisco Planning Department (hereinafter "Department") to have been fully reviewed under the Eastern Neighborhoods Plan Environmental Impact Report (hereinafter "Eastern Neighborhoods EIR"). The Eastern Neighborhoods EIR was prepared, circulated for public review and comment, and, by Motion No. 17659 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA").

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. The Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

The environmental effects of the Project were determined by the San Francisco Planning Department (hereinafter "Department") to have been fully reviewed under the Eastern Neighborhoods Plan Environmental Impact Report (hereinafter "Eastern Neighborhoods EIR"). The Eastern Neighborhoods EIR was prepared, circulated for public review and comment, and, by Motion No. 17659 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The Commission has reviewed the Eastern Neighborhoods Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. The Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference. All mitigation measures adopted as part of these findings will be applied to the Project, as applicable, and as discussed in the Certificate of Exemption for this Project.

Additionally, State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, and (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 27, 2011, the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

On July 14, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Application No. 2008.1395X.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2008.1395X subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

#### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The property is located on the southwest corner of South Van Ness Avenue and 15<sup>th</sup> Street, Lot 054 of Assessor's Block 3553, in the UMU (Urban Mixed Use) Zoning District, and a 58-X Height and Bulk District. The lot is 125 feet in length on 15<sup>th</sup> Street and 113 feet in length on South Van Ness Avenue. The site is currently occupied by a vacant automobile service station which has been closed since 2006. The pumps and underground tanks from the former gasoline station have already been removed, the closure has been approved by the Department of Public Health, and all remediation measures required by the Department of Public Health have been completed.



The lot is surrounded by a chain link fence. There is one tree onsite as well as some vegetation.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of South Van Ness Avenue and 15<sup>th</sup> Street. The adjacent property to the south is a two story structure that is authorized for auto repair and is the only other parcel on this block that is in the UMU Zoning District. The adjacent property to the west is a three-story over garage residential building. The rest of the block is zoned RTO-M (Residential, Transit-Oriented, Mission Street) District. The area is a mix of zoning districts including RH-3, RTO, NCT, P, UMU and PDR-1-G. The area is truly mixed use with residential pockets of residential buildings, surrounded by a variety of uses ranging from auto service stations and sales, video production, a public school, Muni bus terminal, UCSF production facility, bars, and a variety of goods and other services.
4. **Project Description. 2008.1395X: 1501 15<sup>TH</sup> STREET** - Request for Large Project Authorization and exceptions pursuant to Planning Code Section 329. The subject property is located on the southwest corner of South Van Ness Avenue and 15<sup>th</sup> Street, Lot 054 of Assessor's Block 3553, in the UMU (Urban Mixed Use) Zoning District, and a 58-X Height and Bulk District. The proposed project would replace a vacant lot (formerly a gas station) with a 58 foot high, five-story, 66,043 square foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 8,222 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15<sup>th</sup> Street. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space with exceptions pursuant to Planning Code Sections 134 and 140. Planning Code Section 329 requires that the Planning Commission review and evaluate all physical aspects of "Large Projects" proposed in the Eastern Neighborhoods Mixed Use Districts at a public hearing. A "Large Project" is defined as meeting one of the following criteria: (1) 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 (2) the project involves a net addition or new construction of more than 25,000 gross square feet; or (3) the project has 200 or more linear feet of contiguous street frontage on any public right of way. Pursuant to Planning Code Section 329, the project requests Large Project Authorization with exceptions for (1) rear yard and (2) exposure.
5. **Past History and Action.** On November 27, 2007, the Project Sponsor filed Environmental Review Application No. 2007.1359E with the Planning Department, and on December 6, 2007, filed Conditional Use Application No. 2007.1359C for a car wash on May 1, 2008 which was disapproved by the Planning Commission. Motion No. 17589 stated that the proposed car wash was inconsistent with the intent of the Mission Area Plan. The Mission Area Plan was part of the Eastern Neighborhoods rezoning, which was

in progress at the time of the hearing, and the new controls had not yet been adopted. The subject property was subsequently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use). The purpose of this zoning re-classification was to encourage mixed-use development. Therefore, the Commission found (Finding No. 11) the Project to be generally inconsistent with the rezoning effort as part of the Mission Area Plan in providing a commercial-only use (car washing facility) in an area that was to be rezoned as Urban Mixed Use. And, recommended that due to the project site's close proximity to the 16th Street BART Station, a mixed-use project offering both commercial and residential uses would be strongly encouraged. Furthermore, on January 6, 2010 the Historic Preservation Commission reviewed the proposed project and concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15<sup>th</sup> Street.

6. **Public Comment.** The Department has received 1 phone call in opposition to the proposal stating concerns regarding locating the ingress/egress for parking on 15<sup>th</sup> Street and a concern that property values would decrease if this project is built. The Department has received no comments in support of the project.
7. **Urban Mixed Use (UMU) Zoning District.** The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.
8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use.** Planning Code Section 843 identifies residential use and various nonresidential uses as principally permitted uses in the Urban Mixed Use (UMU) Zoning District with no density limit for residential uses. Retail Sales and Services are principally permitted up to 25,000 square feet if each use is up to 3,999 square feet. Conditional Use Authorization is required for each use 4,000 square feet and above.

*The Project includes residential 40 units and 8,222 square feet ground floor commercial space. The ground floor commercial space is divided into five commercial units which are all under 4,000 square feet. Specific uses for the ground floor are yet to be determined.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes floor area ratio limits for non residential uses. The FAR in the UMU Zoning and 58-X Height District is 4:1. This would allow non-residential uses to occupy up to 56,500 square feet of space.

*The project includes only 8,222 square feet of non-residential space which is well under the permitted FAR limit.*

- C. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site.

*For this project 80 square feet of usable open space is required per dwelling unit if the open space is not publicly accessible. For 40 dwelling units the requirement is 3,200 square feet of usable open space. The project proposes a roof deck of 2,880 square feet and two interior courtyard decks 325 square feet each for a total of 3,530 square feet of usable open space. These open spaces combine to exceed the minimum residential useable open space required for the project.*

- D. **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.

*The Project is required to provide at least 39 square feet of commercial open space, and it will meet the requirement by providing three publically accessible courtyards totaling 1,816 square feet, which meet all of the criteria of Section 135.3(b).*

- E. **Street Trees.** Planning Code Section 138.1 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for 20 feet of frontage of the property along each street or public alley.

*The project is required to provide twelve street trees. Plans currently show nine new trees and two previously existing. The project sponsor will provide all twelve trees or pay an in-lieu fee pursuant to Planning Code Section 428.*

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) off-street parking at street grade must be set back at least 25 feet; (2) not more than 1/3 the width of the building facing the street or 20 feet may be devoted to ingress/egress to parking; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4)

ground floor non-residential uses in UMU zoning district shall have a floor-to-floor height of 17 feet; (5) The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk. Such required street-facing entrances shall remain open to the public during business hours; (6) frontages with active uses shall be fenestrated with 60% transparent windows; and, (7) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

*The project meets the requirements of Section 145.1 as follows: (1) Off street parking is provided below grade in a basement level garage; (2) providing an approximately 12-foot wide garage opening, which is less than 20 feet or 1/3 the width of the approximately 124-foot wide building; (3) incorporating an approximately 8,222, square foot ground floor commercial ("active" use) at ground floor along both 15<sup>th</sup> Street and South Van Ness Avenue. Furthermore, the open courtyards if used as outdoor activity for the commercial spaces would be considered active; (4) the floor-to-ceiling height of the ground floor is at least 17 feet in height; (5) the street –fronting active uses including outdoor activity are to be as close as possible to the adjacent sidewalk; (6) the Zoning Administrator has determined that programming the courtyard areas to be used as outdoor activity for the adjacent commercial tenants would qualify the project to meet the 60% transparency requirement; (7) all railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.*

- G. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

*The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.*

- H. **Parking.** Planning Code Section 151.1 establishes the maximum number of automobile parking spaces allowed. Residential dwelling units in UMU Districts are permitted .75 parking spaces per unit. Residential dwelling units in UMU Districts with at least two-bedrooms that are at least 1,000 square feet of occupied floor area are permitted 1 parking space per unit. All retail uses in the Eastern Neighborhoods Mixed Use Districts where the parcel is less than 1/4 mile from Mission Street are permitted 1 parking space per 1,500 square feet of gross floor area.

*There are 16 two-bedroom units that are a minimum of 1,000 square feet and are allowed 1 to 1 ratio or 16 parking spaces. The remaining 24 units are two-bedroom under 1,000 square feet, one-bedroom and studio units and are allowed 1 to .75 ratio or 18 parking spaces. The commercial ground floor is 8,222 square feet and is allowed 1:1,500 square feet or 5 parking*

spaces. A total of 39 parking spaces are allowed with one required to be designed and designated for handicapped persons [Section 155(i)]. The project proposes 39 parking spaces one of which is designated for handicapped persons.

- I. **Loading.** Planning Code Section 152.1 requires off-street loading for certain uses in the Eastern Neighborhoods Mixed Use Districts. Retail uses are required to provide one off-street loading space if the gross floor area is greater than 10,000 square feet.

*The commercial space is below 10,000 square feet of gross floor area. Therefore, no off-street loading space is required and none is provided.*

- J. **Bicycle parking.** Planning Code Section 155.5 requires projects up to 50 dwelling units to provide one bicycle parking space for every 2 dwelling units. Therefore, the project requires 20 bicycle parking spaces.

*The project meets this requirement with 21 bicycle spaces provided on the basement floor. No commercial bicycle parking spaces are required.*

- K. **Car Sharing.** Planning Code Section 166 requires developments creating more than 200 dwelling units to provide at least two car share spaces, plus 1 for every 200 dwelling units over 200, to 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.

*The Project does not meet the threshold for a required car share space, therefore, none is provided.*

- L. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

*The Project will provide 60 percent of the dwelling units as two-bedroom units.*

- M. **Height.** The subject property is located in a 58-X height and bulk district.

*The height of the finished roof will be 58 feet. Mechanical and elevator and stair penthouses will meet the requirements of Section 260(b) for height exceptions.*

- N. **Mission Alcohol Beverage Special Use Sub-district.** This Sub-district places restrictions on the establishment of new businesses serving alcohol with exceptions for bona fide restaurants.

*The Project does not propose any land use restricted by this Sub-district at this time. Individual commercial tenants will be subject to the restrictions set forth at the time they seek entitlement.*

- O. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 419 et. seq. these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 419 et. seq. the Project is meeting the Inclusionary Affordable Housing Program requirement through the on-site Affordable Housing Alternative by providing 18% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any 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 Sponsor submitted such Affidavit on July 7, 2011. The EE application was submitted on December 20, 2008. 7 units (4 two-bedroom, and 0 three-bedroom) of the 40 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

- P. **Eastern Neighborhoods Public Benefit Fund.** The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described per Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.

- 9. **General Compliance with the Large Project Authorization in Eastern Neighborhoods Mixed Use District Objectives.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. **Overall building massing and scale;**

*The Project conforms to the applicable height and bulk requirements. As a corner location, the massing and scale are appropriate. There are other five-story buildings with commercial uses on the ground floor and residential uses on the upper floors located within a few blocks from the Subject Property. The corner of 15<sup>th</sup> and Mission Streets has a similar development with four residential floors above ground floor retail space. The Project is the appropriate mass and scale for high-density residential development in a neighborhood within close proximity to a major transportation access point – the 16<sup>th</sup> Street and Mission BART station. The community in the vicinity of the Project is evolving with development in the entire Eastern Neighborhoods Area Plans, and contains a range of building masses. The project, with residential and commercial uses, will be consistent with the evolving character of the area.*

*The Project will replace a vacant automobile service station with a new residential building with ground floor commercial space along South Van Ness Avenue and 15<sup>th</sup> Street. A defining trend in the area has been redevelopment and adaptive reuse of underutilized parcels to meet the increased demand for housing and service-based businesses. The project falls within this trend and thus will be compatible with its surroundings as it is an infill site that will not physically divide an established community. The proposed building will be approximately 58-feet in height. The building will fall within height restrictions set in the Planning Code and will be similar in scale to uses within a block of the project site.*

B. Architectural treatments, facade design and building materials;

*The proposed project is austere expression that is minimally detailed. Rather it relies on patterning of white and grey fiber cement panel siding to differentiate the base from upper floors as well as solid and void for its expression in space. There is little reveal depth at the window openings, which will contain aluminum framed windows. It does not have the traditional residential detailing of the surrounding residential buildings. However, the surrounding UMU and PDR-1-G districts contain a range of building types from industrial warehouse, brick, residential, and, commercial. The building is a modern urban interpretation that reflects the evolution of the urban fabric over time.*

C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

*The ground floor character of the building is active and commercially oriented along South Van Ness Avenue and 15<sup>th</sup> Street. One residential entry along 15<sup>th</sup> Street is indicated by the architecture of the building via transparent entry next to the single ingress/egress, and signage. The Project's commercial space is located along 15<sup>th</sup> Street and South Van Ness Avenue with courtyards directly adjacent to the street frontage which is intended to make it a more active open space. The commercial space has 17 feet clear ceiling height at the ground floor. Curb cuts are minimized to one parking access point for the entire project. Street trees along all street frontages are proposed per the Planning Code. Outdoor open space will be*

*provided by a roof deck and an inner courtyard in lieu of a rear yard. The ground floor spaces are pedestrian oriented.*

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

*The Project provides adequate open space, all on-site. The open spaces are provided in the form of private decks and a large roof deck. The total open space provided exceeds the amount required.*

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting;

*The Project proposes the installation of street trees along both frontages.*

- G. Circulation, including streets, alleys and mid-block pedestrian pathways;

*The Project provides a single ingress/egress on 15<sup>th</sup> Street and is not anticipated to create traffic problems. The Project will not significantly affect street circulation. It is located within 0.2 miles of the 16<sup>th</sup> Street BART Station, increasing the likelihood that residents of the Project will take public transportation. A fence along the southwest lot line of the Property currently impedes anyone in the mid-block open space from accessing the street via the Property and the Project will be built up to the fence line. The Project will provide security and privacy to the mid-block open space. No alleys exist at or adjacent to the Property.*

- H. Bulk limits;

*The Project site is located in an X Bulk District, which provides no bulk restrictions.*

- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

*The Project generally meets the Objectives and Policies of the General Plan and is compliant with the Mission Area Plan.*

10. **Exceptions.** Proposed Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts.

- A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is a corner lot. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:



*The Project is occupied by residential uses, except for 8,222 ground floor commercial space, and a comparable amount of readily accessible open space is proposed. Per the Planning Code, the required rear yard should equal 25 percent of the lot area at the residential levels, which is approximately 3,531 square feet for this property. Private decks and the large roof deck combine to provide more than 4,000 square feet of usable open space. Courtyards at residential levels provided the interior equivalent of a rear yard.*

2. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties:

*The Project will occupy the northwestern corner of the block. The adjacent property to the south extends to the rear property line and is a blind wall. The adjacent property to the west has a light-well that will be one foot from the proposed development. The building will be setback 12 inches for the entire length of the proposal along this property line. The west wall is proposed with light reflective paint to address the impact to the adjacent property light-well. Although the building will cast shadow on private property, the Project will not significantly impede access to light and air to most properties in the area.*

3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties:

*The adjacent building to the south of the Project provides no rear yard. The infill development of this corner lot would not impact the mid-block open space. However, the Project provides publicly accessible courtyards as well as two inner courtyards.*

- B. Planning Code Section 140 requires each dwelling unit in any use district to have at least one room of minimum dimensions face directly on an open area such as a public street, public alley, side yard at least 25 feet in width, code complying rear yard, an unobstructed open area that is no less than 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 of five feet in every horizontal dimension at each subsequent floor.

*The proposed project has sixteen units on the south west side of the building that do not meet The Code requirement. Twelve of the units have exposure to an inner court that is 20 by 33 feet wide at residential levels one through four. Although this inner court does not meet the 25 feet minimum dimension, and does not step back five feet at residential levels three and four, the provision of the court addresses the intent of this Code Section for these units.*

*Four of the units at the southwest corner of the building have two windows facing the property to the south with a five foot side setback and one window setback one foot from the west property line, facing the neighboring property's rear yard. The windows are located adjacent to parcel number 3553/047A which fronts on Capp Street. This property would not be allowed to develop to the rear lot line. Therefore, if the windows remain on this façade, the intent of this Code Section will have been met.*

11. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## HOUSING

### Objectives and Policies – 2004 Housing Element

#### Housing Supply

##### OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

##### Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

##### Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

*The Project is a residential with ground floor commercial development in an underutilized site in close proximity to transit to downtown. The Project site is an opportunity site that is currently a vacant automobile service station which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use) as part of a long range planning goal to create a mixed use neighborhood that provides a higher ratio of family and affordable housing. The project provides 60% two-bedroom units and 18% affordable units.*

#### Housing Affordability

##### OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY

##### POLICY 4.2

Include affordable units in larger housing projects.

*The project provides 60% two-bedroom units 20% one-bedroom units, 20% studio units and 18% affordable units on site which will reflect this unit mix ratio.*

#### Housing Choice:

##### OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES

**Policy 8.9:**

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

*The Project proposes 40 dwelling units in place of an effectively vacant parcel.*

**Housing Density, Design and Quality of Life**

**Policy 11.2:**

Ensure housing is provided with adequate public improvements, services and amenities.

**Policy 11.3:**

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

*The Project proposes 40 dwelling units with commercial on the ground floor on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. No affordable housing would be displaced by the project.*

**Regional and State Housing Needs**

**OBJECTIVE 12:**

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

**Policy 12.2:**

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

*The Project proposes 40 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. The project provides 60% two-bedroom units 20% one-bedroom units, 20% studio units and 18% affordable units on site which will reflect this unit mix ratio.*

**RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

**Policy 4.5:**

Require private usable outdoor open space in new residential development.

**Policy 4.6:**

Assure the provision of adequate public open space to serve new residential development.

*The Project will create private outdoor open space in new residential development through private decks, a roof deck and courtyards. It will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.2:**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.3:**

Install pedestrian-serving street furniture where appropriate.

**Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install street trees at approximately 20 foot intervals along the site frontages on 15<sup>th</sup> Street and South Van Ness Avenue. Frontages are designed with active spaces oriented at the pedestrian level. Furthermore, as South Van Ness is a major arterial, no curb cuts are proposed, improving the pedestrian environment on this frontage.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3:**

Provide parking facilities which are safe, secure, and convenient.

*The Project includes 21 bicycle parking spaces in a secure, convenient location on the ground floor and basement level.*

**OBJECTIVE 34:**

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

**Policy 34.1:**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

**Policy 34.3:**

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

**Policy 34.5:**

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

*The project proposes 39 parking spaces, which is the maximum allowed. There is only one ingress/egress on 15<sup>th</sup> Street.*

**URBAN DESIGN ELEMENT  
Objectives and Policies**

**OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 4.5:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*The ground floor character of the building is active and commercially oriented along South Van Ness Avenue and 15<sup>th</sup> Street. One residential entry along 15<sup>th</sup> Street is indicated by the architecture of the building via transparent entry next to the single ingress/egress, and signage. The Project's commercial space is located along 15<sup>th</sup> Street and South Van Ness Avenue with courtyards directly adjacent to the street frontage which is intended to make it a more active open space. The commercial space has 17 feet clear ceiling height at the ground floor. Curb cuts are*

*minimized to one parking access point on 15<sup>th</sup> Street for the entire project. Street trees along all street frontages are proposed per the Planning Code. Outdoor open space will be provided by a roof deck and an inner courtyard in lieu of a rear yard.*

## **ENVIRONMENTAL PROTECTION ELEMENT Objectives and Policies**

### **OBJECTIVE 3:**

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS

#### **POLICY 3.1**

Take advantage of the high density development in San Francisco to improve the transit infrastructure and also encourage high density and compact development where an extensive transportation infrastructure exists.

*The project is replacing an automobile service station with a residential mixed use building. The Project provides a single ingress/egress on 15<sup>th</sup> Street and is not anticipated to create traffic problems and will not significantly affect street circulation. Furthermore, it is located within 0.2 miles of the 16<sup>th</sup> Street BART Station, increasing the likelihood that residents of the Project will take public transportation.*

### **OBJECTIVE 15:**

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

#### **Policy 15.3:**

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

*The project is in close proximity to public transit, shopping, recreation facilities, a public school and many other amenities.*

## **MISSION AREA PLAN Objectives and Policies**

### **Land Use**

#### **OBJECTIVE 1.2:**

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER

**POLICY 1.2.2**

For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

**POLICY 1.2.3**

In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

*The Project will add 40 residential units on a currently underutilized property. The ground floor will include commercial uses that will serve the area. The project meets all the applicable requirements.*

**Housing**

**OBJECTIVE 2.1**

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE MISSION IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

**POLICY 2.1.3**

Provide units that are affordable to households at moderate and “middle incomes” – working households earning above traditional below-market-rate thresholds but still well below what is needed to buy a market-priced home, with restrictions to ensure affordability continues.

**OBJECTIVE 2.3**

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES

**POLICY 2.3.1**

Target the provision of affordable units for families.

**POLICY 2.3.3**

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

*The Project is a mixed-use residential with ground floor commercial development in an underutilized site in close proximity to transit to downtown. The Project site is an opportunity site that is currently a vacant automobile service station which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use) as part of a long range planning goal to create a mixed use neighborhood that provides a higher ratio of family and affordable housing.*

*The Project proposes 40 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. The project provides 60% two-bedroom units 20% one-bedroom units, 20% studio units and 18% affordable units on site.*

12. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project is consistent with this policy. The Property is currently unused and the Project would create 8222 square feet of retail space on its ground floor. This will significantly enhance the neighborhood-serving retail uses in the surrounding area, which currently has limited retail services and a substantial amount of parking and industrial uses. Increased retail space allows for increased employment and ownership opportunities for local residents.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project is consistent with this policy. The Project calls for the demolition of a vacant former gasoline station that has been unused for many years. Neither housing nor businesses will be removed as a result of the Project. Forty new dwelling units and 8,222 square feet of retail space will be created. This will help preserve the cultural and economic diversity of the neighborhood by giving residents more options for housing and more economic opportunities. By removing an unused and aesthetically unpleasing use from the neighborhood and creating new housing and economic opportunities, the Project will expand the positive aspects of the neighborhood while preserving its cultural and economic diversity.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*The Project is consistent with this policy. The UMU district includes the highest levels of affordable housing requirements in the entire City of San Francisco, a requirement that 18% of onsite units be subsidized housing or "BMRs". The Project will create 40 new dwelling units and a majority of those units will consist of two-bedrooms – giving families more housing options; which is the intent of the UMU district outlined in Planning Code section 843 and included in Policy 1.7 of the Housing Element.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.



*The Project is consistent with this policy. Residents or employees may use public transit and reduce the likelihood that commuter traffic will significantly increase. Indeed, locating housing units near public transit directly supports Policy 2.1 of the Transportation Element and Policy 1.1 of the Housing Element of the General Plan. In addition, the Project will not overburden the on-street neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project is consistent with this policy. No industrial or service sector uses will be removed by the Project, and the Project does not propose any office development. The Project's new retail space will create employment opportunities for those in the surrounding neighborhood.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project is consistent with this policy. The Project will conform to the structural and seismic requirements of the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*The gas station canopy is not a landmark or historically rated building and the Property is not located within a historic district and thus, the Project will have no impact on landmarks or historic buildings. On January 6, 2010 the Historic Preservation Commission reviewed the proposed project and concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15<sup>th</sup> Street.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project will not affect the City's parks or open space or their access to sunlight and vistas. A The Property is not adjacent to any parks or public open space, and will therefore have no affect on access to sunlight or vistas.*

- 13. The Project has completed the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator as they apply for permits for residential development (Section 83.4(m) of the Administrative Code). The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
- 14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby XXXXXXXX a Large Project Authorization under Planning Code Section 329 to allow the construction of a 58 foot high, five-story, 66,043 square foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 8,222 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15<sup>th</sup> Street. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space with an exceptions pursuant to Planning Code Sections 134 and 140 Designation subject to the conditions of approval attached hereto as **Exhibit A** and in general conformance with plans filed with the plans as received on XXXXXXXXXX, and stamped **Exhibit B**, which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the Environmental Determination for Area Plan Exemption attached hereto as **Exhibit C** and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Area Plan Exemption and contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18088. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore, Olague, and Sugaya.

NAYS:

ABSENT:

ADOPTED:

*GC: Document3*

# EXHIBIT A

## AUTHORIZATION

This authorization is adopting findings relating to Large Project Authorization pursuant to section 329 of the Planning Code to allow a six-story, 58 feet tall mixed use building including up to 40 dwelling units, approximately 8,222 square feet of ground floor commercial space, and up to 39 parking spaces and 21 bicycle parking spaces in a basement level garage, and to: (1) allow exceptions to the rear yard requirements of Planning Code Sections 134 and 134(f); and (2) allow exceptions to dwelling unit exposure per Planning Code Section 140, within the UMU (urban mixed use) District, Mission Alcohol Special Use District, and an 58-x Height and Bulk District. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

## RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on XXXXXX under Motion No XXXXXX.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

## SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Performance

### Conditions of approval, Compliance, Monitoring, and Reporting

#### PERFORMANCE

**Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## Design

### DESIGN – COMPLIANCE AT PLAN STAGE

**Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

**Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

**Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install

## Design

and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

**Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



## Parking and Traffic

### PARKING AND TRAFFIC

**Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## Provisions

### PROVISIONS

**First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-401-4960, [www.onestopSF.org](http://www.onestopSF.org)*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Eastern Neighborhoods Affordable Housing Requirements for UMU.** Pursuant to Planning Code Section 419.3 (formerly 319.3), Project Sponsor shall meet the requirements set forth in Planning Code Section 419.3 in addition to the requirements set forth in the Affordable Housing Program, per Planning Code Section 415. Prior to issuance of first construction document, the Project Sponsor shall select one of the options described in Section 419.3 or the alternatives described in Planning Code Section 419.5 to fulfill the affordable housing requirements and notify the Department of their choice. Any fee required by Section 419 et seq. shall be paid to the Development Fee Collection Unit at DBI prior to issuance of the first construction document an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code. The project is a Tier A requiring 18% or 7 units of affordable housing to be provided on-site.

**Number of Required Units.** Pursuant to Planning Code Section 419 et. seq., the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. The Project contains 40 units; therefore, 7 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 7 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

## Provisions

1. **Unit Mix.** The Project contains 8 studios, 8 one-bedroom, and 24 two-bedroom units; therefore, the required affordable unit mix is 1 studios, 1 one-bedroom, 5 two-bedroom, and 0 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

2. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

3. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than eighteen percent (18%) of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

4. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

5. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>*

## Provisions

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection (“DBI”). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called “Maximum Income by Household Size” derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the

## Provisions

Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any 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.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Eastern Neighborhoods Payment in case of variance or exception.** Pursuant to Planning Code Section 427 [formerly Section 135 (j)], in the Eastern Neighborhoods Mixed Use Districts, should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator, or an exception be granted for those projects subject to the Section 329 process, the Project Sponsor shall pay a fee in accordance with Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## Provisions

### MONITORING - AFTER ENTITLEMENT

**Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### OPERATION

**Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

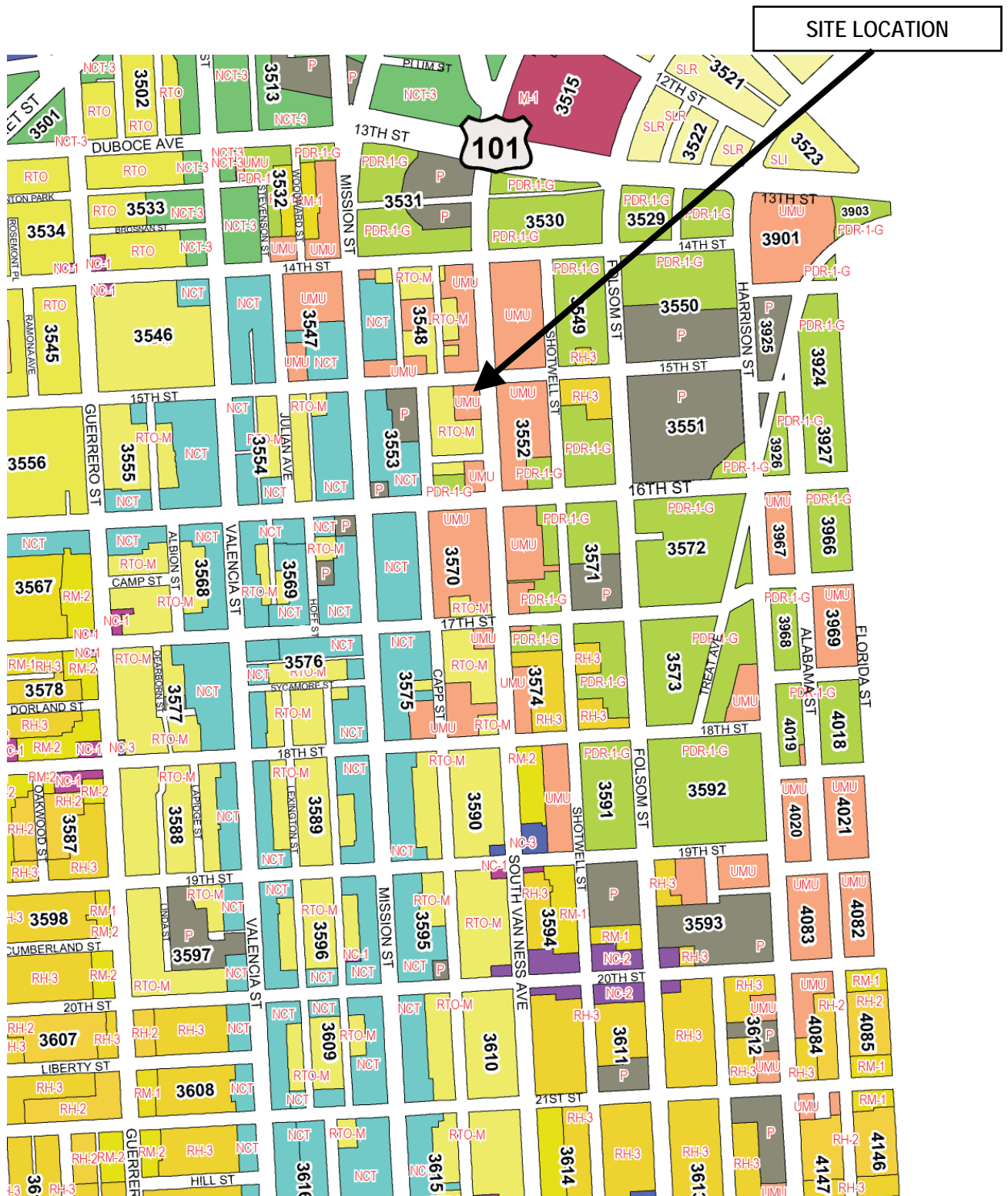
**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

**Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

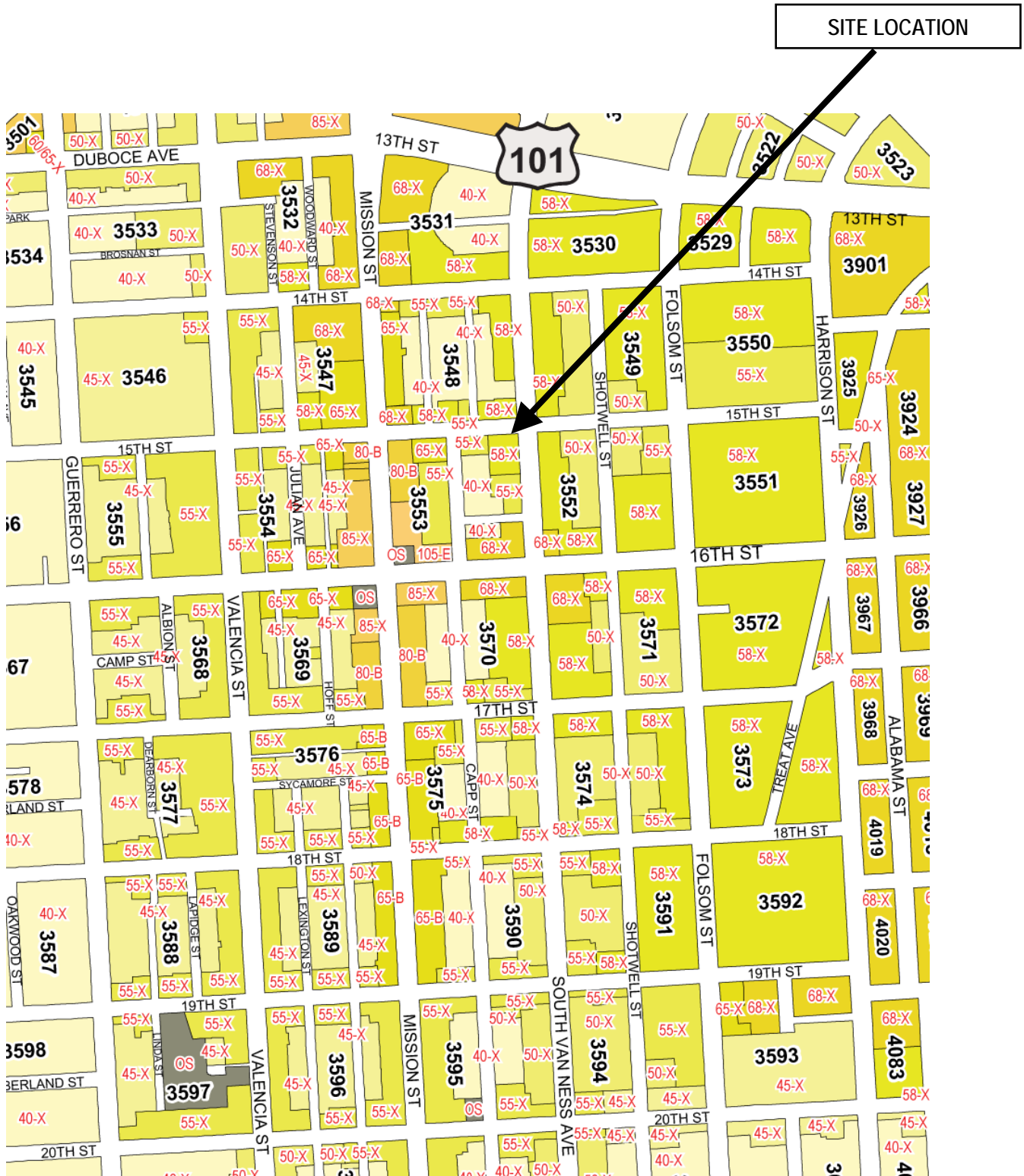
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Zoning Map



EN Large Project Authorization  
Case Number 2008.1395X  
1501 15<sup>th</sup> Street

# Height and Bulk Map



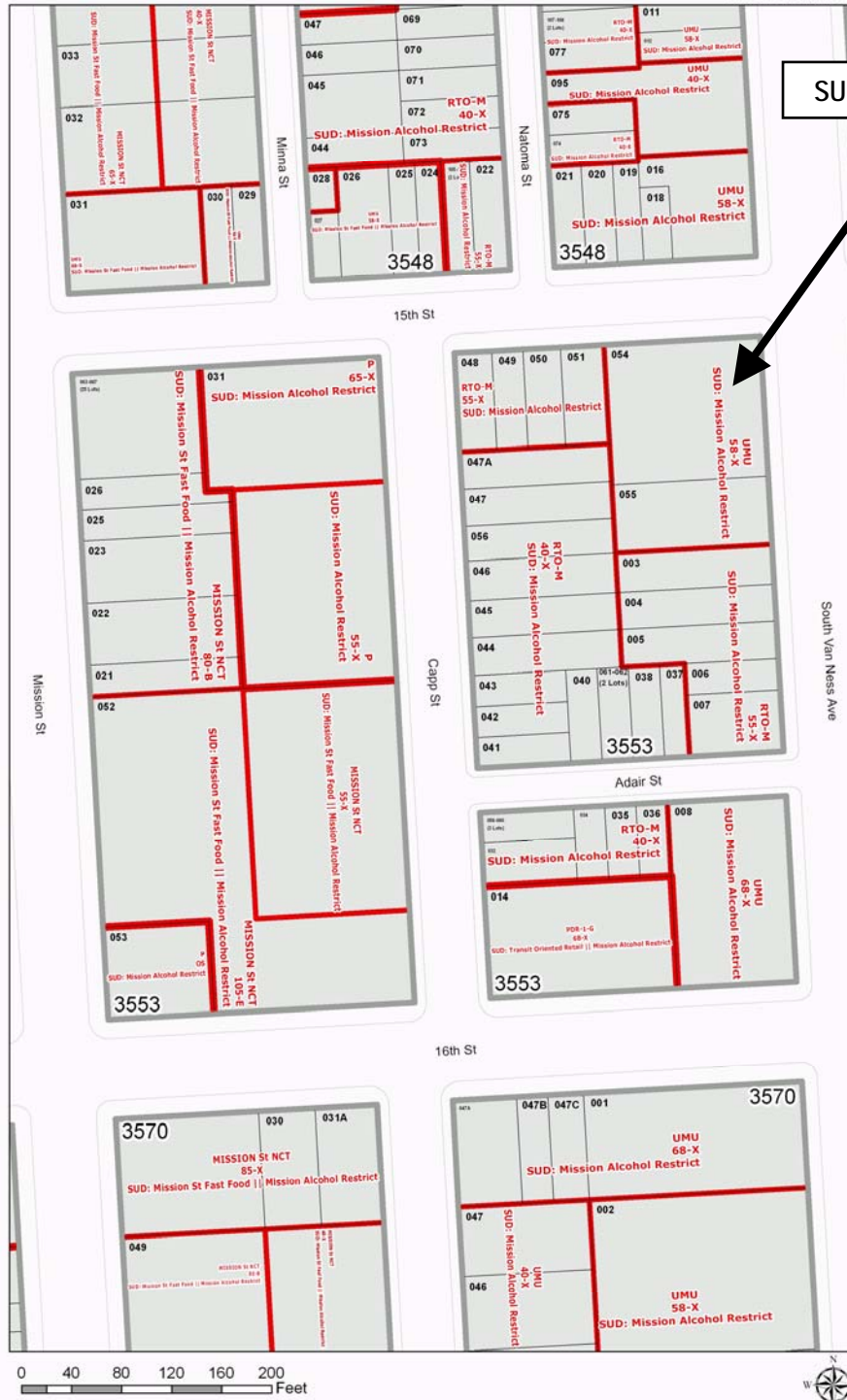
EN Large Project Authorization  
Case Number 2008.1395X  
1501 15<sup>th</sup> Street



# Parcel Map

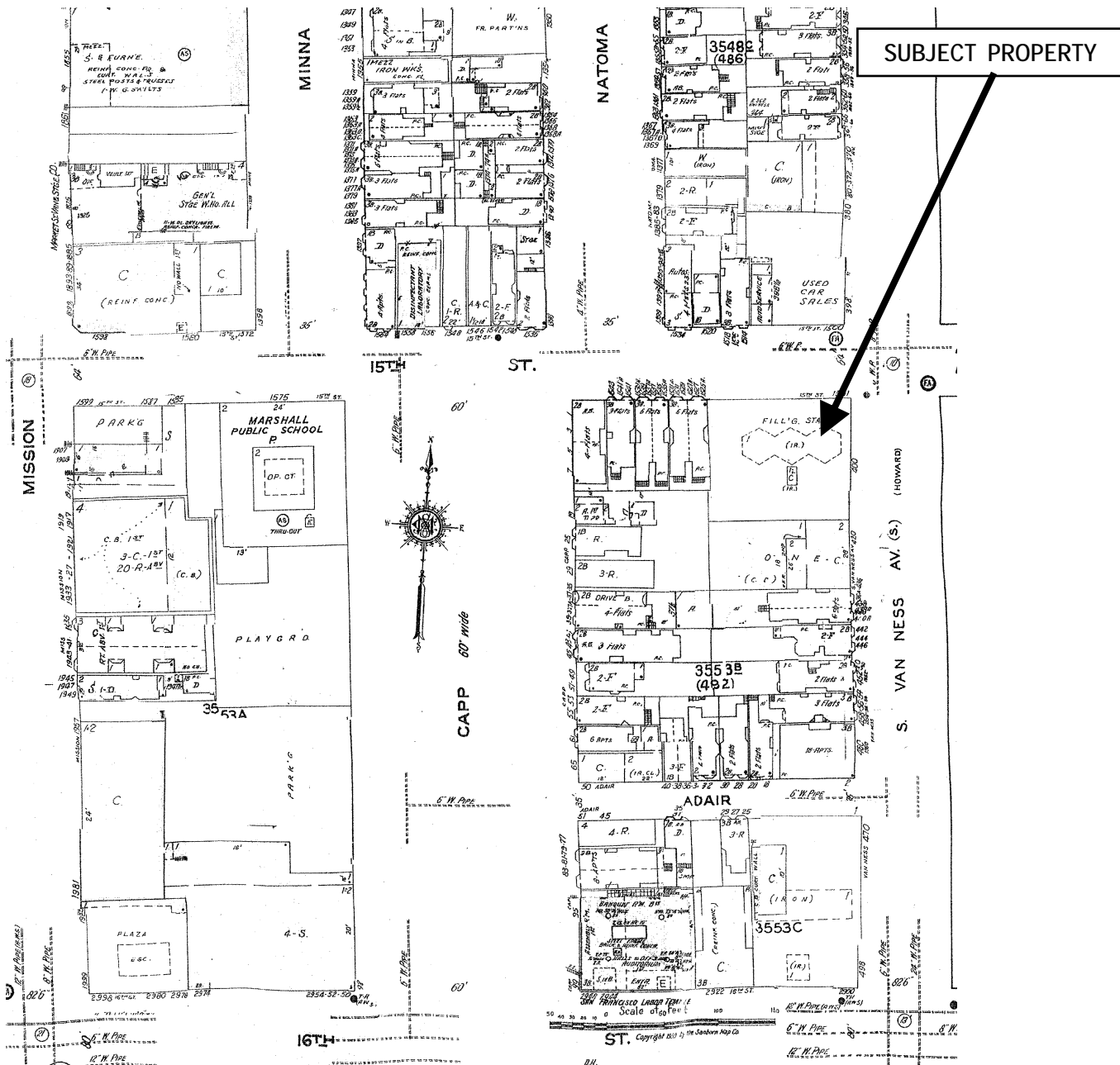
**BLOCK 3553**

Printed: 27 June, 2011



EN Large Project Authorization  
Case Number 2008.1395X  
1501 15<sup>th</sup> Street

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



EN Large Project Authorization  
 Case Number 2008.1395X  
 1501 15<sup>th</sup> Street

# Aerial Photo



SUBJECT PROPERTY





# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

**Case No.:** 2008.1395E  
**Project Title:** 1501 15<sup>th</sup> Street  
**Zoning:** Urban Mixed Use (UMU) District  
58-X Height and Bulk District  
**Block/Lot:** 3553/054  
**Lot Size:** 14,125 square feet  
**Plan Area:** Mission Subarea of the Eastern Neighborhoods  
**Project Sponsor:** David Silverman, Reuben and Junius, (415) 567-9000  
**Staff Contact:** Don Lewis – (415) 575-9095, [don.lewis@sfgov.org](mailto:don.lewis@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**

### PROJECT DESCRIPTION:

The project site is located on the southwest corner of South Van Ness Avenue and 15<sup>th</sup> Street in the Mission neighborhood. The proposed project would replace a vacant lot (formerly a gas station) with a 58-foot-tall, five-story, 66,043-square-foot, mixed-use building consisting of 40 residential units (16 one-bedroom, 24 two-bedroom) and approximately 9,681 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on 15<sup>th</sup> Street. The project would require excavation of up to 14 feet below the existing grade. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space. In 2006, three 10,000-gallon underground storage tanks were removed from the project site and the Department of Public Health subsequently issued a closure letter for the former gas station.

### EXEMPT STATUS:

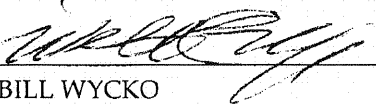
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

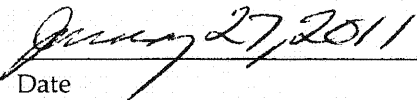
### REMARKS:

(See next page.)

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
BILL WYCKO  
Environmental Review Officer

  
Date

cc: David Silverman, Project Contact  
Kimberley Durandet, Neighborhood Planning Division  
Virna Byrd, M.D.F.

Supervisor David Campos, District 9  
Exemption/Exclusion File

**REMARKS:**

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR; and d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects peculiar to the 1501 15<sup>th</sup> Street mixed-use project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 1501 15<sup>th</sup> Street to determine if there would be significant impacts attributable to the proposed project. These studies examined the project's potential environmental effects on noise, air quality, shadow, geology, and hazardous materials.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 1501 15<sup>th</sup> Street. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods is included below, as well as an evaluation of potential environmental effects.

**Background**

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 1501 15<sup>th</sup> Street.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final

EIR by Motion 17659<sup>1</sup> and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2</sup>

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods Final EIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the Final EIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods Final EIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Urban Mixed Use (UMU) to encourage transitional development patterns between business and employment districts and predominantly residential neighborhoods, thereby buffering potentially incompatible land uses. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in this determination on page 4, under Land Use. The 1501 15<sup>th</sup> Street site, which is located in the Mission Area of the Eastern Neighborhoods, was designated and envisioned as a site with a building up to 58 feet in height and containing both residential and commercial uses.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed mixed-use project at 1501 15<sup>th</sup> Street is consistent with and was encompassed within the

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<sup>1</sup> *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: [http://www.sfgov.org/site/planning\\_index.asp?id=67762](http://www.sfgov.org/site/planning_index.asp?id=67762).

<sup>2</sup> San Francisco Planning Commission Motion 17659, August 7, 2008. [http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern\\_Neighborhoods/Draft\\_Resolution\\_Public%20Parcels\\_FINAL.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf)

analysis in the Eastern Neighborhoods Final EIR. Further, this determination finds that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts of the proposed 1501 15<sup>th</sup> Street project, and identified the mitigation measures applicable to the 1501 15<sup>th</sup> Street project. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation for the 1501 15<sup>th</sup> Street project is necessary.

### **Potential Environmental Effects**

The Eastern Neighborhoods Final EIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. The proposed 1501 15<sup>th</sup> Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 1501 15<sup>th</sup> Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certification of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.<sup>3</sup> The following discussion demonstrates that the 1501 15<sup>th</sup> Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gases, and hazardous materials.

### **Land Use**

The Eastern Neighborhoods Rezoning and Area Plans re-zoned much of the city's industrially-zoned land in the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighborhoods. The four main goals that guided the Eastern Neighborhood planning process were to reflect local values, increase housing, maintain some industrial land supply, and to improve the quality of all existing areas with future development. The re-zoning applied new residential and mixed-used zoning districts to parts of the Eastern Neighborhoods currently zoned for industrial, warehousing, and commercial service use.

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options the subject property was designated Urban Mixed Use (UMU) to encourage transitional development patterns between business and employment districts and predominantly residential neighborhoods, thereby buffering potentially incompatible land uses.

The proposed project would replace an existing vacant lot (formerly a gas station) with a 58-foot-tall building constructed to the Van Ness Avenue and 15<sup>th</sup> Street property lines. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted with the UMU zoning controls of the site analyzed in the Eastern Neighborhoods Final EIR. Further, the project is proposed on

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<sup>3</sup> San Francisco Planning Department, Community Plan Exemption Checklist, 1501 15<sup>th</sup> Street, January 21, 2011. This document is on file and is available for review as part of Case File No. 2008.1395E at 1650 Mission Street, Suite 400, San Francisco, CA.

an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods identified an unavoidable significant land use impact due to the cumulative loss of PDR under Option C. Option C, which would result in less PDR-only land than Options A or B and would rezone more existing PDR land and displace more existing PDR uses than the other two options, would result in a clear mismatch between the supply of and demand for PDR land and building space, with neither adequate land nor adequate building space available with substantial changes in land use controls on Port land. The analysis also determined that a No-Project scenario would result in an unavoidable significant impact on the cumulative supply of land for PDR uses. Since there is no PDR at the project site, the 1501 15th Street project would not contribute to this impact because there would be no loss of PDR.

In addition, Citywide Planning and Neighborhood Planning have determined that the proposed project is consistent with the Eastern Neighborhoods Final EIR and satisfies the requirements of the General Plan and the Planning Code. Therefore, the project is eligible for a Community Plan exemption.<sup>4,5</sup>

#### **Archeological Resources**

Potential archeological impacts were identified in the Eastern Neighborhoods Rezoning and Area Plans Final EIR. Mitigation Measure J-3: Mission Dolores Archeological District applies to any project within the Mission Dolores Archeological District involving installation of foundations; construction of a sub-grade or partial sub-grade structure including a garage, or basement; grading; soils remediation; installation of utilities; or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. The project site is located within the Mission Dolores Archeological District and the 1501 15th Street project would require excavation of up to 14 feet below grade for the underground parking garage level. Therefore, Eastern Neighborhoods Mitigation Measure J-3 (see Project Mitigation Measure 1 on page 27 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact from soils-disturbing activities on buried archeological resources to a less-than-significant level.

#### **Historic Architectural Resources**

The project site does not contain any historic resources and is not located in a known historic district. It is not anticipated that the project would result in any adverse effects on offsite historical architectural resources. Eastern Neighborhoods Final EIR Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area requires that projects involving new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the project involves construction that is 58 feet in height and is 10 feet taller than the adjacent property at 1523-1531 15th Street, which was constructed in 1908, Mitigation Measure K-1 (see Project

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<sup>4</sup> David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1501 15<sup>th</sup> Street, December 16, 2009. This document is on file and available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

<sup>5</sup> Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 1501 15<sup>th</sup> Street, December 16, 2009. This document is on file and available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.



Mitigation Measure 2 on page 30 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on January 6, 2010. The HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15th Street.

### Transportation

Trip generation of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>6</sup> The proposed project would generate about 1,812 person trips (inbound and outbound) on a weekday daily basis, consisting of 1,072 person trips by auto, 286 transit trips, 413 walk trips and 41 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 68 vehicle trips (accounting for vehicle occupancy data for this Census Tract). A majority of these p.m. peak hour vehicle trips (45) are related to the proposed retail portion of the project. Due to the project's location near major transit routes, this is likely a conservative estimate of vehicle trips.

The estimated 68 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. Available intersection LOS data from nearby intersections indicates that South Van Ness Avenue/16<sup>th</sup> Street intersection currently operates at LOS B during the weekday p.m. peak hour; that Mission Street/16<sup>th</sup> Street intersection operates at LOS C; and Valencia Street/15<sup>th</sup> Street at LOS B during the weekday p.m. peak hour.<sup>7</sup> Given that the proposed project would add approximately 68 new p.m. peak hour vehicle trips to surrounding intersections, it is not anticipated to substantially increase traffic volumes at these or other nearby intersections, nor substantially increase average delay that would cause these intersections to deteriorate to unacceptable levels of service.

The Eastern Neighborhoods Final EIR evaluated three land use options. The proposed project is located in the Mission Subarea of the Eastern Neighborhoods, which included the analysis (existing and 2025 operating conditions) of the above and other intersections in the area based on proposed development plan options of the Eastern Neighborhoods. The South Van Ness/16<sup>th</sup> Street intersection (one block away) is anticipated to continue to operate at LOS B under 2025 weekday p.m. peak hour conditions under all Plan options; the Mission Street/16<sup>th</sup> Street intersection (two blocks away) is anticipated to change from LOS C to LOS D under all Plan options; and the Valencia Street/15<sup>th</sup> Street intersection would change from LOS B to LOS C under all Plan options.

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<sup>6</sup> Don Lewis, San Francisco Planning Department, *Transportation Calculations*, December 2, 2009. These calculations are available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

<sup>7</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, certified January 19, 2009. File No. 2004.0160E.

The nearest Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at South Van Ness Avenue/Howard Street/13<sup>th</sup> Street (2 ¼ blocks to the north of the project site) which operated at LOS E under existing (baseline) conditions and would deteriorate to LOS F under 2025 weekday p.m. peak hour operating conditions under Plan Options B and C. The other nearby Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at Folsom Street/13<sup>th</sup> Street (3 ½ blocks to the north of the project site) which operated at LOS C under existing (baseline) conditions and would deteriorate to LOS E under 2025 weekday p.m. peak hour operating conditions under Plan Option B. It is likely these conditions would occur with or without the project, and the proposed project's contribution of 68 p.m. peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' projects, should they be approved. Under the Eastern Neighborhoods Final EIR, specific mitigation measures were not proposed for either the South Van Ness Avenue/Howard Street/13<sup>th</sup> Street intersection or the Folsom Street/13<sup>th</sup> Street intersection and a Statement of Overriding Considerations related to the significant and unavoidable cumulative (2025) traffic impacts was adopted as part of the EIR Certification and project approval on January 19, 2009. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

#### Transit

As indicated above, the proposed project is estimated to add 286 daily transit person trips, of which 35 are estimated to occur in the p.m. peak hour. The project site is served by several local and regional transit lines including Muni lines 12, 14, 14L, 22, 27, 33, and 49, and therefore, the additional p.m. peak hour trips would likely be accommodated on existing routes, and would result in a less-than-significant effect to transit services.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni lines 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of 35 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have a significant cumulative transit impact.

### Parking

The project site is currently a vacant lot. While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Sections 843.09 and 843.10, the project includes 39 subterranean parking spaces. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the demand for parking would be 112 spaces. Thus, the project would have an unmet parking demand of 73 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit (Muni lines 12, 14, 14L, 22, 27, 33, and 49) and bike lanes (45, 33, and 40), which provide alternatives to auto travel.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Access

Vehicular access to and from the ground-floor parking garage would be on 15<sup>th</sup> Street. Vehicles would enter the building at grade and park in an assigned parking space. Pedestrian access would be on both South Van Ness Avenue and 15<sup>th</sup> Street. South Van Ness Avenue is a four-lane, two-way major arterial street with parallel parking on both sides while 15<sup>th</sup> Street is a two-lane, one-way street extending westerly at the project site. Emergency access to the project site would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the street. The nearest transit preferential streets are Mission Street and 16<sup>th</sup> Street. It is anticipated that both garbage pickup and commercial retailing would be located on South Van Ness Avenue.

Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.14 truck-trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential development less than 100,000 square feet and for retail use less than 10,000 square feet. Therefore, off-street loading spaces are not required for the proposed project, which would include 41,072 square feet of residential use and 9,681 square feet of retail use. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term and construction loading/staging operations to the existing on-street parking area along either South Van Ness Avenue or 15<sup>th</sup> Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on either South Van Ness Avenue or 15<sup>th</sup> Street.

Pedestrian and Bicycle Conditions

The proposed project would generate approximately 45 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

There are no existing or proposed bike lanes on or adjacent to the project site, and no new curb cuts are proposed. In the vicinity of the project site, there are three major Citywide Bicycle Routes. Valencia Street comprises a portion of bicycle route #45, Harrison Street a portion of route #33, and 17<sup>th</sup> Street a portion of route #40. Bicycle traffic is heavier on Valencia Street than on surrounding streets. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

The recently amended (Board of Supervisors Ordinance No. 129-06) *Planning Code* Section 155.5 requires that residential projects of 50 dwelling units or less provide one bicycle space for every two dwelling units. The proposed project includes 40 dwelling units and thus would be required to provide 20 bicycle parking spaces which would be provided inside the ground-floor parking garage. In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards.

In summary, the project would not result in a significant effect with regard to transportation.

### Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA<sup>8</sup> should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on South Van Ness Avenue are above 70 dBA and are between 60.1 and 65.0 dBA on 15<sup>th</sup> Street. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 1501 15<sup>th</sup> Street project, a multi-unit residential project with ground-floor commercial use, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 3 on page 30 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, Environmental Science

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<sup>8</sup> The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

Associates (ESA) were hired by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within two blocks of the project site.<sup>9</sup>

The 24-hour noise measurement recorded a day-night noise average of 71.9 dBA (Ldn). This is slightly less noisy than forecast by noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 75 dBA and 79 dBA (Ldn) for the project block of South Van Ness Avenue (and surrounding blocks). ESA's site survey did not identify any land uses that generate unusual noise within two blocks of the project site.

Given the noise environment at the project site, ESA concluded that it would appear that conventional residential construction, which would include double-paned windows (which typically offer 25 to 30 dBA noise reduction), would be sufficient to ensure an interior noise environment in habitable rooms of 45 dBA (Ldn) as required by the San Francisco Building Code. ESA recommends that the project sponsor use windows with a minimum Sound Transmission Class (STC) rating of at least 27, which would ensure an interior noise environment of 45 dBA (Ldn) ( $72 - 27 = 45$ ). Therefore, ESA's noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed development does not propose residential and commercial uses that would be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants

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<sup>9</sup> Karl Heisler, Environmental Science Associates, Email, RE: Noise Study for 1501 15<sup>th</sup> Street, March 18<sup>th</sup>, 2010. This document is on file and is available for review as part of Case File No. 2008.1395E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

The Eastern Neighborhoods identified a significant impact related to construction noise that would include pile driving and determined that *Mitigation Measure F-1: Construction Noise* would reduce effects to a less-than-significant level. Since construction of the proposed project does not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

### Air Quality

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Eastern Neighborhoods Final EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure G-1: Construction Air Quality* would reduce effects to a less-than-significant level. Subsequently, 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). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be less than significant. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and *Mitigation Measure G-1* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to air quality for sensitive land uses and determined that *Mitigation Measure G-2: Air Quality for Sensitive Land Uses* would reduce effects to a less-than-significant level. In response to this concern, Article 38 of the San Francisco Health Code was amended to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM 2.5<sup>10</sup> concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m<sup>3</sup>).<sup>11</sup> Sponsors of projects on sites where the PM 2.5 concentration exceeds the 0.2 ug/m<sup>3</sup> threshold are required to install ventilation systems or otherwise redesign the project to reduce the PM 2.5 concentration for the habitable areas for the dwelling units to below the threshold. The project site is located within the Potential Roadway Exposure Zone, triggering the application of San Francisco Health Code Article 38. An Air Quality Assessment was completed by the Department of Public Health for the

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<sup>10</sup> PM 2.5 is a measure of smaller particles in the air. PM 10 has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

<sup>11</sup> See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

project site on September 10, 2009.<sup>12</sup> The results indicate that the maximum average annual exposure would be about 0.05 micrograms per cubic meter. This level is below the action threshold for mitigation recommended in the *Department of Public Health's Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*. Therefore, the project would have no significant air quality impacts on residents due to roadway emissions, and *Mitigation Measure G-2* does not apply.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit diesel particulate matter (DPM) and determined that *Mitigation Measure G-3: Siting of Uses that Emit DPM* would reduce these effects to a less-than-significant level. As stated in the Eastern Neighborhoods Final EIR, to minimize potential exposure of sensitive receptors to DPM, for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, the Planning Department shall require that such uses be located no less than 1,000 feet from residential units and other sensitive receptors. Since the proposed project would not be expected to be served by at least 100 trucks per day or 40 refrigerator trucks per day, the 1501 15<sup>th</sup> Street project would not be expected to expose sensitive receptors to DPM and *Mitigation Measure G-3* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit toxic air contaminants (TACs) as part of everyday operations and determined that *Mitigation Measure G-4: Siting of Uses that Emit Other TACs* would reduce these effects to a less-than-significant level. Since the proposed project, a mixed-use building with residential units above ground-floor commercial use, would not be expected to generate TACs as part of everyday operations, the 1501 15<sup>th</sup> Street project would not contribute to this significant impact and *Mitigation Measure G-4* is not applicable.

### Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO<sub>2</sub>E).<sup>13</sup>

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<sup>12</sup> Modeling completed by Patrick Fosdahl of the San Francisco Department of Public Health on September 10, 2009. Modeling results are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Project File No. 2008.1395E.

<sup>13</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.



There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.<sup>14</sup>

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E), or about 535 million U.S. tons.<sup>15</sup> The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.<sup>16</sup> In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36% of the Bay Area's 95.8 MMTCO<sub>2</sub>E emitted in 2007.<sup>17</sup> Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.<sup>18</sup>

#### REGULATORY SETTING

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.<sup>19</sup> The Scoping Plan estimates a reduction of 174 million metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1, below. ARB has identified an implementation timeline for the GHG

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<sup>14</sup> California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: <http://www.climatechange.ca.gov/publications/faqs.html>. Accessed November 8, 2010.

<sup>15</sup> California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_2009-03-13.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf). Accessed March 2, 2010.

<sup>16</sup> Ibid.

<sup>17</sup> Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed March 2, 2010.

<sup>18</sup> Ibid.

<sup>19</sup> California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed March 4, 2010.

reduction strategies in the Scoping Plan.<sup>20</sup> Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

**Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors<sup>21</sup>**

GHG Reduction Measures By Sector	GHG Reductions (MMT CO <sub>2</sub> E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
<b>Total</b>	<b>174</b>
<b>Other Recommended Measures</b>	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	
• Anaerobic Digestion	9
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
<b>Total</b>	<b>42.8-43.8</b>

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA

<sup>20</sup> California Air Resources Board. AB 32 Scoping Plan. Available Online at: [http://www.arb.ca.gov/cc/scopingplan/sp\\_measures\\_implementation\\_timeline.pdf](http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf). Accessed March 2, 2010.

<sup>21</sup> Ibid.

review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.<sup>22</sup> State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity by replacing a vacant lot with a mixed-use development which would result in additional vehicle trips and an increase in energy use. The development could also result in an increase in overall water usage which generates indirect emissions from the energy required to pump, treat and convey water. The development could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

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<sup>22</sup> Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*. June 19, 2008. Available at the Office of Planning and Research's website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the 2010 CEQA Air Quality Guidelines. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions to the BAAQMD.<sup>23</sup> This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's Strategies to Address Greenhouse Gas Emissions identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO<sub>2</sub>E and 2005 GHG emissions are estimated at 7.82 MMTCO<sub>2</sub>E, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

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<sup>23</sup> San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco*. 2010. The final document is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

The BAAQMD reviewed San Francisco’s Strategies to Address Greenhouse Gas Emissions and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD’s CEQA Guidelines (2010) and stated that San Francisco’s “aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State’s AB 32 goals, and also serve as a model from which other communities can learn.”<sup>24</sup>

Based on the BAAQMD’s 2010 CEQA Air Quality Guidelines, projects that are consistent with San Francisco’s Strategies to Address Greenhouse Gas Emissions would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco’s strategy is consistent with AB 32 goals, projects that are consistent with San Francisco’s strategy would also not conflict with the State’s plan for reducing GHG emissions. As discussed in San Francisco’s Strategies to Address Greenhouse Gas Emissions, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco’s ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 2.

**Table 2. Regulations Applicable to the Proposed Project**

Regulation	Requirements	Project Compliance	Discussion
<b>Transportation Sector</b>			
Commuter Benefits Ordinance (Environment Code, Section 421)	All employers must provide at least one of the following benefit programs:  1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or  (2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or	<input checked="" type="checkbox"/> Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply	It is anticipated that the proposed project would employ more than 20 persons and therefore must comply with the commuter benefits ordinance.

<sup>24</sup> Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: <http://www.sfplanning.org/index.aspx?page=1570>. Accessed November 12, 2010.

Regulation	Requirements	Project Compliance	Discussion
	(3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.		
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	<input type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Project Does Not Comply	Although the proposed project would not participate in the City's emergency ride home program, it does provide commuter benefits in accordance with the Environment Code Section 421.
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Planning Code Section 163 applies to the proposed project since the building is 66,043 square feet in size and is located in the Eastern Neighborhoods.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project would be required to comply with Chapter 38 of the Administrative Code.

Regulation	Requirements	Project Compliance	Discussion
Jobs-Housing Linkage Program (Planning Code Section 413)	<p>The Jobs-Housing Program found that new large scale development attract new employees to the City who require housing. The program is designed to provide housing for those new uses within San Francisco, thereby allowing employees to live close to their place of employment.</p> <p>The program requires a developer to pay a fee or contribute land suitable for housing to a housing developer or pay an in-lieu fee.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<p>The project would be required to comply with Section 413 of the Planning Code.</p>
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	<p>(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.</p> <p>(B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<p>The project proposes 40 residential units and would provide 20 bicycles spaces.</p>
Car Sharing Requirements (Planning Code, Section 166)	<p>New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<p>The project would be required to comply with Section 166 of the Planning Code.</p>
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	<p>The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<p>The project would be required to comply with Section 151.1 of the Planning Code.</p>
<b>Energy Efficiency Sector</b>			
San Francisco Green Building	<p>Commercial buildings greater than 5,000 sf will be required to be at a</p>	<input checked="" type="checkbox"/> Project Complies	<p>The project proposes approximately 9,681 square feet of commercial space</p>

Regulation	Requirements	Project Compliance	Discussion
Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	minimum 14% more energy efficient than Title 24 energy efficiency requirements. By 2008 large commercial buildings will be required to have their energy systems commissioned, and by 2010, these large buildings will be required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings will be required to have their systems commissioned by 2009, with enhanced commissioning by 2011.	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	and would be required to comply with all Green Building Requirements for Energy Efficiency.
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would be required to comply with the Green Building Requirements for Energy Efficiency.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater ordinance and stormwater design guidelines.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project will be disturbing more than 5,000 square feet and will therefore be required to comply with the City's Stormwater Management Ordinance.
San Francisco Green Building Requirements for	All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water	<input checked="" type="checkbox"/> Project Complies	The project proposes approximately 9,681 square feet of commercial space and would be required to comply with



Regulation	Requirements	Project Compliance	Discussion
water efficient landscaping (SF Building Code, Chapter 13C)	used for landscaping by 50%.	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	all Green Building Requirements.
San Francisco Green Building Requirements for water use reduction (SF Building Code, Chapter 13C)	All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project proposes approximately 9,681 square feet of commercial space and would be required to comply with all Green Building Requirements for water use reduction.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards:  1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired.  Although these requirement apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project would be required to comply with the Residential Water Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
<p>Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)</p>	<p>Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner.</p> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.</p>	<p><input checked="" type="checkbox"/> Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply</p>	<p>The project would be required to comply with the Residential Energy Conservation Ordinance.</p>
<p><b>Waste Reduction Sector</b></p>			
<p>San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)</p>	<p>Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.</p>	<p><input checked="" type="checkbox"/> Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply</p>	<p>The proposed project would be required to comply with the Green Building Requirements for solid waste.</p>
<p>Mandatory</p>	<p>The mandatory recycling and</p>	<p><input checked="" type="checkbox"/> Project</p>	<p>The proposed project would be required</p>

Regulation	Requirements	Project Compliance	Discussion
Recycling and Composting Ordinance (Environment Code, Chapter 19)	composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	to comply with the Mandatory Recycling and Composting Ordinance.
<b>Environment/Conservation Sector</b>			
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project would be required to comply with Section 428.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: <ul style="list-style-type: none"> <li>• Pellet-fueled wood heater</li> <li>• EPA approved wood heater</li> <li>• Wood heater approved by the Northern Sonoma Air Pollution Control District</li> </ul>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project would be required to comply with the Wood Burning Fireplace Ordinance.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): <ul style="list-style-type: none"> <li>• All diesel generators to be registered with the Department of Public Health</li> <li>• All new diesel generators must be equipped with the best available air emissions control technology.</li> </ul>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4)

current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address Greenhouse Gas Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions.<sup>25</sup>

In addition, the project site is located within the Mission area plan analyzed under the Eastern Neighborhoods Rezoning EIR. The Eastern Neighborhoods Rezoning EIR assessed the GHG emissions that could result from rezoning of the Mission area plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO<sub>2</sub>E)<sup>26</sup> per service population<sup>27</sup>, respectively.<sup>28</sup> The Eastern Neighborhoods EIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. The Eastern Neighborhoods EIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions.

As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

### Shadow

Planning Code Section 295 generally prohibits new buildings that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. To determine whether the proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff. This analysis concluded that the proposed project would not have the potential to cast new shadow on any property under the jurisdiction of the Recreation and Park Department.<sup>29</sup> The proposed project would shade portions of nearby streets and sidewalks at times within the project block. These new shadows would not

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<sup>25</sup> Greenhouse Gas Analysis: Compliance Checklist for 1501 15<sup>th</sup> Street. January 21, 2011. This document is on file in Case No. 2008.1395E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

<sup>26</sup> Greenhouse gas emissions are typically measured in CO<sub>2</sub>E, or carbon dioxide equivalents. This common metric allows for the inclusion of the global warming potential of other greenhouse gases. Land use project's, such as this, may also include emissions from methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O), therefore greenhouse gas emissions are typically reported at CO<sub>2</sub>E.

<sup>27</sup> SP= Service Population. Service population is the equivalent of total number of residents + employees.

<sup>28</sup> *Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods*. April 20, 2010. Memorandum from Jessica Range, MEA to MEA staff. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods Rezoning EIR and provides an analysis of the emissions using a service population metric.

<sup>29</sup> San Francisco Planning Department, letter dated March 18, 2009 (Case No. 2008.1395K), Shadow Analysis for 1501 15<sup>th</sup> Street. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2008.1395K.

exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

The proposed building could cast shadow on private residences or property. The loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. Although residents may regard the increase in shadow as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

In light of the above, the project would not result in a significant effect with regard to shadow, nor would the project contribute to any potential cumulative shading impacts.

### Hazardous Materials

The project site is a former Shell gasoline station. Environmental investigation and remediation work at the site commenced in July 1989 when a 2,000-gallon underground storage tank (UST) was discovered under the sidewalk north of the site.<sup>30</sup> From September through November 1989, several borings were completed and seven monitoring wells were installed. In August 1990, the 2,000-gallon UST was removed, and soil and groundwater samples were collected from the excavation. In May 1991, a leak in a product piping flex connector was detected and repaired, and an unknown amount of the surrounding soil was reportedly excavated. Groundwater monitoring was conducted at the site from September 1989 to May 1995. In January 1995, the seven monitoring wells were abandoned. In January 1996, the San Francisco Department of Public Health (DPH) granted site closure.<sup>31</sup>

Prior to a potential property transfer in 2004, a subsurface investigation was conducted. The investigation found elevated levels of petroleum hydrocarbons in both soil and groundwater. The case was reopened by DPH and additional investigation was conducted in June 2003. In November 2005, four monitoring wells were installed and groundwater monitoring resumed at the site.

In October 2006, three 10,000-gallon USTs and the associated dispensers were removed from the site by the property owner. Soil and groundwater compliance sampling was conducted by Shell's (the previous owner's) consultant. The primary contaminants of concern are benzene and total petroleum hydrocarbons as gasoline (TPH). These volatile gasoline constituents (especially benzene) have the potential to intrude into indoor air and pose a risk to human health. Secondary contaminants of concern are toluene, ethylbenzene, xylenes, methyl tert-butyl ether (MTBE) and lead. Site contaminants have historically been primarily located between approximately 3 to 7 feet below ground surface, located laterally across the northern portion of the site.

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<sup>30</sup> Pangea Environmental Services, *Interim Remediation Completion Report and Closure Request*, 400 South Van Ness Avenue, San Francisco, September 17, 2007. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA in File No. 2008.1395E.

<sup>31</sup> San Francisco Department of Public Health, *Remedial Action Completion Certification*, Former Shell Service Station, 400 South Van Ness Avenue, San Francisco, December 20, 2007. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2008.1395E.

According to the September 2007 Interim Remediation Completion and Closure Report prepared by Pangea Environmental Services,<sup>32</sup> subsurface testing revealed that the project site satisfies Regional Water Quality Control Board criteria for a low-risk fuel site. The former fueling system has been removed and interim remedial action has improved site conditions. The site has been adequately delineated and remediated. The hydrocarbon plume is stable and appears to be shrinking, and hydrocarbon concentrations in groundwater, with the exception of TPHg, are below applicable Environmental Screening Levels (ESLs). Benzene concentrations in soil vapor and groundwater are below applicable ESLs. A sensitive receptor survey concluded that residual compounds do not pose a significant risk to any sensitive receptors. Therefore, Pangea requested that the site be granted No Further Action status and the site case be closed. On December 20, 2007, DPH issued a Remedial Action Completion Certification that states that the site investigation and corrective action carried out is in compliance with the requirements of subdivisions (a) and (b) of Section 25299.37 of the Health and Safety Code that no further action related to the petroleum release at the site is required.<sup>33</sup>

The Eastern Neighborhoods identified a significant impact related to Hazardous Building Materials and determined that *Mitigation Measure L-1: Hazardous Building Materials* would reduce effects to a less-than-significant level. Since there are no structures at 1501 15<sup>th</sup> Street, *Mitigation Measure L-1* does not apply to the project.

#### Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

#### *Project Mitigation Measure 1 – Archeological Resources (Mitigation Measure J-3 of the Eastern Neighborhoods Rezoning and Area Plans Final EIR)*

The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

The Archeological Monitoring Program (AMP) shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition,

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The

ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest



Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

**Project Mitigation Measure 2 – Historical Resources (Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)**

Projects involving new construction or alteration over 55 feet, or 10 feet taller than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. As previously mentioned, the Department presented the proposed project to the HPC on January 6, 2010, and the HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15<sup>th</sup> Street. Therefore, Project Mitigation Measure 2 has already been implemented.

**Project Mitigation Measure 3 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)**

New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 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 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. ESA conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 3 has already been implemented.

**Public Notice and Comment**

A “Notification of Project Receiving Environmental Review” was mailed on September 18, 2009 to owners of properties within 300 feet of the project site and adjacent occupants. Five members of the public expressed their concerns related to parking, contaminated soils, building mass, the loss of views and light, neighborhood character, and curb cuts. Parking is discussed on page 8, hazardous materials on page 26, the permitted mass of building on page 4, and, as stated on page 11, no new curb cuts are proposed. Loss of views, light, and neighborhood character are discussed on page 3 of the Community Plan Exemption.<sup>34</sup>

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<sup>34</sup> San Francisco Planning Department, Community Plan Exemption Checklist, 1501 15<sup>th</sup> Street, January 21, 2011. This document is on file and available for review as part of Case File No. 2008.1395E at 1650 Mission Street, Suite 400, San Francisco, CA.

Conclusion

The Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 1501 15<sup>th</sup> Street project. As described above, the 1501 15<sup>th</sup> Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, the proposed 1501 15<sup>th</sup> Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: **January 24, 2011**

To: **Applicants subject to Planning Code Section 415: Inclusionary  
Affordable Housing Program**

From: **San Francisco Planning Department**

Re: **Compliance with the Inclusionary Affordable Housing Program**

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

<sup>1</sup> California Civil Code Section 1954.50 et.al.

# Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

I, Sean Sullivan, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

1501 15th Street S.F. 3553/054  
Address Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case No./Building Permit No. is 2008.1395.

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the 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:
  - Direct financial contribution from a public entity.
  - Development or density bonus or other public form of assistance.
  - Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

<sup>2</sup> California Civil Code Section 1954.50 and following.

Affidavit for Compliance with the Inclusionary Affordable Housing Program

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

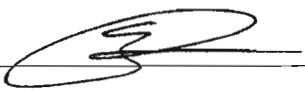
f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on this day in:

San Francisco, CA  
Location

7/7/2011  
Date

  
Signature

Sean Sullivan, Managing Member  
Name (Print), Title

415-206-1578  
Contact Phone Number

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

# Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:				
Total Affordable Units	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
7	8	8	24	0

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

On-site Affordable Housing Alternative (Planning Code Section 415.6): calculated at 15% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE				
Total Affordable Units	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
7	2	1	4	0

Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE				
Total Affordable Units	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address		
Area of Dwellings in Off-Site Project (in sq. feet)			
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project	

Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee \_\_\_\_\_ % of affordable housing requirement.

2. On-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE				
Total Affordable Units	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE				
Total Affordable Units	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address		
Area of Dwellings in Off-Site Project (in sq. feet)			
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project	

**Before the San Francisco Planning Commission**

**Application for Large Project**

**(Planning Code Sections 329, 134)**

**for**

**Property Located at 1501-15<sup>th</sup> Street  
(aka 401-South Van Ness Avenue)**

**Block 3553, Lot 54**

**Planning Department Case No. 2008.1395**

**Hearing Date: July 14, 2011**

**Project Sponsor:  
S & S Capital Partners, LLC**

*Attorneys for Project Sponsor:*



1 Bush Street, Suite 600 San Francisco, CA 94104  
t] 415 567 9000 [f] 415 399 9480

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**A. INTRODUCTION**

S & S Capital Partners, LLC (the “Project Sponsor”) is the owner of property located at 1501-15<sup>th</sup> Street (the “Property”). The Property is located on the southwest corner of 15<sup>th</sup> Street and South Van Ness Avenue. The Applicant proposes to demolish the existing vacant former gasoline station on the Property and construct a mixed-use building with commercial uses on the ground floor, 40 residential units on floors 2 through 5, and 36 residential and 3 commercial parking spaces on a single below-grade level (the “Project”). The Project is proposed in response to a request from the Planning Commission (the “Commission”) and the neighbors who attended a prior Planning Commission hearing on May 1, 2008 that a residential project be developed at the Property, after the Commission rejected a proposed car wash at the Property on May 1, 2008. The Project complies with the San Francisco Planning Code (the “Planning Code”) except as to rear yard requirements, dwelling unit exposure; and street front transparency (6% reduction) (Section 145.1). By this application, and pursuant to Sections 134(f) and 329 of the Planning Code, the Project Sponsor seeks an exception to the strict application of the rear yard (Section 134) dwelling unit exposure (Section 140) and street front transparency requirements of the Planning Code.

**B. SITE INFORMATION**

Street Address:	1501-15 <sup>th</sup> Street
Cross Streets:	South Van Ness Avenue and Capp Street
Assessor’s Block/Lot:	Block 3553, Lot 054
Zoning District:	Urban Mixed Use (UMU)
Other Planning Areas:	Eastern Neighborhoods Plan Area
Height/Bulk District:	58-X
Lot Area:	14,125 square feet
Lot Dimensions:	Approximately 125 feet x approximately 113 feet

**C. EXISTING SITE AND SURROUNDING AREA CONDITIONS**

The Property is located in the Mission area and was rezoned by the Eastern Neighborhoods Plan to the Urban Mixed Use (“UMU”) district and a 58–X height and bulk district. It is located on the southwest corner of 15<sup>th</sup> Street and South Van Ness Avenue, on a block also bounded by Capp and Adair Streets. The Property consists of Assessor’s Block 3553, Lot 054, and covers an area of approximately 14,125 square feet.

The Property consists of a vacant former gasoline station, i.e., a vacant lot with a canopy. The pumps and underground tanks from the former gasoline station have already been removed, the closure has been approved by the Department of Public Health, and all mitigation measures required by the Department of Public Health have been completed. The Property is paved with a concrete surface. The gross square footage of the canopy is approximately 3,663 square feet. There were a large number of off-street parking spaces for the gasoline station but the exact number is difficult to determine as the lot is vacant.

The other properties that are located on the same block as the Property are mostly mixed-use and multi-unit residential buildings with some industrial uses that have been rezoned to the UMU zoning district.

Photographs of the Project site, Project block, and surrounding area are attached as **Exhibit A**.

**D. PROJECT SUMMARY**

- Present use: Vacant lot. Not in use for more than six years. Former use was a gasoline station.
- Proposed use: Mixed-use (ground floor commercial, residential on upper floors).
- Residential units: 40 units (24 two-bedroom, 8 one-bedroom, 8 studio).
- Commercial space: 8,222 sq. ft.
- Commercial space: approximately 8,222 sq. ft.
- Parking spaces: 36 residential parking spaces and 3 commercial parking spaces.<sup>1</sup>
- Number of Stories: 5 stories
- Lot Size: Approximately 14,125 square feet.

**E. DESCRIPTION OF THE PROPOSED PROJECT**

The Project would demolish the gasoline station canopy at the Property and construct 8222 square feet of commercial space on the ground floor and mezzanine; 40 residential units,

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<sup>1</sup> Pursuant to Planning Code Section 151.1, in the UMU Zoning District, residential parking is principally permitted at 1:1 for 2 bedroom units (24 spaces), and 12 spaces are permitted for the remaining 16 units at 0.75:1. The 3 commercial spaces are computed at 1 space per 1,500 square feet of commercial space pursuant to Section 151.1. The total commercial space is 8,222 sq. ft., for which the Code would allow 5 parking spaces.

for a total of 41,072 square feet of space, on floors 2 through 5; and 39 parking spaces underground. The Project proposes 24 of the 40 units (60%) to be two-bedroom units. The building will have a total of 66,338 square feet of space and will be 58 feet tall.

The Project will provide active commercial uses and much needed housing on a site that has been vacant and unused for more than six years, thereby contributing to neighborhood vitality, neighborhood jobs, and increased security for pedestrians. The Project will also provide publicly-accessible open space, and will be more aesthetically pleasing than the existing vacant site. The Project is proposed in response to a request from the Commission. A previous proposal had called for a carwash at the site, and when rejecting it, the Commission requested the Applicant to substitute a residential project in its place.

The Project's creation of a significant number of housing units directly supports General Plan policies, specifically, Policy 2.1 of the Transportation Element and Policy 1.1 of the Housing Element. Further, the high percentage of 2 bedroom units directly supports Policy 1.7 of the Housing Element.

The Project does not include a rear yard. Section 134 of the Planning Code requires a rear yard in UMU districts consisting of 25% of a lot's depth at the first story containing a dwelling unit and above. In lieu of a rear yard, the Project provides courtyards. Since the Project's first residential story is the second floor, the Planning Code permits the structure to extend to the lot lines at the ground floor. While no rear yard is provided on the second floor and above, more open space is provided than required by the Planning Code, and the open space includes two publicly-accessible areas.

Since the Project does not provide a rear yard at the second floor and above, it would require a waiver of the Section 134 rear yard requirement under the provisions of Section 329(d)(7).

Pursuant to Section 134(f), a waiver of the rear yard requirement is permitted during the required Section 329 design review hearing because the Project is within an Eastern Neighborhoods Mixed Use District ("UMU"). By this application, the Applicant seeks an exception to the rear yard requirement pursuant to Planning Code sections 134(f) and 329(d)(7), which allow a modification or waiver of the rear yard requirement by the Commission if the conditions set forth in Section 134(f)(1-3) are met. As described below, all of the conditions are satisfied.

**F. EXCEPTIONS**

**1. COMPLIANCE WITH EXCEPTION CRITERIA FOR REAR YARDS (SECTION 134)**

Section 134(f) of the Planning Code provides that the Commission may grant a modification or waiver of the rear yard requirement, provided that the following conditions are met:

**A. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot or within the development.**

The Project is primarily a residential development. Four of five floors are devoted to 40 dwelling units. The majority of those units will be two bedroom units, making them an option for families looking for housing. This family housing option is a specific intent of the UMU district, as noted in Planning Code section 843, as well as Policy 1.7 of the Housing Element. A rear yard consisting of 25% of the depth of the Property would create approximately 3,503 square feet of usable open space (25% of 124' = 31'; 31' x 113' = 3,503 square feet). The Project provides a comparable amount of usable open space, 3,188 square feet. Significantly, 1,308 square feet of open space will be publicly accessible.

**B. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties.**

The adjacent commercial building to the Property's south is built up to the lot line, and does not have any windows along the boundary line. Thus, granting of the exception will have no affect on that property's access to light and air. The adjacent residential building to the Property's west is also built up to the lot line it shares with the Property, except for approximately 43 feet.

**C. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.**

The Project will have no effect on the existing interior block open space of the block bounded by South Van Ness Avenue and 15<sup>th</sup> Street, Capp, and Adair Street. The Property is currently paved with concrete up to its lot lines and a fence and the remains of the gasoline service station abut the interior block open space. The Project will not encroach on the interior block open space and will preserve the interior block open space pattern that currently exists.

**2. EXPOSURE REQUIREMENTS (SECTION 140)**

It would be extremely difficult to make alterations to the structure so that each dwelling unit would comply with Section 140 without eliminating a significant amount of livable space. Smaller distributed courtyards were developed during early negotiations with the Planning

Department, whereby it was determined that this strategy would reduce the overall apparent mass of the project and bring it into line with the existing neighborhood form. As the project is on a busy street the streetfront courtyards help significantly to mitigate street generated noise.

The streetfront courtyards provide ample air and light and ensure that the units exceed the minimum exposure requirements established by the San Francisco Building Code.

Strict enforcement of the Planning Code would adversely impact the overall design scheme and preclude the proposed density and reduce the number of units. To disallow the applicant to build the Project in the manner proposed would be an unnecessary hardship with no compensating public benefit. Literal enforcement of the code would eliminate residential units at every level.

Granting this exception is the best and most feasible manner by which the owner of the subject property may enjoy the right to enjoy the full use and benefit of the property that similarly situated property owners enjoy. The proposed exception is minor and deals solely with unit exposure to light, which is compensated for by a significant amount of outdoor space for the commercial units. The courtyards are shared by only two residential units per level, significantly reducing the amount of noise that is common with large shared rear yards.

The building is compatible with the existing buildings throughout the neighborhood and is substantially the same as or superior to other properties within the neighborhood in terms of unit exposure. The project has been applauded for its reduced mass and scale. This is only possible by providing smaller rear yards that are distributed throughout the project. Aggregating the rear yards into a single large court would result in a far more visually massive building

The granting of the exception would allow the property to be utilized in the most desirable manner and would improve the neighborhood quality and pedestrian safety.

The approval of this exception will not significantly change the existing physical character of the neighborhood, as it represents only a minor variation in exposure, rather than size. Further, it will not adversely affect any other property. The effect will be insignificant.

The granting of this exception will have no negative impact on any properties or improvements in the neighborhood. The proposed building will benefit the adjacent properties by improving neighborhood safety. The granting of the exception will allow the applicant to improve the open space, natural light, and ventilation for the occupants of the building without any loss of dwelling units. The Project will result in an improvement to the neighborhood by augmenting the residential use and safety on the block.

The exception will provide a public benefit to the neighbors and has been specifically designed to be sensitive to the neighbors. There is a public benefit, and no detriment to providing the unit exposure as proposed.

This Project advances the policies of the Master Plan and the Planning Code. It provides housing in an established neighborhood in accordance with Master Plan policies.

The general purposes of the Code are outlined in Planning Code Section 101, which explains that the Code was adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the City. Several of the explicit goals of the Code support the variance requested by the applicant. Taking one example, the Code is to be used to protect the character and stability of residential and commercial areas. Planning Code § 101(b). The proposed project satisfies this goal by providing and utilizing a building that is close to downtown jobs for residential use, thereby reducing commuter traffic.

Planning Code Section 101.1 establishes eight priority planning policies and requires review of applications for consistency with said policies. Review of the relevant priority planning policies shows that:

(a) The proposed project will be in keeping with the existing housing and neighborhood character; and

(b) The proposed project will have a beneficial effect on the City's supply of affordable housing, preparedness to protect against injury and loss of life in an earthquake, and commercial activity.

### **Housing Element**

Objective 12 of the Housing Element of the General Plan is to "Provide a Quality Living Environment." The exception would simply allow the applicant to fully utilize the property. Policy 5 of Objective 12 explains that land use should be appropriate in scale. The proposed Project respects the scale, privacy, light, air, and views of adjacent properties.

The project advances Housing Element Policies 11.5 and 11.8 which provide as follows:

**Policy 11.5 Promote the construction of well-designed housing that enhances existing neighborhood character.**

The residential use will enhance the established residential character of the neighborhood while adding ground floor commercial use, which will contribute to an active pedestrian environment and enhance neighborhood safety.

### **3. GROUND FLOOR TRANSPARENCY**

The Code generally requires that 60% of the ground floor provide transparency at the street frontage (Section 145.1). The Project provides 54% transparency, and therefore is 6% short of a strict interpretation of the Code. It is not feasible to add more glass to the ground floor. If the ground floor courtyards are considered as recessed street frontage, then the glass to non-transparent space ratio on the ground floor jumps to 69% (158 ft./229 ft). Under these circumstances, the 6%

technical shortfall of glass is amply justifiable due to the presence of the street front courtyards which provide large amounts of street front glass.

**G. SECTION 329 DESIGN REVIEW ELEMENTS**

Section 329(c)(1-9) of the Planning Code lists a number of physical design elements that the Commission is to consider during a 329 Review Hearing. These elements include:

**1. Overall building massing and scale.**

The Project's mass and scale will be consistent with other mixed-use buildings in the surrounding area. There are a number of other five-story buildings with commercial uses on the ground floor and residential uses on the upper floors located within a few blocks from the Property. Specifically, 1587-15<sup>th</sup> Street, just one block from the Property at the corner of 15<sup>th</sup> and Mission Streets, is a similar development with four residential floors above ground floor retail space. The Project is the appropriate mass and scale for high-density residential development in a neighborhood within close proximity to a major transportation access point – the 16<sup>th</sup> Street and Mission BART station.

**2. Architectural treatments, faced design and building materials.**

The architectural style and façade of the Project is an appropriate, contemporary design that is consistent with other newer developments in the area. The building materials used are within current construction standards and requirements.

**3. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading areas.**

The Planning Code does not require any setback or rear yard on the ground floor of the Project. The ground floor will be commercial space – an “active use” consistent with the requirement of Planning Code Section 145.1(c)(3)(B). The pedestrian and parking entries are both located on South Van Ness Avenue, preventing any disruption of the pedestrian view of “active uses” on the more heavily travelled South Van Ness Avenue.

**4. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size and equivalence in quality with that otherwise required on-site.**

All required open space will be provided on-site. 1,308 square feet of open space (fulfilling the open space requirement for 24 dwelling units) will be provided by two publicly-accessible garden areas along 15<sup>th</sup> Street. Another 1,880 square feet of common open space (fulfilling the open space requirement for the balance of dwelling units) is provided on the second floor.

5. **The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2.**

The street frontages of the Property are less than 200 feet in length and are therefore not subject to Sections 270.1 and 270.2.

6. **Streetscape and other public improvements, including tree planting, street furniture, and lighting.**

In accordance with Section 143 of the Code, street trees will be planted along the sidewalks adjacent to the Property. The Project also includes the planting of trees within the publicly-accessible garden areas along 15<sup>th</sup> Street and the entry courtyard adjacent to South Van Ness Avenue. The entry courtyard will be landscaped with bushes. Adequate lighting will be provided along both 15<sup>th</sup> Street and South Van Ness Avenue.

7. **Circulation, including streets, alleys and mid-block pedestrian pathways.**

The Project will not significantly affect street circulation. Circulation in the mid-block open space will not be affected. A fence along the southwest lot line of the Property currently impedes anyone in the mid-block open space from accessing the street via the Property and the Project will be built up to the fence line. The Project will provide security and privacy to the mid-block open space. No alleys exist at or adjacent to the Property.

8. **Bulk limits.**

The Property has been rezoned to a 58-X height and bulk district, and therefore has no limitation on the bulk of buildings constructed on it.

9. **Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.**

The Project is not subject to the Residential Design Guidelines (as it is not located in an RH or RM district). The Project will affirmatively promote, is consistent with, and will not adversely affect the General Plan and Mission Area Plan, specifically the Environmental Protection, Housing and Transportation Elements of the General Plan and the Land Use, Housing, Built Form and Streets and Open Space Elements of the Mission Area Plan, as follows:

**General Plan**  
**Environmental Protection Element**

OBJECTIVE 4: ASSURE THAT THE AMBIENT AIR OF SAN FRANCISCO AND THE BAY REGION IS CLEAN, PROVIDES MAXIMUM VISIBILITY, AND MEETS AIR QUALITY STANDARDS.



Policy 4.2 Encourage the development and use of urban mass transportation systems in accordance with the objectives and policies of the Transportation Element.

*The Project directly supports the use of urban mass transportation systems by creating high-density dwelling units near to public transit.*

**General Plan**  
**Housing Element**

OBJECTIVE 1: TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1 Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

*The Project directly supports this policy, which calls for increased infill housing in transit-rich areas, by creating high-density dwelling units near public transit.*

Policy 1.7 Encourage and support the construction of quality, new family housing.

*The Project directly supports this policy by creating 24 two bedroom units, consisting of 60% of the total units of the Project.*

**General Plan**  
**Transportation Element**

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1 Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

*The Project directly supports this policy by creating high-density dwelling units near public transit.*

**Mission Area Plan**  
**Land Use Element**

OBJECTIVE 1.1: STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.2 Revise land use controls in portions of the Northeast Mission Industrial Zone outside the core industrial area to create new mixed use areas, allowing mixed income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

*The Project directly supports this policy by providing mixed income housing with a variety of unit sizes as a principal use and providing ground floor retail uses. The Project does not displace any uses as the lot is vacant and has been vacant for 6 years.*

**Mission Area Plan**  
**Housing Element**

OBJECTIVE 2.3: ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.

Policy 2.3.3 Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms

*The Project directly supports this policy by providing more 2 bedroom units than what is required by the Planning Code (60% provided vs. 40% required).*

**Mission Area Plan**  
**Built Form Element**

OBJECTIVE 3.3 PROMOTE THE ENVIRONMENTAL SUSTAINABILITY, ECOLOGICAL FUNCTIONING AND THE OVERALL QUALITY OF THE NATURAL ENVIRONMENT IN THE PLAN AREA.

Policy 3.3.2 Discourage new surface parking lots and explore ways to encourage retrofitting existing surface parking lots and off-street loading areas to minimize negative effects on microclimate and stormwater infiltration. The city's Stormwater Master Plan, upon completion, will provide guidance on how best to adhere to these guidelines.

*The Project directly supports this policy by removing an existing surface parking lot and locating newly constructed parking spaces below grade, where rain cannot transport residual automobile fluids into storm drains.*

**Mission Area Plan**  
**Streets and Open Space Element**

OBJECTIVE 5.2      ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY, PRIVATE OPEN SPACE.

Policy 5.2.4      Encourage publicly accessible open space as part of new residential and commercial development.

*The Project directly supports this policy by providing two publicly-accessible open space garden areas along 15<sup>th</sup> Street.*

**H.      PRIORITY MASTER PLAN POLICIES FINDINGS**

Planning Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this Section 329 Application are consistent with each of these policies as follows:

- 1.      That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.**

The Project is consistent with this policy. The Property is currently unused and the Project would create 10,518 square feet of commercial space on its ground floor. This will significantly enhance the neighborhood-serving retail uses in the surrounding area, which currently has limited retail services and a substantial amount of parking and industrial uses. Increased retail space allows for increased employment and ownership opportunities for local residents.

- 2.      That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.**

The Project is consistent with this policy. The Project calls for the demolition of a vacant former gasoline station that has been unused for three years. Neither housing nor businesses will be removed as a result of the Project. Forty new dwelling units and 8,222 square feet of commercial space will be created. This will help preserve the cultural and economic diversity of the neighborhood by giving residents more options for housing and more economic opportunities. By removing an unused and aesthetically unpleasing use from the neighborhood and creating new housing and economic opportunities, the Project will expand the positive aspects of the neighborhood while removing barriers to its cultural and economic diversity.

**3. That the City's supply of affordable housing be preserved and enhanced.**

The Project is consistent with this policy. The UMU district includes the highest levels of affordable housing requirements in the entire City of San Francisco, a requirement that 18% of onsite units be subsidized housing or “BMRs”. The Project will create 40 new dwelling units and a majority of those units will consist of 2 bedrooms – giving families more housing options; which is the intent of the UMU district outlined in Planning Code section 843 and included in Policy 1.7 of the Housing Element.

**4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.**

The Project is consistent with this policy. Residents or employees at the Property may take public transit and reduce the likelihood that commuter traffic will increase. Indeed, locating housing units near public transit directly supports Policy 2.1 of the Transportation Element and Policy 1.1 of the Housing Element of the General Plan. In addition, the Project will not overburden the on-street neighborhood parking spaces.

**5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.**

The Project is consistent with this policy. No industrial or service sector uses will be removed by the Project, and the Project does not propose any office development. The Project’s new commercial space will create employment opportunities for those in the surrounding neighborhood.

**6. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.**

The Project is consistent with this policy. The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

**7. That landmarks and historic buildings be preserved.**

The gas station canopy at the Property is not a landmark or historically rated building and the Property is not located within a historic district and thus, the Project will have no impact on landmarks or historic buildings.

**8. That our parks and open space and their access to sunlight and vistas be protected from development.**

The Property is not adjacent to any parks or public open space, and will therefore have no affect on access to sunlight or vistas.

**I. CONCLUSION**

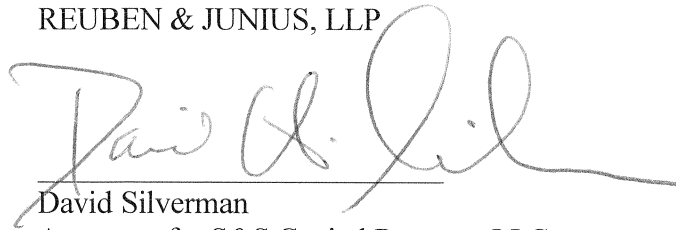
The Project Sponsor respectfully requests that the Planning Commission approve the Project. The Project will:

- ❖ Be beneficial to the neighborhood, its residents, and the surrounding businesses;
- ❖ Provide construction jobs;
- ❖ Provide increased tax revenues for the City;
- ❖ Make a long-vacant site productive and active;
- ❖ Add ground floor commercial uses and create a vibrant pedestrian environment; and
- ❖ Enhance neighborhood safety by developing the existing long-vacant lot.

Thank you for your consideration.

Respectfully submitted,

REUBEN & JUNIUS, LLP



Dated: July 5, 2011

By:

David Silverman  
Attorneys for S&S Capital Partners, LLC

**LIST OF EXHIBITS**

- Exhibit A - Photographs of the Project Site and Project Block
- Exhibit B - Plans, Elevations, and Renderings

EXHIBIT A



**GAS & SHOP  
GASOLINE**

UNLEADED	9 10
PLUS	9 10
PREMIUM	9 10

of all American

**LARKINS BROS. TIRES**  
COMPLETE AUTO SERVICE

SFC MOTORS





**GAS  
&  
SHOP  
GASOLINE**

Self Serve

12x25 12x25 693292  
VAL 55  
**Allstate**  
HOME & LIFE  
430 S. VAN NOST

GRAFFITI



Project 1501 15th St. (a.k.a. 400 S. Van Ness Ave.)



15th

14th



16th

15th

SITE 400 S. Van Ness



S. Van Ness Ave. Looking West @14th thru. 16th St.

Project 1501 15th St. (a.k.a. 400 S. Van Ness Ave.)



14th

15th



15th

16th

S. Van Ness Ave. Looking East @ 14th thru. 16th St.







farri

abc

**BREAKFAST**  
American Breakfast -  
Two Eggs any style with  
Israeli Soft roll bread with  
garlic butter and coffee  
Mexican Breakfast -  
Two Sunny side up eggs  
with salsa, tomato sauce  
rice and tortilla  
Pancakes -  
Two pancakes  
Chocolate/Apple  
Pancakes

SITE MAP



PROJECT IMAGE



PROJECT DATA

PROJECT SITE: 1501 15TH STREET, SAN FRANCISCO, CALIFORNIA  
CROSS STREET: SOUTH VAN NESS  
ASSESSOR'S PARCEL #: BLOCK 3553; LOT 054  
PARCEL SIZE: 14,100 SQ. FT  
ZONING: UMU  
CONSTRUCTION: TYPE VA, TYPE IA

PROJECT DESCRIPTION

New 40 Unit, 6 Story, Condominium Residential,(Flat- Level, Multi-Family), Commercial (at grade), Automatic Sprinkled, Elevator serviced, Accessible Adaptable Building. The 6 stories will include a ground level of Commercial (Type IA), Basement level of parking (Type IA), and 4 levels of Residential (Type VA) construction above.  
There is four typical unit types - ranging from studios (578 sqft) to 2 bedrooms (1,032 sqft). Non of the units are to have mezzonines.

DIRECTORY

OWNERS:	JL SULLIVAN DEVELOPMENT LLC	
ARCHITECT:	NATOMA ARCHITECTS: 1022 NATOMA STREET #4, SAN FRANCISCO, CA 94103 415.626.8972 - F 415.626.8978 - P NKAYE@SATOWITZ.COM	NEIL KAYE

SHEET INDEX

A-0.1	COVER SHEET	N.T.S.
A-0.3	SITE PLAN / DATA SHEET	1/8"=1'-0"
A-0.6	FIRE PROTECTION	1/16"=1'-0"
A-1.1	BASEMENT LEVEL PLAN	1/8"=1'-0"
A-1.2	LEVEL 1 COMMERCIAL PLAN	1/8"=1'-0"
A-1.3	LEVEL 2 PLAZA LEVEL PLAN	1/8"=1'-0"
A-1.4	3RD LEVEL PLAN	1/8"=1'-0"
A-1.5	4TH LEVEL PLAN	1/8"=1'-0"
A-1.6	5TH LEVEL PLAN	1/8"=1'-0"
A-1.7	ROOF PLAN	1/8"=1'-0"
A-1.10	BASEMENT LEVEL PLAN NORTH	1/4"=1'-0"
A-1.11	BASEMENT LEVEL PLAN SOUTH	1/4"=1'-0"
A-1.12	LEVEL 1 COMMERCIAL PLAN NORTH	1/4"=1'-0"
A-1.13	LEVEL 1 COMMERCIAL PLAN SOUTH	1/4"=1'-0"
A-1.13A	LEVEL 1 COMMERCIAL LOFT PLAN SOUTH	1/4"=1'-0"
A-1.14	LEVEL 2 PLAZA LEVEL PLAN NORTH	1/4"=1'-0"
A-1.15	LEVEL 2 PLAZA LEVEL PLAN SOUTH	1/4"=1'-0"
A-1.16	3RD LEVEL PLAN NORTH	1/4"=1'-0"
A-1.17	3RD LEVEL PLAN SOUTH	1/4"=1'-0"
A-1.18	4TH LEVEL PLAN NORTH	1/4"=1'-0"
A-1.19	4TH LEVEL PLAN SOUTH	1/4"=1'-0"
A-1.20	5TH LEVEL PLAN NORTH	1/4"=1'-0"
A-1.21	5TH LEVEL PLAN SOUTH	1/4"=1'-0"
A-1.22	ROOF LEVEL PLAN NORTH	1/4"=1'-0"
A-1.23	ROOF LEVEL PLAN SOUTH	1/4"=1'-0"
A-2.1	BUILDING SECTION	1/8"=1'-0"
A-2.2	BUILDING SECTION	1/8"=1'-0"
A-3.1	ELEVATION : NORTH & EAST	1/8"=1'-0"
A-3.2	ELEVATION : SOUTH & WEST	1/8"=1'-0"
A-4.1	WALL TYPES	3"=1'-0"
A-4.2	FLOOR TYPES	3"=1'-0"
A-5.1	WALL SECTION	1 1/2"=1'-0"
A-4.1	WALL TYPES	3"=1'-0"
A-4.2	FLOOR TYPES	3"=1'-0"
A-7.20	BATHROOM DETAILS	1/2"=1'-0"
A-7.21	BATHROOM DETAILS	1/2"=1'-0"
A-7.22	KITCHEN DETAILS	1/2"=1'-0"
A-7.23	KITCHEN DETAILS	1/2"=1'-0"

SHEET INDEX

Reference Point	●
Wall, floor and roof type	◊
Door number (for door schedule)	12
Window number (for window schedule)	34
Window number - obscured glass	34-0
Detail number	1
Sheet location	AS1
Section number	1
Sheet location	AS1
Interior elevation number	2
Specific wall	AS1
Sheet location	3
Sheet note designation and number	4
Room number (for finish schedule)	5
Existing Sprinkler: Pendant Concealed	401
Existing Sprinkler: Pendant Semi-recessed	●
Existing Sprinkler: Sidewall	◐
Existing Sprinkler: Upright with Risers	⊗
Existing Sprinkler: Pendant	●
Existing Sprinkler: Pendant Online	⊙
Existing Sprinkler: Line	— — — — —

SYMBOLS

A.C.-A/C	Asphalt concrete
ACOUS.	Acoustical
ADJ.	Adjacent
ALUM.	Aluminum
AGG.	Aggregate
ARCH.	Architectural/ Architect
B.C.	Bottom of conc./ curb
BLDG.	Building
B.O.	Bottom of
BLK.	Blocking/ block
BM.	Beam
B.TWN.	Between
B.U.R.	Built-up roof
CAB.	Bottom of wall
C.B.	Cabinet
CEM.	Catch basin
C.L.	Centerline
C.L.G.	Ceiling
CMU.	Concrete masonry unit
CNTL. JT.	Control joint
C.O.	Cleanout
COL.	Column
CONC.	Concrete
CONT.	Continuous
CTR.	Center
DEMO.	Demolition
D.F.	Drinking Fountain
DIA.	Diameter
DISP.	Dispenser
DN.	Down
DWGS.	Drawings
(E)	Each
EA.	Electrical
ELEC.	Elevation
ELEV.	Equal
EQ.	Equipment
EQUIP.	Existing
EX.	Exposure
EXP.	Exterior
EXT.	Floor drain
F.D.	Foundation
FDN.	Finished Floor
F.F.	Finish
FIN.	Floor
FL.	Floor
FLR.	Foundation
FNDN.	Face of concrete
F.O.C.	Face of framing
F.O.FRM/G	Face of finish
F.O.F	Face of plywood
F.O.P	Face of sheathing
F.O.SHT'G.	Gauge
GA.	Galvanized
GALV.	Grab bar
G.B.	Glass
G.L.	Galvanized sheet metal
GSM.	Gypsum
GYP.	Hose bid
H.B.	Handicapped
H.C.	Hardwore
HDWE.	Hollow metal
H.M.	Horizontal
HORIZ.	High point
H.P.	Height
HT.	Height
I.D.	Inside diameter
JAN.	Janitor
JT.	Joint
LAM.	Laminate
LARCH.	Landscape architect
LAV.	Lavatory
LB.	Light
LT.	Light
MAX.	Maximum
MECH.	Mechanical
MFR.	Manufacturer
MIN.	Minimum
MISC.	Miscellaneous
MISC.	Miscellaneous
MTD.	Mounted
MTL.	Metal
N.	North
(N)	New
N.I.C.	Not in contract
NOM.	Nominal
N.T.S.	Not to scale
O.C.	On center
O.D.	Outside diameter
OPNG.	opening
OPP.	Opposite
OPP.HD.	Opposite hand
OZ.	Once
PERF.	Perforated
P.L.	Plastic
P/L	Property line
PLAS	Plaster
PLYWD.	Plywood
PR.	Pair

ABBREVIATIONS

ADDRESS: 1501 15th Street, San Francisco, CA  
CROSS STREET: Corner of 15th and South Van Ness  
BLOCK/LOT: 3553 / 054  
ENVIRONMENTAL /PROP K: 98.691E/98.791K  
PROJECT DESCRIPTION: New 40 Unit, 6 Story, Condominium Residential (Flat Level, Multi-Family), Commercial (at grade), Automatic Sprinkled, Elevator serviced, Accessible Adaptable Building. The 6 stories will include a ground level of Commercial (Type IA), Basement level of Residential (Type IA), and 4 levels of Residential (Type VA) construction above.

There is four typical unit types - ranging from studios (378 sqft) to 2 bedrooms (1032 sqft). Non of the units one to have mezzanines.

CODE USED: 2007 UBC, 2007 CBC, 2007 SFGC, NFPA 13  
ZONING: LMU

EXISTING SITE CONDITION: Subject property is comprised of a single lot with measurements of 124'-9"x113'-0". The lot contains an existing one story gas station. This structure is to be demolished.

OCCUPANCY: R-2 Multi-Residential, S-2 Private Garage (>3000sf), A2 (assembly)

ACCESSIBILITY: As per the unit level model in CBC Sec 1107b and The California Multi-Family Disabled Access Regulations book, Sec 11, this is full multi-level, elevator building. 11-b accessible in all common areas accessible by the elevator and accessible in private dwelling units on accessible floors. The commercial space is accessible. Mezzanine has occupant load <49 therefore not accessible. There is one accessible parking stall as per 1109A.2 (32x2=0.6). As per 1129B.4 this stall is a Van sized space with a clear 96 inch access aisle.

CONSTRUCTION and TYPE and BUILDING TYPE: R2 residential area is separated with a 1-hour fire rated wall per CBC Sec 508.4. From A-2 assembly area. The A-2 assembly area is separated with a 1-hour Occupancy Separation as per CBC Tbl 508.4. From S storage space.

NUMBER OF STORIES: 6 Stories (Automatic Sprinkled)  
HEIGHT: As per SFGC UMU the height of the building is 36' as measured from the front of the lot. See A2.1. The building height has been set at 58' as per SFGC UMU. The height is measured on the front of the project. As per CBC sec 509.5, 60' maximum height is permitted for Type VA - 1hr building.  
EXEMPTIONS:  
1. The roof access stairs and elevator penthouse extend above the roof line as permitted under SFGC Sec 260B  
2. Open seating / deck areas and related sunshades are exempt from the height limit to a maximum of 10 feet.  
3. Mechanical features such as roof vents and flues are exempt as per SFGC Section 260.

LOT SIZE/AREA: 124'-9"x113'-0"= 14,100 sq ft  
LOT COVERAGE: Ground Level: 11,575 sq ft  
Level 2(plaza): 10,265 sq ft

REAR YARD: Rear yard: 27% (3,825 sq ft) distributed  
OPEN SPACE: 4 units have private open space at the plaza level, which are located immediately adjacent to the units. The open spaces are 325 sq ft each > 80 sq ft required. No dimension is less than 6 feet.  
36 units are to share common outdoor space on the roof deck. Common space is 2,880 sq ft. No dimension is less than 15 feet. The common outdoor space is to be accessible.  
Commercial open space: two courtyards totaling 1,816 sq ft are provided at grade adjacent.

PERMITTED AREA PER FLOOR:  
GROSS BUILDING AREA: AREA BY USE:  
RESIDENTIAL UNIT TYPES:  
STRUCTURE: Concrete slab foundation. Concrete 1st level slab separating the S2 garage from the upper A2/R-2 Residential. 3 HR concrete Property Bearing Walls at the A2 / S2 Garage Ground Story. Non-Combustible metal stud framing at the ground level lobby. Type V wood framing up to 60 foot height permitted per Sec 504. Height measured as per Sec 509.4. Wood framing includes: 2 x 6 and 2 x 4 wood studs.

EXTERIOR MATERIALS: Color Impregnated cementitious wood fiber board. Aluminum Framed Doors Windows Aluminum sliding panels

PARKING: There will be a total of 36 private residential parking stalls. 36 Parking stalls permitted at the following ratio: 0.75 ratio for 1 bedroom 1.00 ratio for 2 bedrooms As per UBC Table 11B-6 1 accessible parking space is required. As per UBC Sec 1129B4-2 this space is van accessible. 4 bicycle spaces have been provided as per SFGC 15.52 There will be 3 Commercial parking stalls

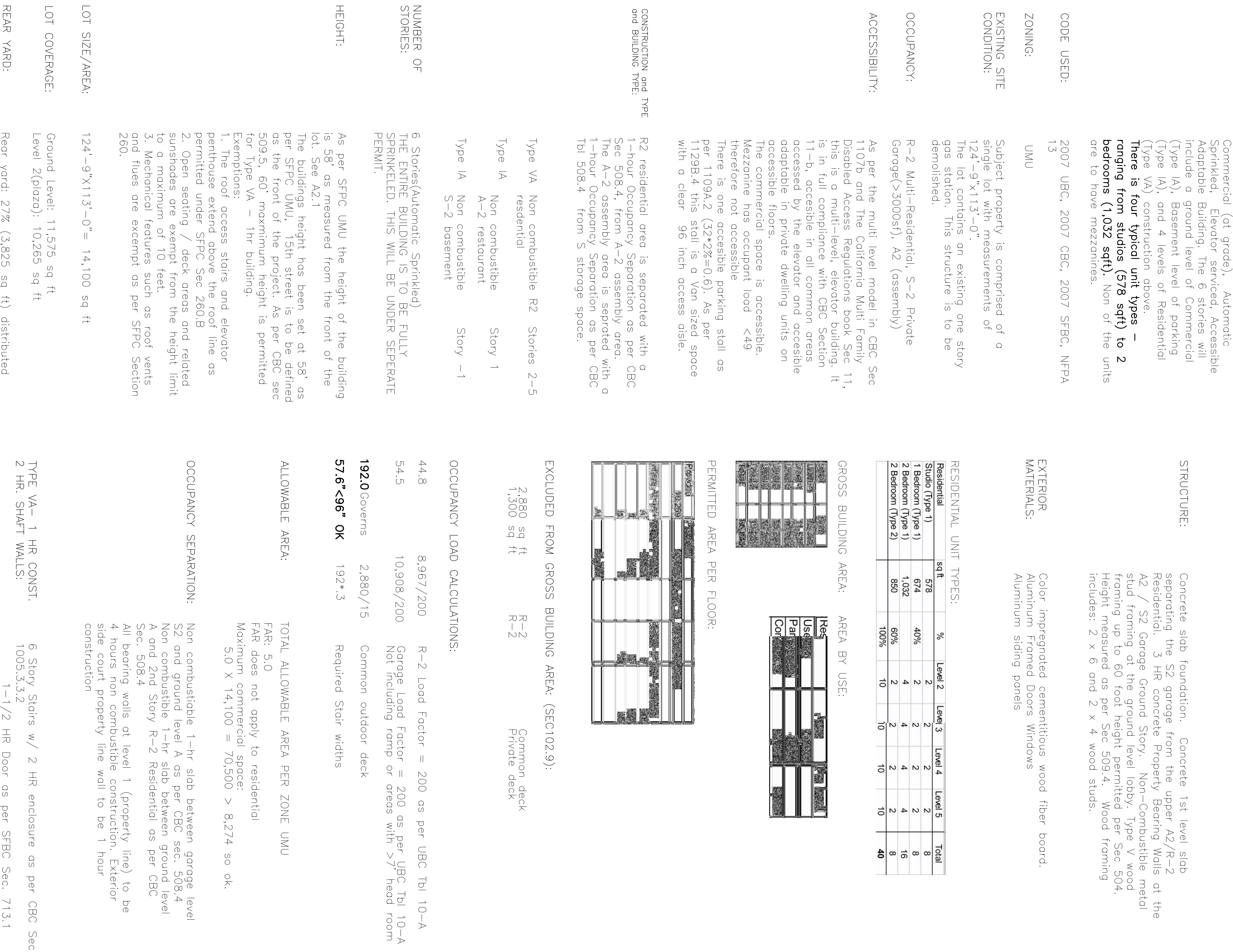
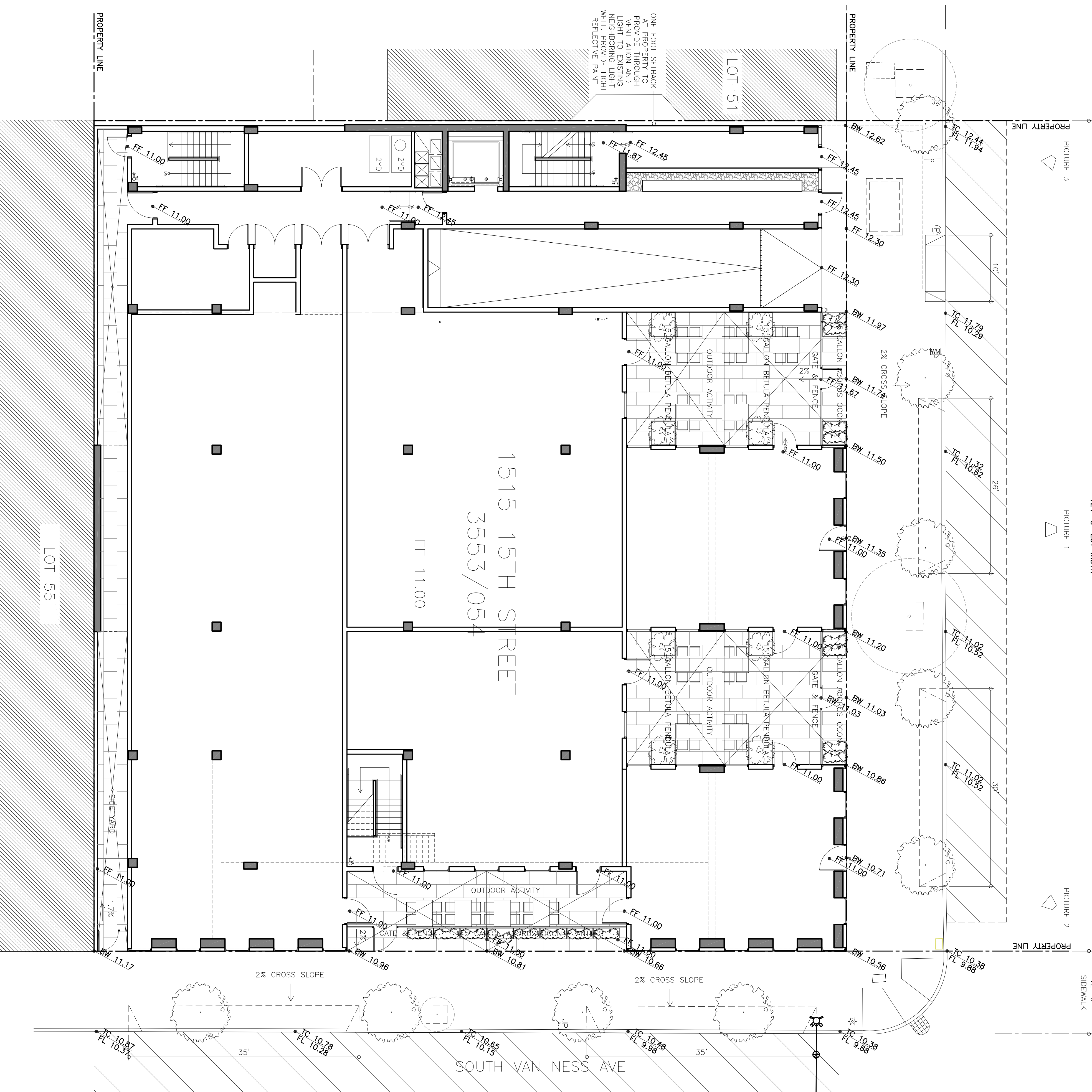
EXCLUDED FROM GROSS BUILDING AREA: (SECT102.9):  
2,880 sq ft R-2 Common deck  
1,500 sq ft Private deck  
OCCUPANCY LOAD CALCULATIONS:  
44.8 8.967/200 R-2 Load Factor = 200 as per UBC Tbl 10-A  
54.5 10.908/200 Garage Load Factor = 200 as per UBC Tbl 10-A  
Not including ramp or areas with >7' head room  
1920 Govers 2,880/15 Common outdoor deck  
57.6 < 96' OK 192\*3 Required Stair widths  
ALLOWABLE AREA: TOTAL ALLOWABLE AREA PER ZONE LMU  
FAR: 5.0  
FAR does not apply to residential  
Maximum commercial space:  
5.0 X 14,100 = 70,500 > 8,274 so ok.

OCCUPANCY SEPARATION: Non combustible 1-hr slab between garage level S2 and ground level A as per CBC sec. 508.4  
Non combustible 1-hr slab between ground level Non combustible 1-hr Slab Residential as per CBC Sec. 508.4  
All bearing walls at level 1 (property line) to be 4 hours non combustible construction. Exterior side court property line wall to be 1 hour construction

TYPE VA- 1 HR CONST. Bearing, Property, Party, Corridor, Lobby.  
MECHANICAL Mtn. Doors as per CBC Sec. 1005.8.1 in Corridors  
TYPE VA- 1 HR CONST. Non Bearing Interior Partitions. Non Rated Doors  
NR WALLS:

TYPE VA- 1 HR CONST. 6 Story Stairs w/ 2 HR enclosure as per CBC Sec. 1005.3.3.2  
2 HR SHAFT WALLS: 1-1/2 HR Door as per SFGC Sec. 713.1

REAR YARD: 27% (3,825 sq ft) distributed  
OPEN SPACE: 4 units have private open space at the plaza level, which are located immediately adjacent to the units. The open spaces are 325 sq ft each > 80 sq ft required. No dimension is less than 6 feet.  
36 units are to share common outdoor space on the roof deck. Common space is 2,880 sq ft. No dimension is less than 15 feet. The common outdoor space is to be accessible.  
Commercial open space: two courtyards totaling 1,816 sq ft are provided at grade adjacent.



1515 15TH STREET  
1515 15TH STREET, SAN FRANCISCO, CA

1/8" = 1'-0"  
1  
PROJECT DATA  
2

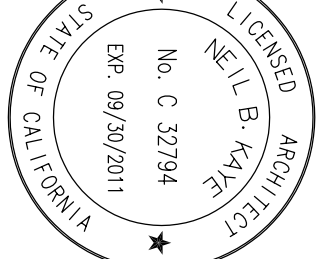
SITE PLAN  
CODE ANALYSIS

75% BUILDER'S SET  
Date 07/01/2011  
Scale 1/8"=1'-0"  
Drawn NATOMA  
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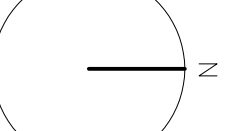
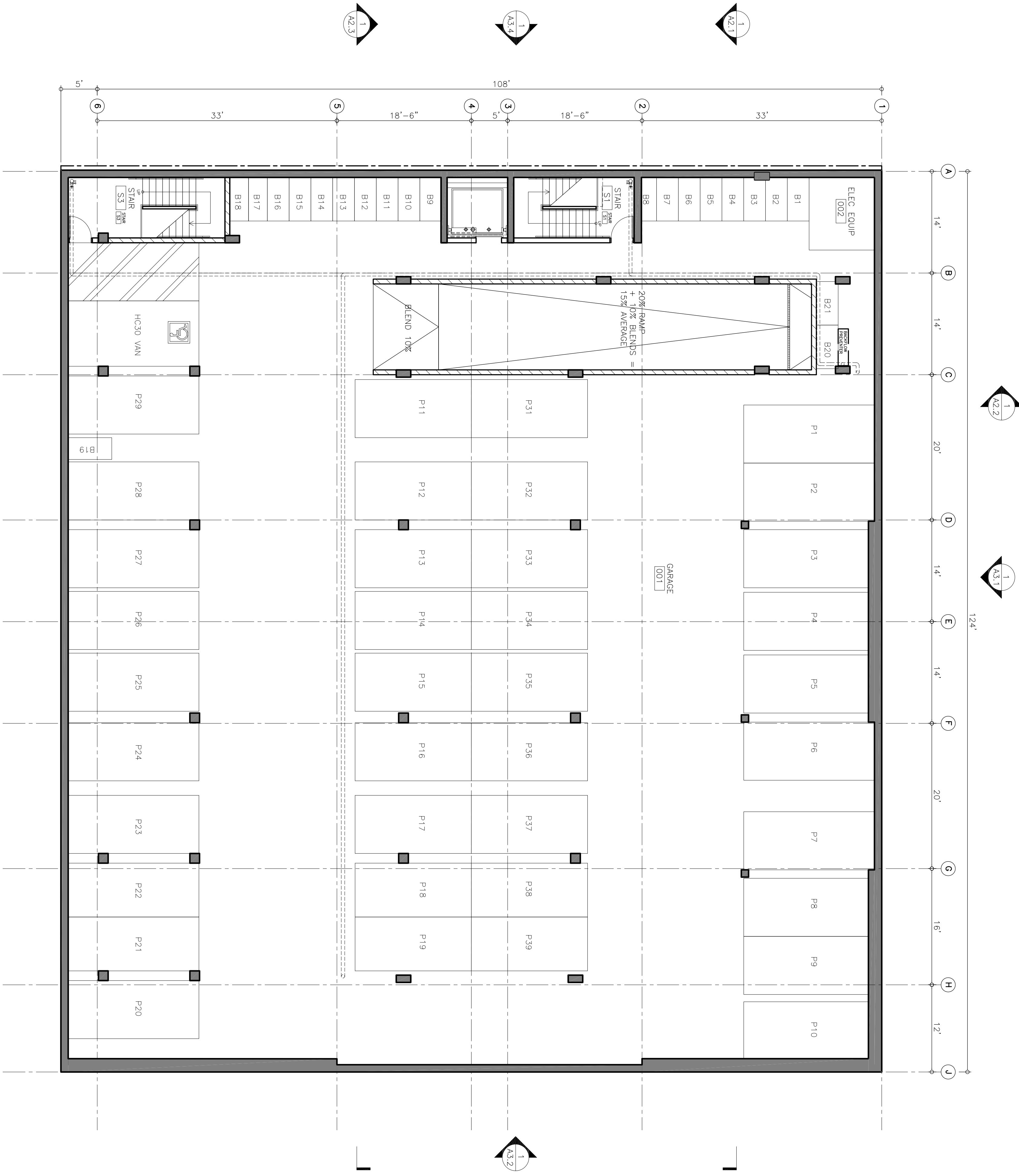
Stanley Schmitt | Inc.  
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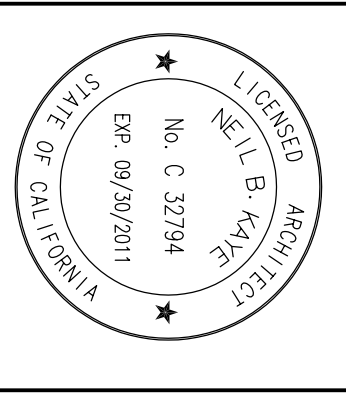
1515 15TH STREET  
 1515 15TH STREET, SAN FRANCISCO, CA

BASEMENT LEVEL  
 PLAN

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 Date 07/01/2011  
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 Job NATOMA  
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 Sheet A1.1  
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**Nolan Architects Inc.**  
 10272 Sandpoint Street, No. 4  
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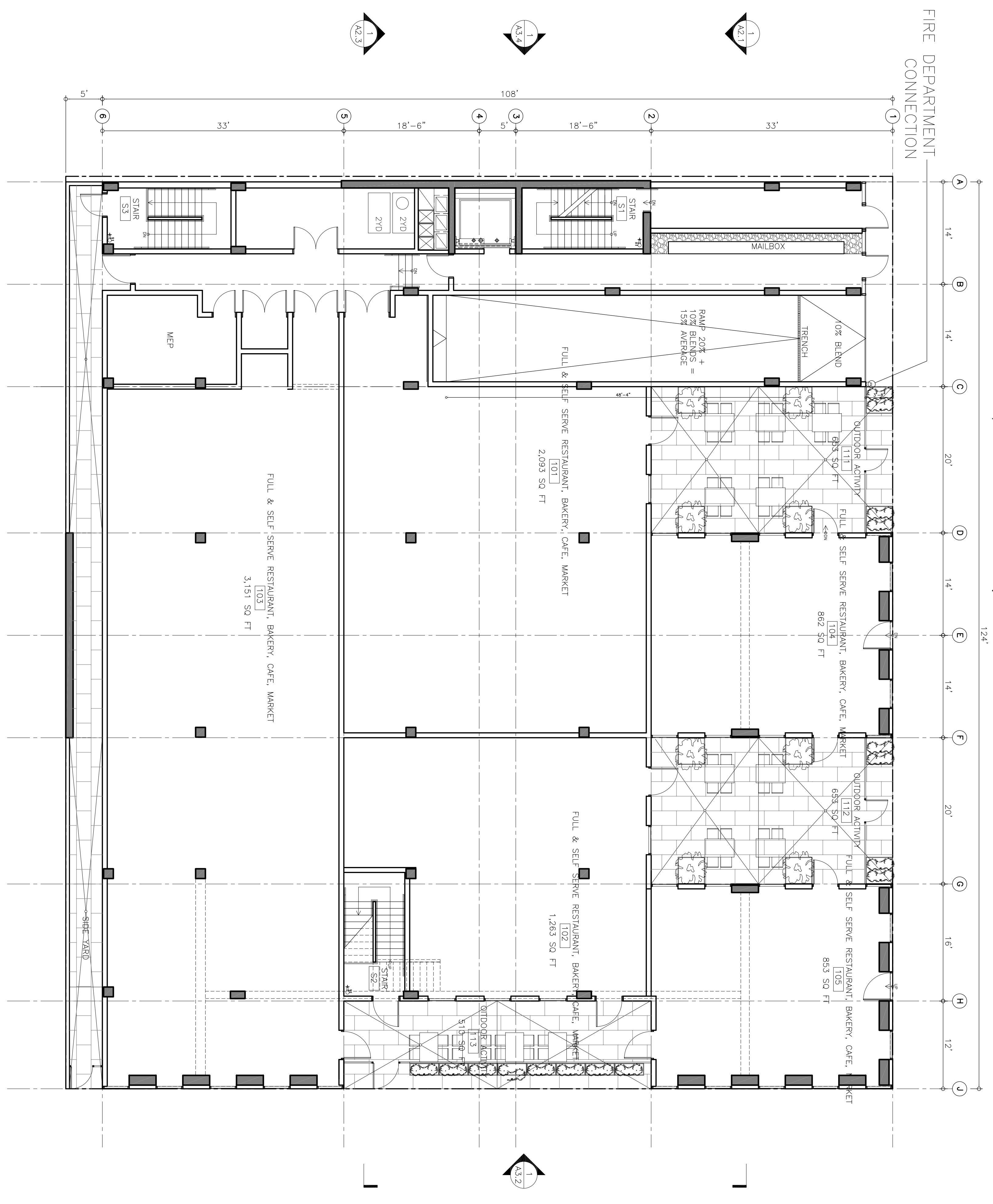


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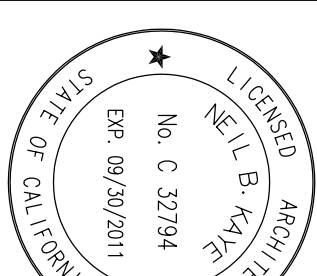
LEVEL 1 PLAN

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 Of Sheets



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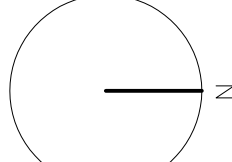
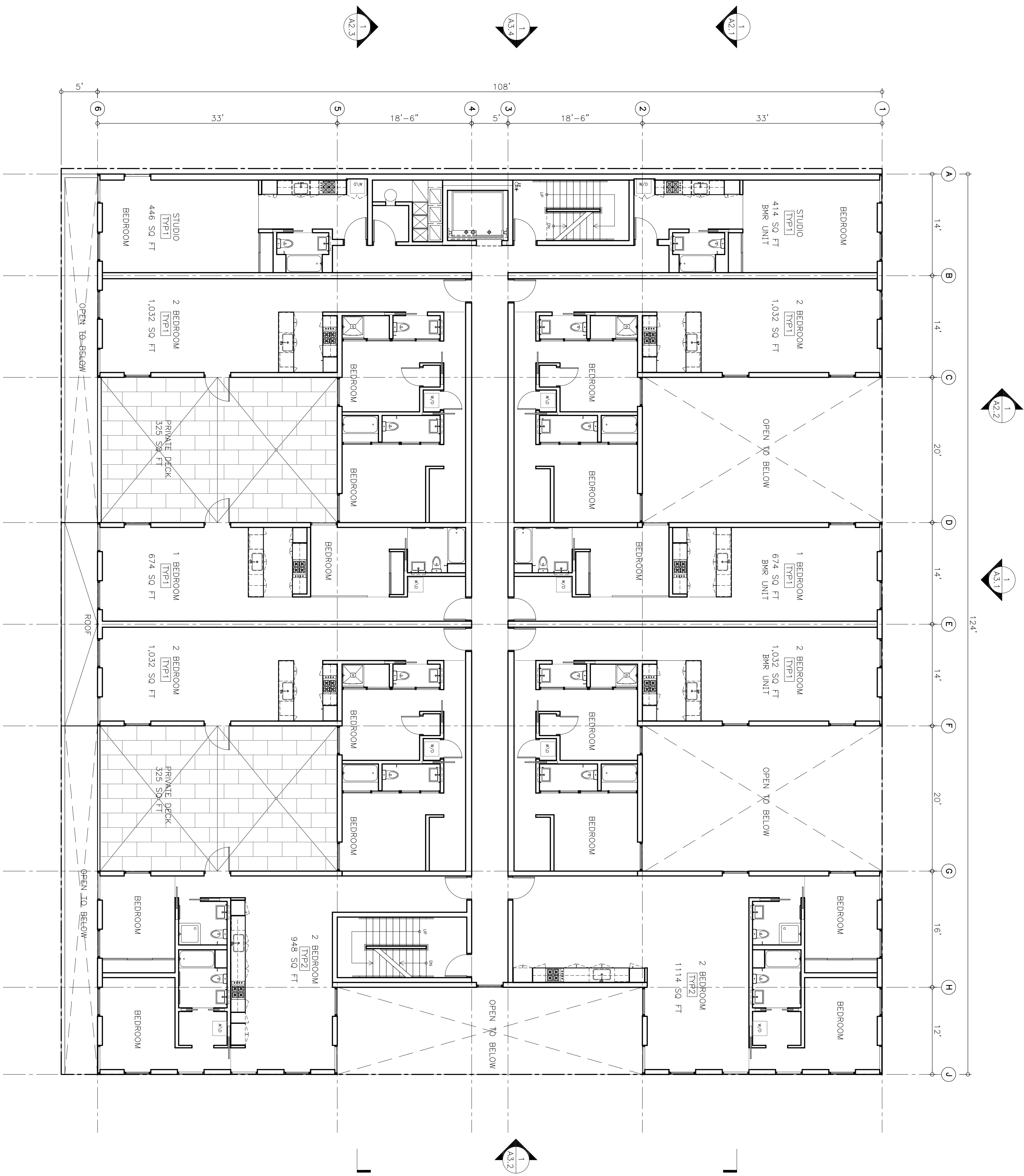

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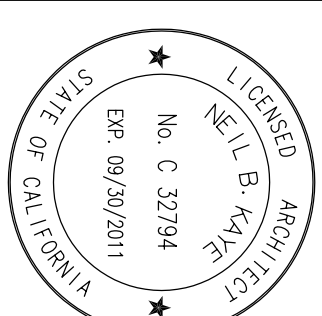
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LEVEL 2 PLAN

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LEVEL 3 PLAN

75% BUILDER'S SET

Date 07/01/2011

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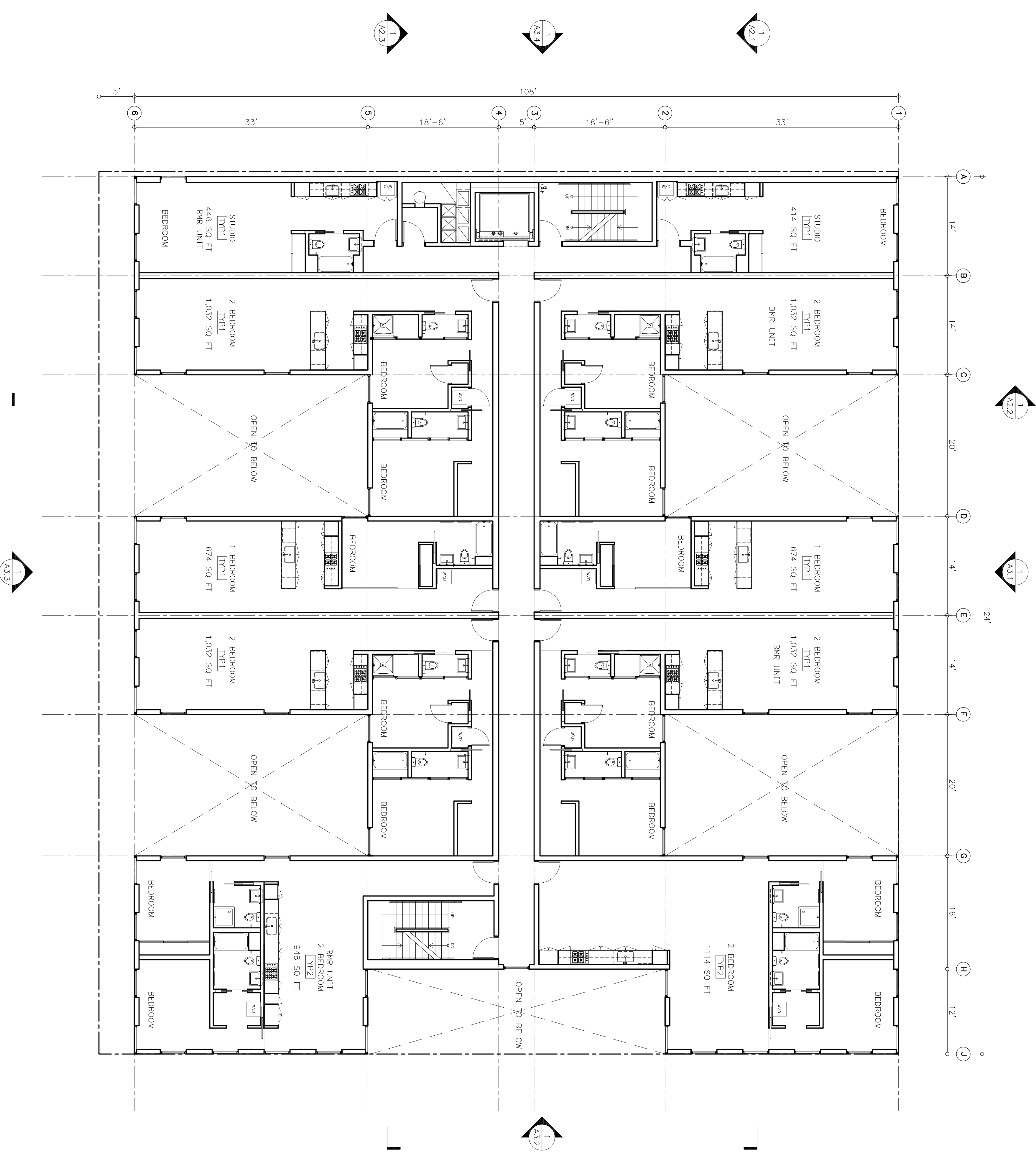
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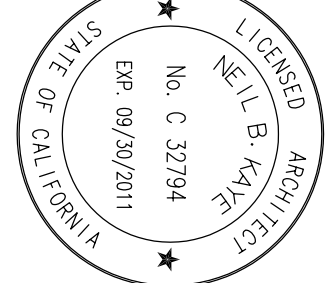
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LEVEL 4 PLAN

75% BUILDER'S SET

Date 07/01/2011

Scale 1/8"=1'-0"

Drawn

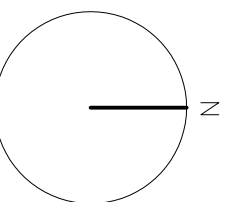
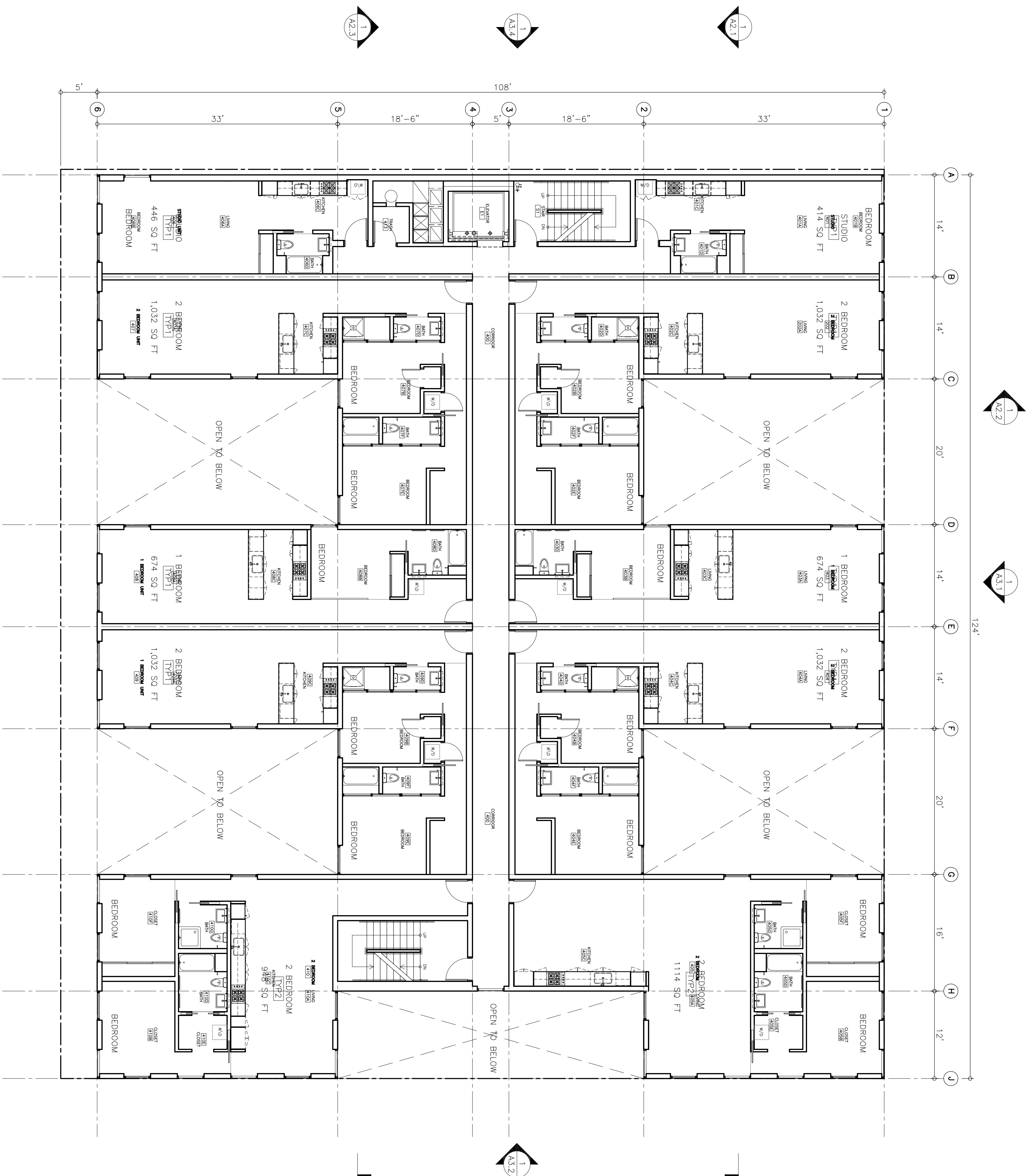
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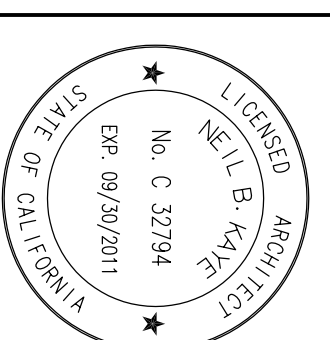
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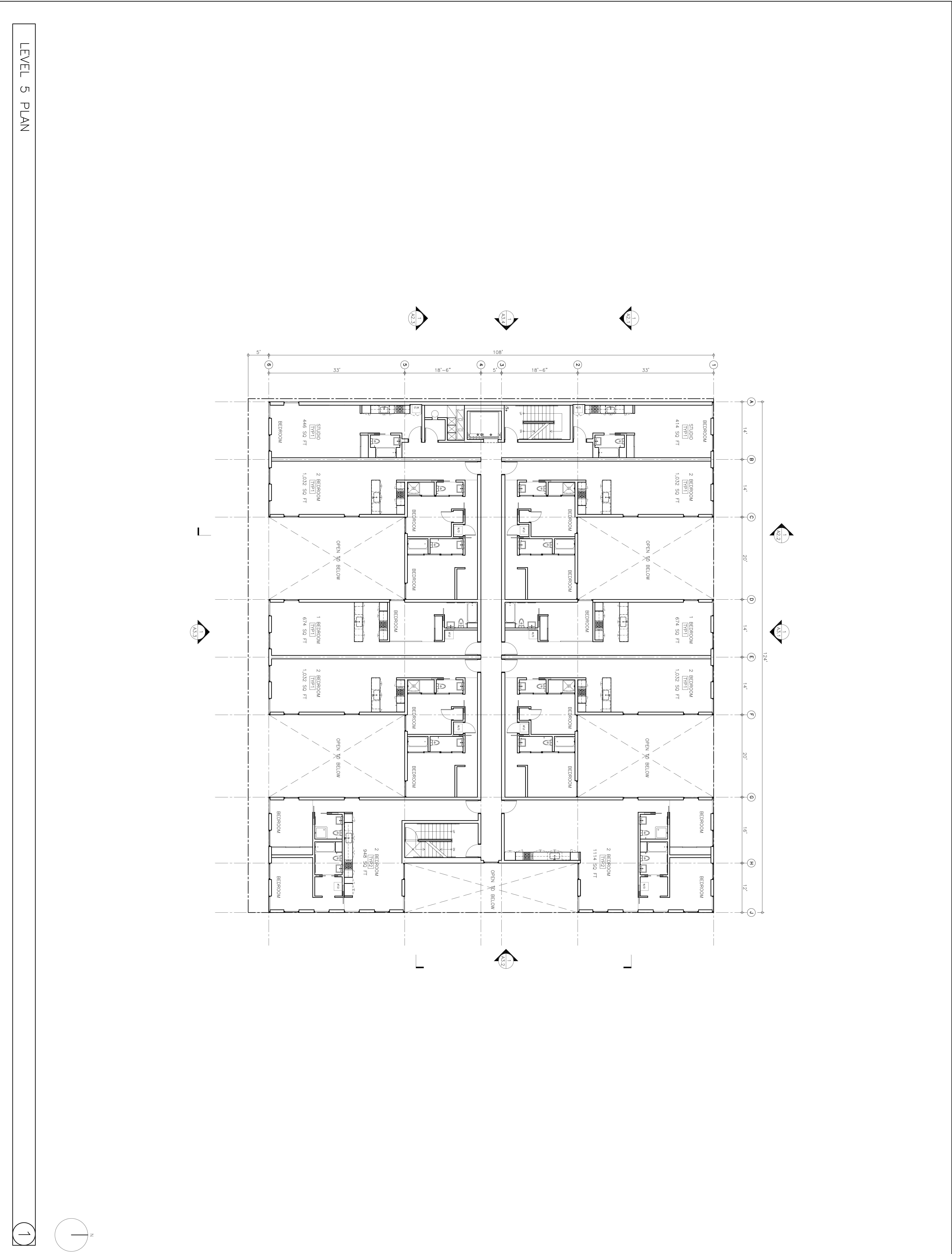
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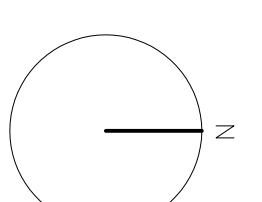
LEVEL 5 PLAN

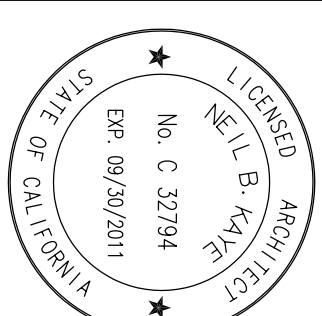
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LEVEL 5 PLAN

1

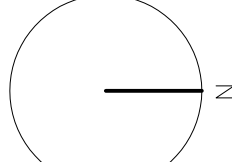
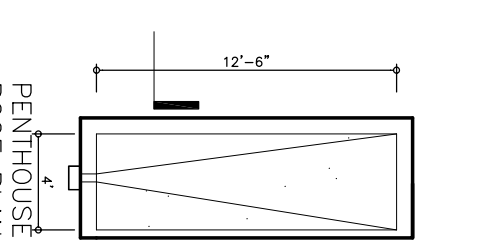
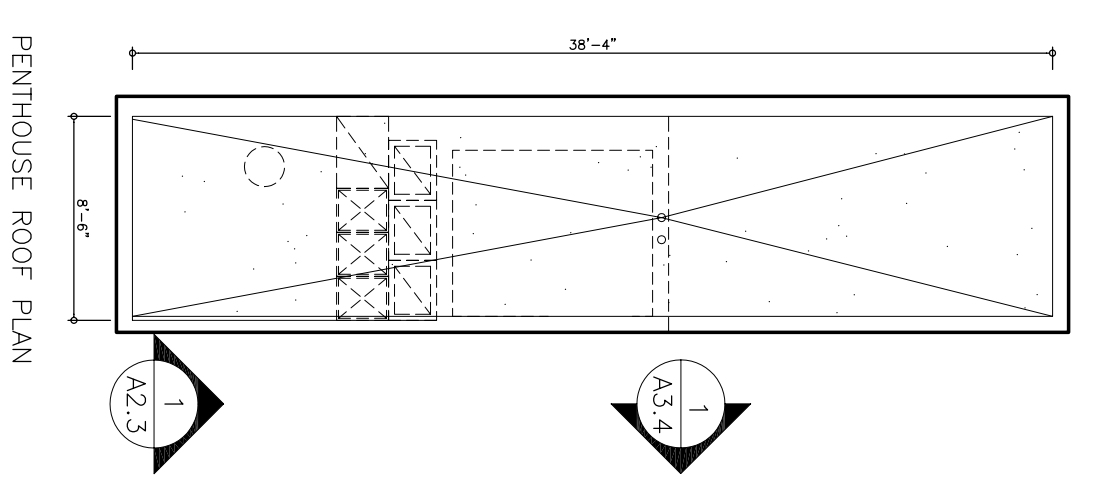
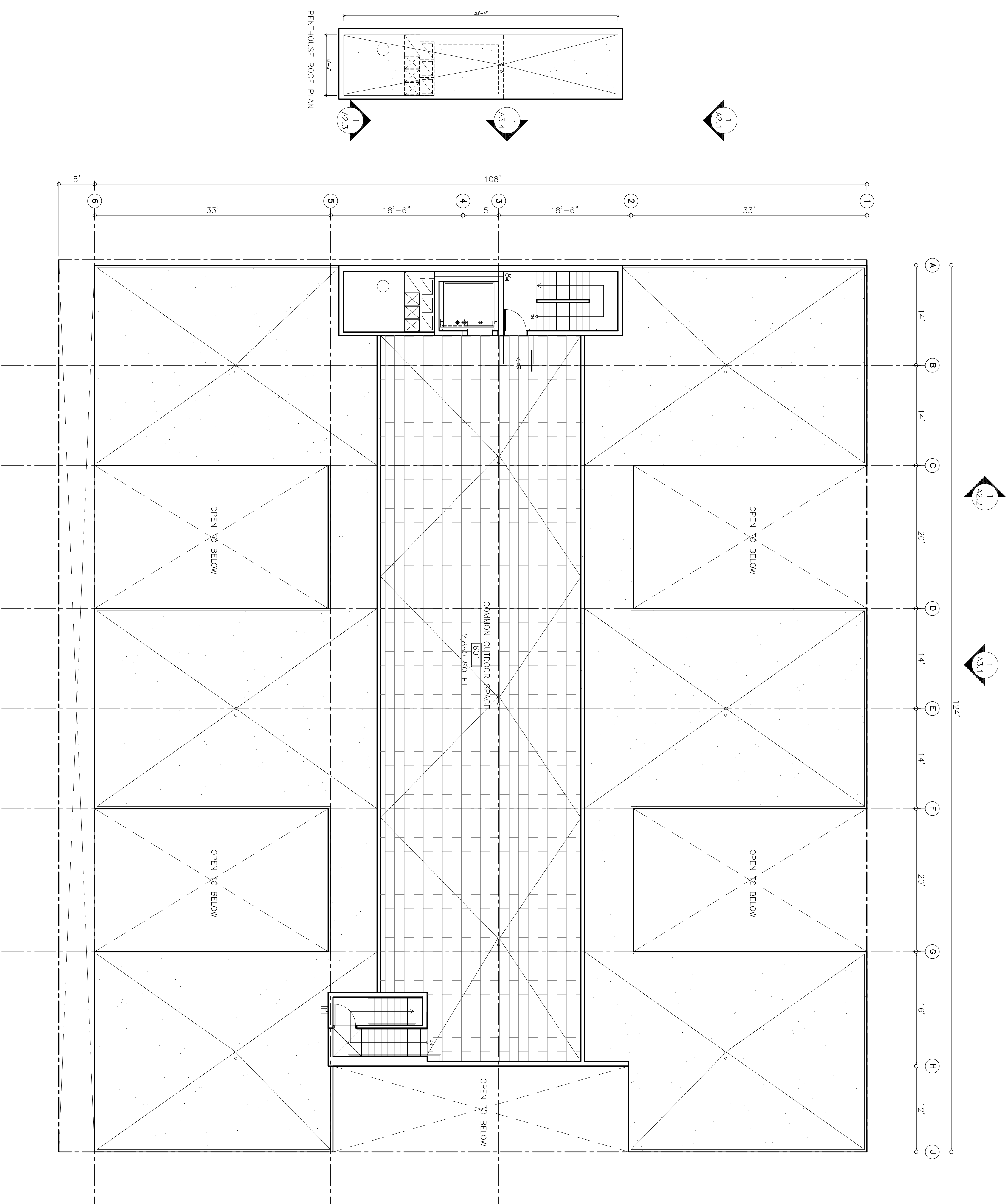




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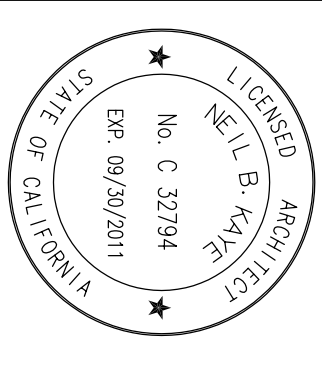
ROOF LEVEL PLAN

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 Scale 1/8"=1'-0"  
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 Job NATOMA  
 File BE-A1.0



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1515 15TH STREET  
 1515 15TH STREET, SAN FRANCISCO, CA

SECTION

75% BUILDER'S SET  
 Date 07/01/2011

Scale 1/8"=1'-0"

Drawn

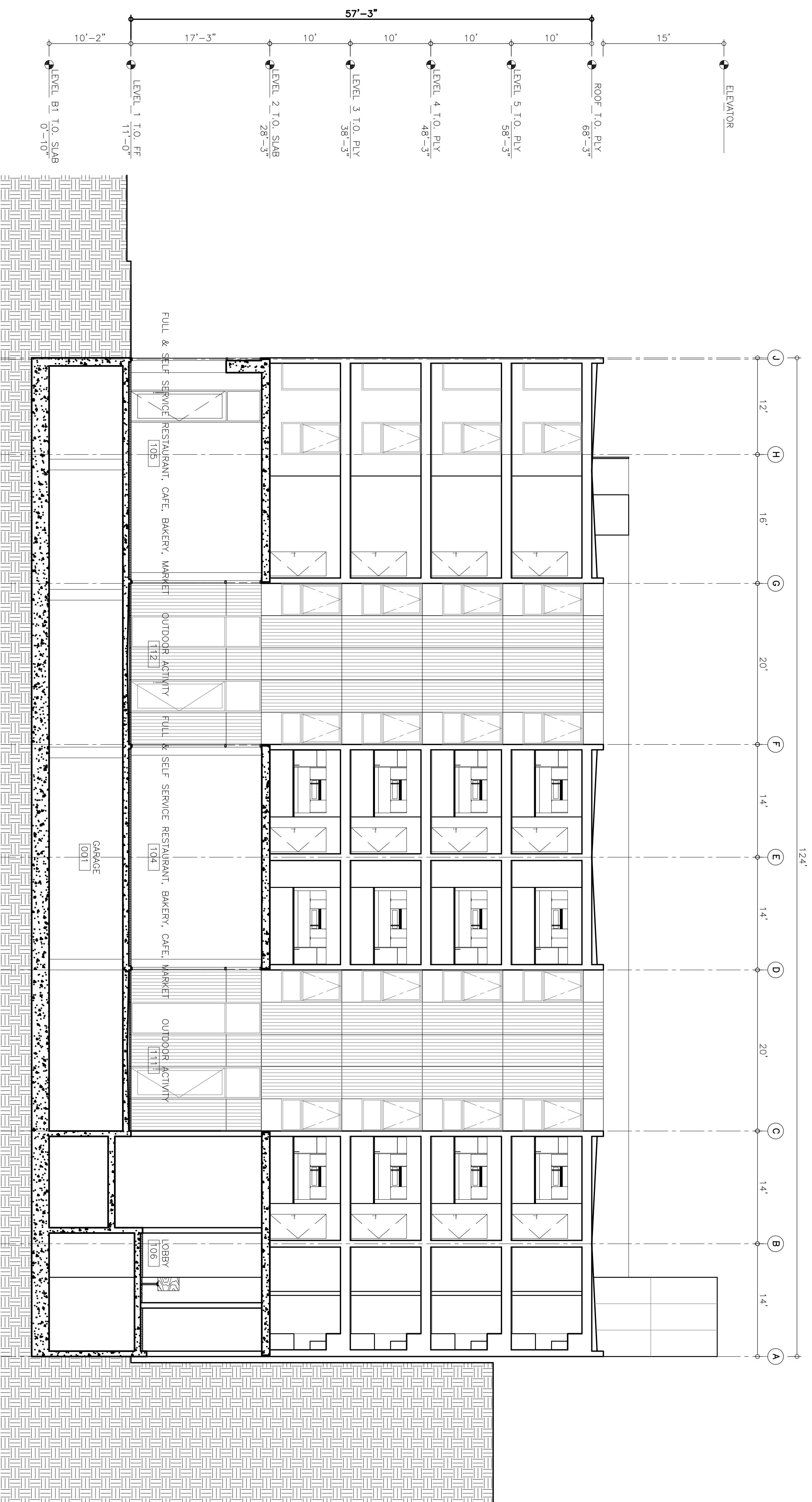
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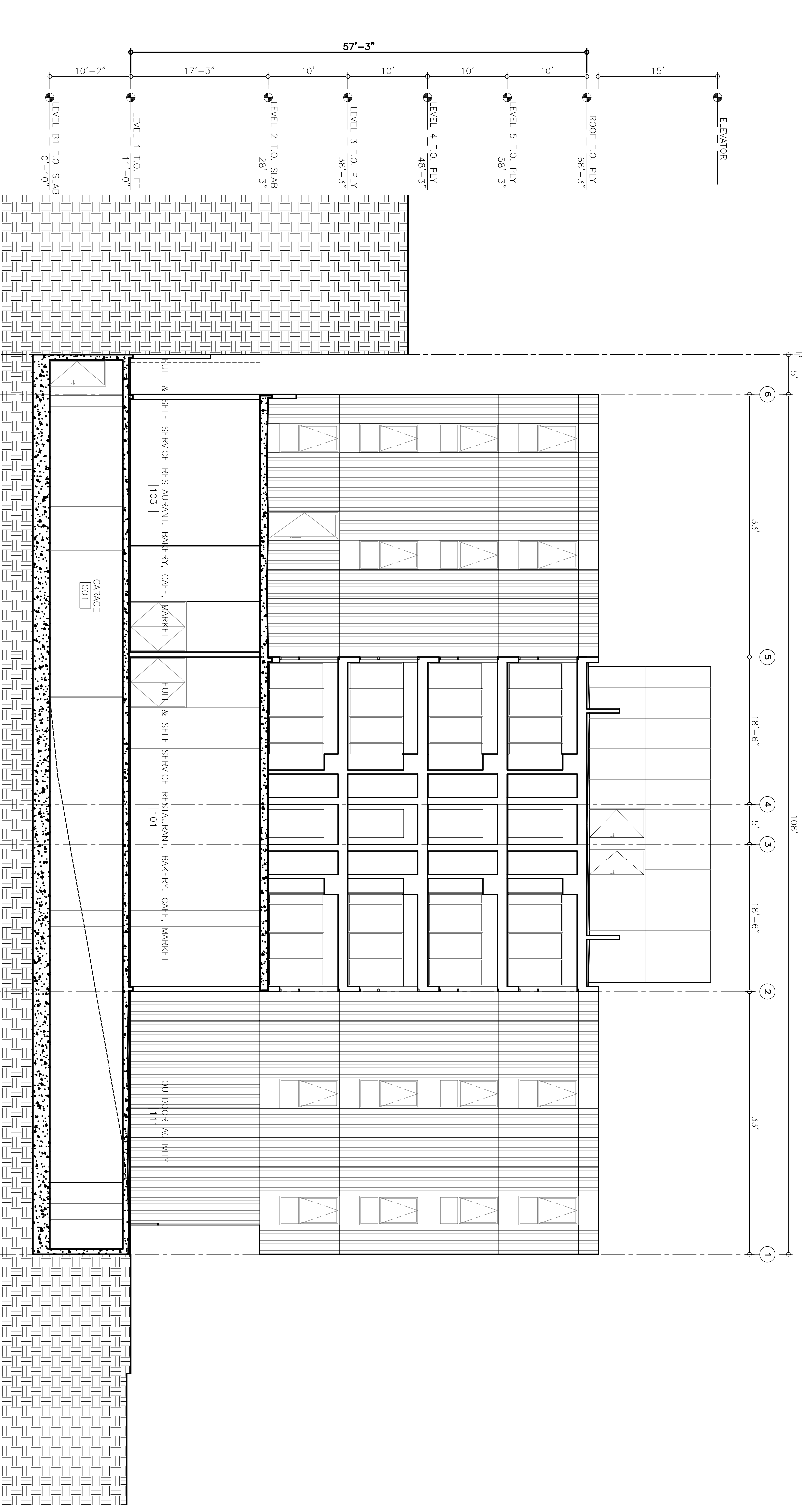
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SECTION

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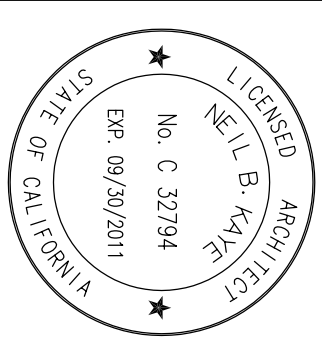


SECTION

2




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# 1515 15TH STREET

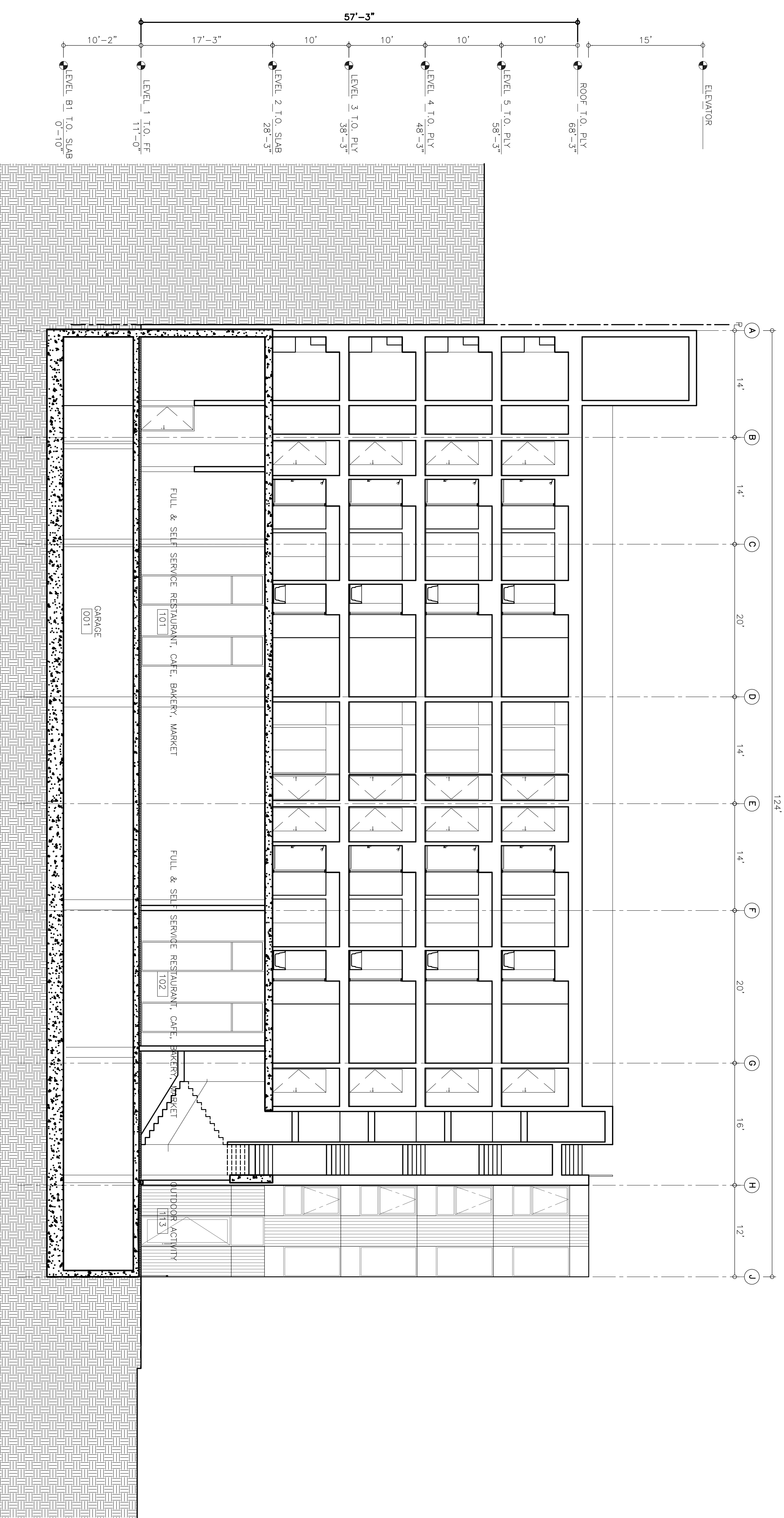
1515 15TH STREET, SAN FRANCISCO, CA

SECTION

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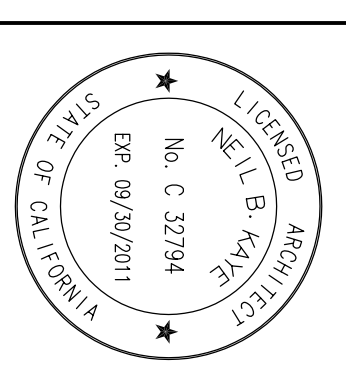
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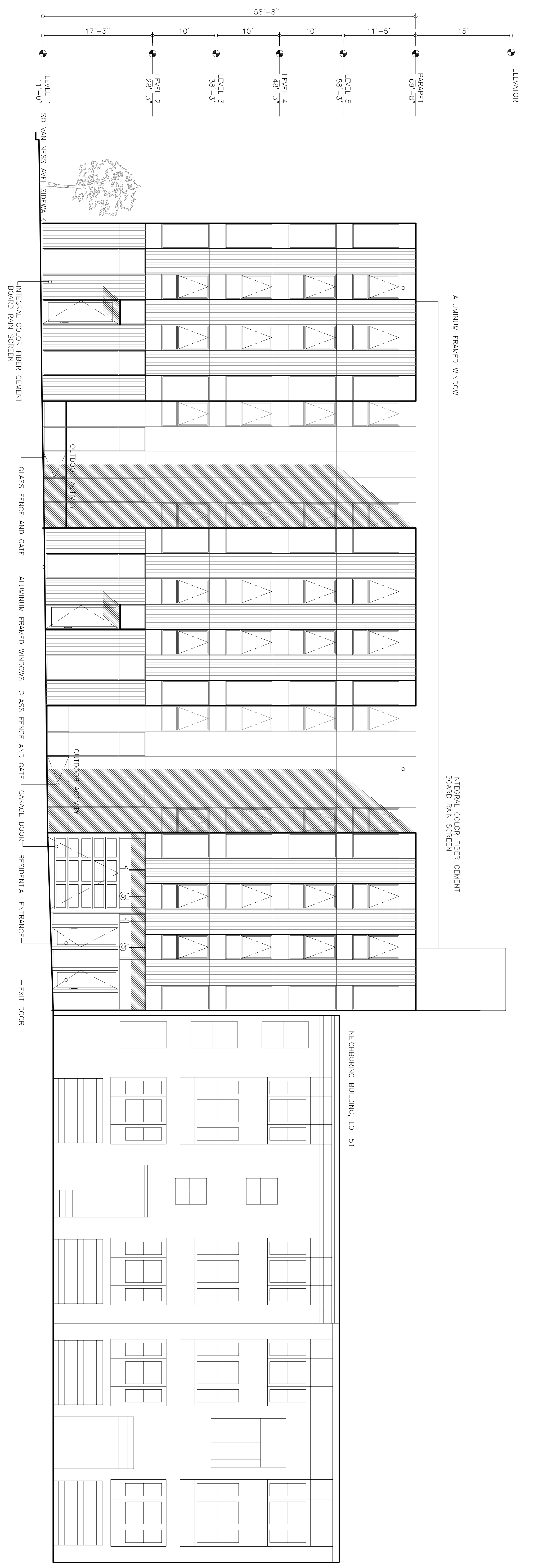
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ELEVATION  
 75% BUILDER'S SET  
 Date 07/01/2011  
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NORTH ELEVATION



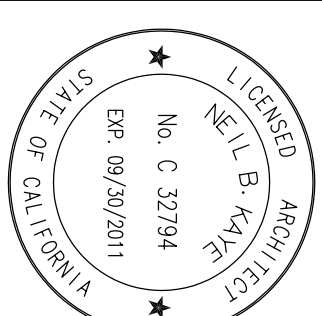
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EAST ELEVATION



1

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# 1515 15TH STREET

1515 15TH STREET, SAN FRANCISCO, CA

ELEVATION

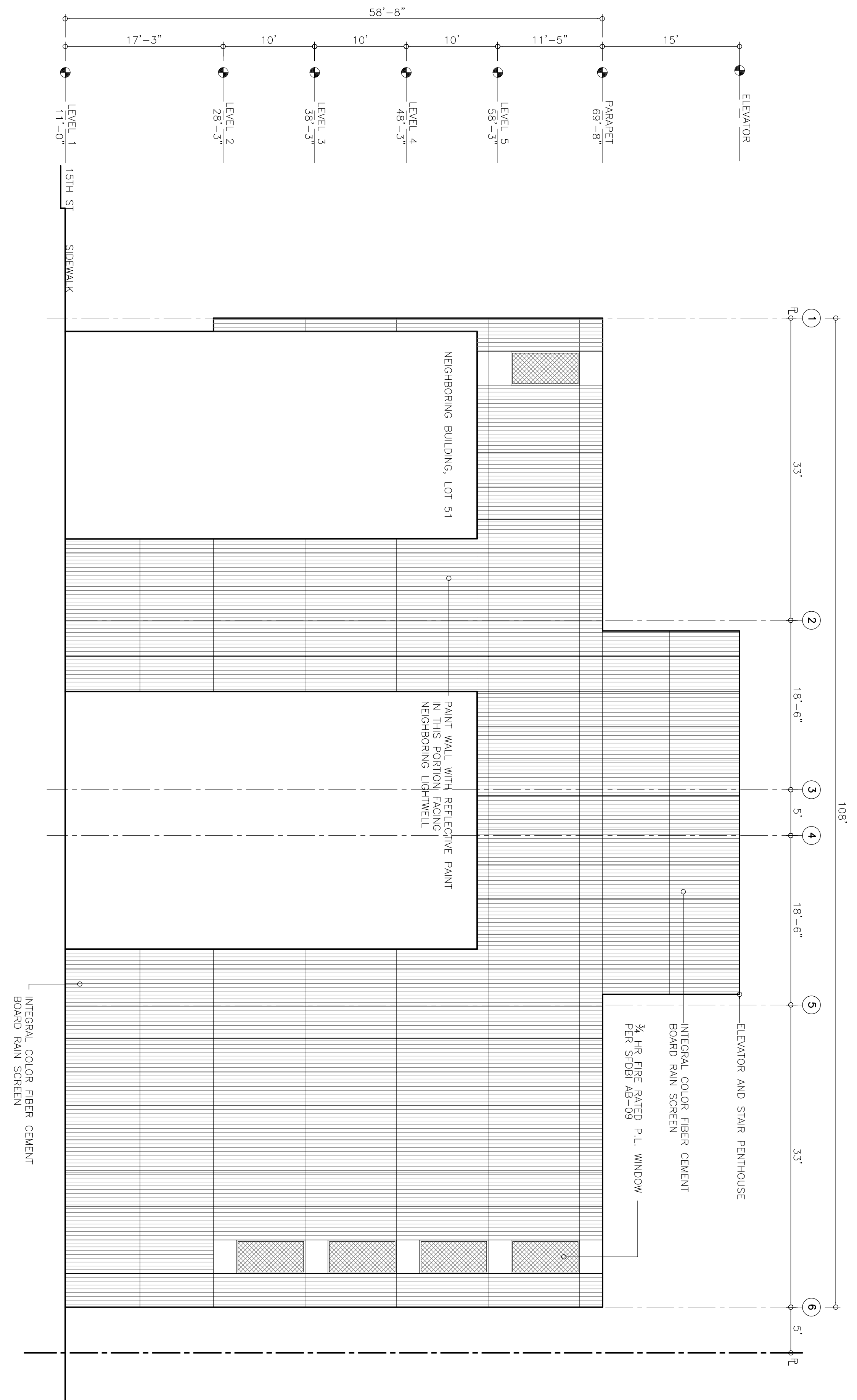
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 Of 4 Sheets

## SOUTH ELEVATION



1

## WEST ELEVATION



1