



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: OCTOBER 20, 2011

*Date:* October 13, 2011  
*Case No.:* **2011.0094C**  
*Project Address:* **1800 VAN NESS AVENUE (and 1754 CLAY STREET)**  
*Zoning:* RC-4 (Residential-Commercial Combined, High Density) District  
VNSUD (Van Ness Special Use District)  
80-D Height and Bulk District  
*Block/Lots:* 0619/009 & 010  
*Project Sponsor:* Van Ness Clay, LLC / Oyster Development Corporation  
Attention: Dean Givas  
335 1<sup>st</sup> Street, #809  
San Francisco, CA 94105  
*Project Contact:* Andrew Junius  
Reuben & Junius, LLP  
1 Bush Street, #600  
San Francisco, CA 94104  
*Staff Contact:* Glenn Cabreros – (415) 558-6169  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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 proposes (under a new owner/developer) construction of a Planned Unit Development consisting of two buildings: an 8-story, 94-unit mixed-use building with 95 below-grade parking spaces and approximately 4,900 square feet of ground-floor commercial space and a 44-foot tall, four-story, four-unit residential building with four parking spaces fronting on Washington Street.

### SITE DESCRIPTION AND PRESENT USE

The project site is at 1800 Van Ness Avenue, on the northeast corner of Van Ness Avenue and Clay Street. The project site includes 1754 Clay Street, which is a through lot also having frontage on Washington Street. The project site is within the RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District. The project encompasses two lots; Lots 009 and 010 in Assessor's Block 0619, totaling approximately 25,820 square feet. The project site contains a vacant two-story commercial building at the corner of Van Ness Avenue and Clay Street, which formerly housed Kinko's Copies. The remainder of the site is devoted to surface parking lots.

## ENVIRONMENTAL REVIEW

On September 21, 2005, the Planning Department issued a Final Mitigated Negative Declaration (FMND) under Case No. 2004.0339E, for a project proposing a Planned Unit Development to construct an 80-foot tall, eight-story, 62-unit mixed used building with 73 parking spaces and 5,100 square feet of ground-floor commercial space under Case No. 2004.0339C. On January 25, 2007, the Planning Commission found the FMND, per Case No. 2004.0339E, was adequate, and the Commission approved the project proposed under Case No. 2004.0339C.

The project proposed under the subject case, Case No. 2011.0094C, was reviewed and analyzed by the Department. On October 3, 2011, the Department issued an Addendum to the earlier Mitigated Negative Declaration and concluded that no supplemental environmental review was required, as the project per Case No. 2011.0094C would not cause new significant impacts in the FMND, and no new mitigation measures would be necessary to reduce significant impacts.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 1, 2011	September 28, 2011	23 days
Posted Notice	20 days	October 1, 2011	October 1, 2011	20 days
Mailed Notice	10 days	October 1, 2011	October 1, 2011	20 days

## PUBLIC COMMENT

To date, the Department has received no comments regarding the project.

## ISSUES AND OTHER CONSIDERATIONS

**Shadow Study.** On October 20, 2011, the Department reaffirmed that additional shadow study for the project under Case No. 2011.0094C was not required per Planning Code Section 295 as the project proposed under Case No. 2011.0094C was at the same height of 80 feet and with similar massing and bulk as the project analyzed under Case No. 2004.0339K. The project proposed under Case No. 2011.0094C would create a similar shadow fan as the project proposed under 2004.0339C.

**Accessory Parking.** The project sponsor is requesting the Commission approve a nominal amount parking above the required amount (as illustrated on the submitted plans – Level P1, Sheet A2.1). The project sponsor request for four (4) additional parking spaces in addition to the number of required spaces would be within the accessory parking limits allowed by the Planning Code. No commercial parking is required by Code for the project, so the Department recommends that the Commission approve only the required amount of parking and care share spaces to minimize private auto use and to encourage the use of public transit, as the project is located in an area well served by local and regional transit.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow construction of the Planning Unit Development over 50 feet in height within the Van Ness Special Use District.

## **BASIS FOR RECOMMENDATION**

- The project provides 98 dwelling units to the City's housing stock.
- The project provides 15 affordable units on-site.
- The project would not displace any existing retail tenants or residential tenants.
- The project is an appropriate infill on an underdeveloped lot within the Van Ness Avenue corridor.
- The project proposes 4,900 square feet of ground floor space for future commercial opportunities.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

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

Draft Motion

Parcel Map

Sanborn Map

Aerial Photographs

Zoning Map

Shadow Fan

Addendum to Mitigated Negative Declaration

Mitigated Negative Declaration

Affidavit for Affordable Housing Program

Project Sponsor Submittal, including:

- Reduced Plans and Elevations
- Illustrative Renderings
- Site Photographs

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 type="checkbox"/> Health Dept. review of RF levels  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Context Photos              | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos                 |  |

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

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Planner's Initials

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# 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 type="checkbox"/> Other  |

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

Reception:  
**415.558.6378**

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## Planning Commission Draft Motion

HEARING DATE: OCTOBER 20, 2011

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*Project Address:* **1800 VAN NESS AVENUE (and 1754 CLAY STREET)**  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT PURSUANT TO PLANNING CODE SECTIONS 253.2, 271, 303, 304 AND 306 TO ALLOW CONSTRUCTION OF AN 80-FOOT-TALL EIGHT-STORY, 94-UNIT MIXED-USE BUILDING WITH 95 PARKING SPACES AND 4,900 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE AND CONSTRUCTION OF A 44-FOOT TALL, FOUR-STORY, FOUR-UNIT RESIDENTIAL BUILDING WITH FOUR PARKING SPACES ON WASHINGTON STREET LOCATED WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE VAN NESS SPECIAL USE DISTRICT AND THE 80-D HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## **PREAMBLE**

On February 1, 2011, Andrew Junius for Van Ness Clay, LLC / Oyster Development Corporation (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization for a Planned Unit Development under Planning Code Sections 253.2, 271, 303, 304 and 306 to allow construction of an 80-foot tall, eight-story, 94-unit mixed use building with 95 parking spaces and approximately 4,900 square feet of ground-floor commercial space and construction of a 44-foot tall, four-story, four-unit residential building with four parking spaces located within the RC-4 (Residential-Commercial Combined, High Density District, the Van Ness Special Use District (hereinafter "VNSUD") and the 80-D Height and Bulk District.

On October 20, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0094C.

On January 25, 2007, the Commission conducted a public hearing and approved Case No. 2004.0339CEK proposing an 80-foot tall, 8-story mixed-use building with 62-units, 73 parking spaces and 5,100 square feet of ground floor commercial space at the project site.

On April 4, 2005, the Department performed a shadow study, Case No. 2004.0339K, per Planning Code Section 295, and determined that the 80-foot tall building proposed under Case No. 2004.0339C would not create a shadow impact on any property under the jurisdiction of the Recreation and Park Commission. On January 25, 2007, the Commission affirmed that the project analyzed under Case 2004.0339K does not create any shadow impacts per Section 295.

On October 20, 2011, the Department did not require an additional shadow study per Planning Code Section 295 as the project proposed under Case No. 2011.0094C is at the same height and of similar massing and bulk as the project under Case No. 2004.0339K. The project proposed under Case No. 2011.0094C would create a similar shadow fan as the project proposed under 2004.0339C. On October 20, 2011, the Commission reviewed and affirmed that the project proposed under 2011.0094C does not create any shadow impacts on any property under the jurisdiction of the Recreation and Park Commission per Section 295.

On August 27, 2005, under Case No. 2004.0339E, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for a project proposing a Planned Unit Development to construct an 80-foot tall, eight-story, mixed-used building with 62 units, 73 parking spaces and 5,100 square feet of ground-floor commercial was prepared and published for public review.

On September 21, 2005, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

On January 25, 2007, the Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On October 3, 2011, an Addendum to Mitigated Negative Declaration, Case No. 2004.0339E, was prepared and certified which analyzed the currently project, Case No. 2011.0094C proposing a Planned Unit Development to construct two buildings, one 80-foot tall, eight-story mixed-used building and one 44-foot tall, four-story residential building, containing at total 98 dwelling units, 103 parking spaces and 4,900 square feet of ground floor commercial space. The Addendum to Mitigated Negative Declaration, Case No. 2004.0339E, concluded that the FMND adopted and issued on September 21, 2005 remains valid and that no supplemental environmental review is required for the revised project aforementioned.

On October 20, 2011, the Planning Commission found the FMND and the Addendum to Mitigated Negative Declaration, both under Case No. 2004.0339E, were adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and reaffirmed the FMND and approved the Addendum for the currently proposed project under Case No. 2011.0094C, in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2004.0339E at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

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. 2011.0094C, 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 project site is at 1800 Van Ness Avenue, on the northeast corner of Van Ness Avenue and Clay Street. The project site includes 1754 Clay Street, which is a through lot also having frontage on Washington Street. The project site is within an RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District. The project encompasses two lots; Lots 009 and 010 in Assessor's Block 0619, totaling approximately 25,820 square feet. The project site contains a vacant two-story commercial building at the corner of Van Ness Avenue and Clay Street, which formerly housed Kinko's Copies. The remainder of the site is devoted to surface parking lots.
3. **Surrounding Properties and Neighborhood.** The subject property is in a high-density residential/commercial district with nearby residential, commercial, mixed-use and religious institutional uses. Along Van Ness Avenue, the lot north and directly adjacent to the proposed project contains a four-story, mixed-use building with eight apartments over a ground floor commercial space. Across Van Ness Avenue, at the northwest corner of Van Ness Avenue and Clay Street, is a two-story commercial building currently occupied by Citibank with an adjacent surface parking lot. Along Clay Street, the lot east and directly adjacent to the project is a two-story building housing the California Club. Across Clay Street, at the southeast corner of Van Ness Avenue and Clay Street, is St. Luke's Church. The project site is at the western edge of the Nob Hill neighborhood.
4. **Past Actions and Project Description.** On January 25, 2007, the Planning Commission approved the following project per Motion No. 17364: demolition of the existing two-story commercial building and new construction of an Planned Unit Development consisting of an 80-foot tall, 8-story, 62-unit mixed-use building with approximately 5,100 square feet of ground-floor commercial space and up to 73 parking spaces within two basement levels. On April 8, 2010, per Motion No. 18707, the Planning Commission approved an extension of the performance period by an additional 24 months from the approval date of Motion No. 17364 (Case No. 2010.0065C).
5. **Proposal.** The project proposes (under a new owner/developer) construction of a Planned Unit Development consisting two buildings: an 8-story, 94-unit mixed-use building with 95 parking spaces and approximately 4,900 square feet of ground-floor commercial space and a 44-foot tall, four-story, four-unit residential building with four parking spaces on Washington Street.
6. **Public Comment.** The Department received no public comment for this project.
7. **Planning Code Compliance:** The Commission finds that project meets the provisions of the Planning Code in the following manner:
  - a. **Residential Density:** Section 209.1(1) of the Code allows up to one dwelling unit per 200 square feet of lot area in an RC-4 District. However, Section 243 of the Code states the residential density per Section 209.1 shall not apply within the Van Ness Special Use District (VNSUD).

*While the RC-4 District would limit the approximately 25,820 square-foot subject lot to 129 dwelling units, the VNSUD does not place limits on dwelling unit density. The project proposes 98 dwelling units.*

- b. Shadow Study:** Section 295 restricts height on structures over 40 feet that shadow property under the jurisdiction of the Recreation and Park Commission.

*As the project has the same height and general building massing as the project approved under Case No. 2004.0339C, the subject project would not create any shadow impacts. On April 4, 2005, the Department performed a shadow study under Case No. 2004.0339K, and the Department determined that the proposed 80-foot building would not create a shadow impact on any property under the jurisdiction of the Recreation and Park Commission.*

- c. Parking/Car Share:** Planning Code Section 151 requires one parking space per dwelling unit and one parking space for each 500 square feet of commercial space where the occupied floor area exceed 5,000 square feet. Planning Code Section 166 requires one car share space for projects proposing 50-200 dwelling units.

*The project requires 98 independently-accessible parking spaces for the residential use and no parking spaces for the proposed 4,900 square-foot commercial use. One required car share space is proposed. A total of 99 parking spaces are proposed at the project.*

- d. Bicycle Parking:** Planning Code Section 155.5 requires for projects with over 50 dwelling units, 25 Class 1 bicycle spaces plus one Class 1 space for every 4 dwelling units over 50.

*Per Section 155.5, the required amount of bike parking for the 98-unit project is 37 Class 1 spaces. The project proposes 41 Class 1 spaces.*

- e. Height:** Planning Code Section 253.2 requires that any structure exceeding 50 feet in height in the VNSUD shall only be permitted upon Conditional Use authorization approved by the Planning Commission.

*The project proposes an 80-foot tall, eight-story building and a 44-foot tall, four-story building. The proposed buildings are within the height limit set by the 80-D Height and Bulk District. (Also see "VNSUD Findings" below.)*

- f. Bulk:** Planning Code Section 270 requires that structures within the D Bulk District have maximum plan dimensions of 110 feet in length and 140 feet in diagonal dimension above a height of 40 feet.

*Above a height of 40 feet, the project proposes a building length of approximately 140 feet along Van Ness Avenue and 150 feet along Clay Street. The diagonal dimensions proposed are*

*approximately 161 feet for the portion of the building that faces Van Ness Avenue and 170 feet along the portion of the building that faces Clay Street. The applicant is seeking exceptions to the bulk requirements for the 80-foot tall building per Planning Code Section 271. (Also see "Bulk Exception Findings" below.)*

- g. Inclusionary Affordable Housing Program:** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, 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 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% 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 October 4, 2011. The Conditional Use application was submitted on February 1, 2011. Fifteen (15) units (X two-bedroom, and X three-bedroom) of the 98 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.*

- 8. VNSUD Findings:** Planning Code Section 253.2 states that any new construction over 50 feet in height shall be permitted as a Conditional Use upon approval of the Commission. Per Section 253.2, the Commission may impose the following requirements in addition to any others deemed appropriate:
- a) On Van Ness Avenue, the Commission may require a setback of up to 20 feet at a height of 50 feet or above in order to maintain the continuity of the prevailing street wall height established by the existing buildings along Van Ness Avenue within two blocks of the project.

*A setback for the Van Ness Avenue façade is not necessary. Within only one block of the project, on both sides of the Avenue, buildings that are eight stories tall and of similar height exist. The proposed façade along Van Ness Avenue is consistent with the existing surrounding development.*

- b) On Clay Street, the Commission may require a setback of up to 15 feet for all or a portion of a building on any lot abutting Clay Street in order to preserve existing view corridors. This requirement also applies to Washington Street.

*The proposed Clay Street facade is consistent with surrounding development. As properties uphill from (west of) Van Ness Avenue along Clay Street contain structures that are of similar height and massing as the project, a setback along the Clay Street facade for the sole purpose of preserving existing view corridors is not necessary. (Also see "Bulk Exception Findings" below regarding setbacks along Clay Street that address building mass unrelated to preserving view corridors.)*

- 9. **Bulk Exception Findings:** Planning Code Section 271 sets forth criteria, which must be met before the Commission may authorize a Conditional Use. The project complies with the criteria of Section 271 in that:

- c) The appearance of bulk in the building, structure or development shall be reduced so as to produce the impression of an aggregate of parts rather than a single building mass:

*Proposed variations in planes of wall surfaces, heights and materials/colors significantly alter the apparent mass of the proposed building. Along Van Ness Avenue (Interstate 101), bay window/structures are proposed within the property lines, as bay windows are not permitted to overhang into the Caltrans right-of-way. A zinc-clad corner tower, provides emphasis at the intersection where desirable, and also contrasts with the proposed bay windows, which are of the same material but shorter in height. Also, all proposed bays do not extend the full height of the building, which further breaks-up the visual mass of the building. Along Van Ness Avenue, the bay structures are interspersed with a "checkerboard" pattern of cubes to further break down the apparent bulk of the building while providing visual interest with a rhythmic pattern and differing exterior materials. At the northwest and southeast corners of the site, various setbacks are provided from the street frontages and the side property lines allowing the main (primary) facade materials to wrap around to the side (secondary) facades. Thus, large expanses of blank walls do not exist, as the side facades are proposed to have windows and architectural detailing in keeping with the primary facades that front onto Van Ness Avenue and Clay Street.*

- d) In every case the building, structure or development shall be made compatible with the character and development of the surrounding areas by means of all the following factors:

- i. A silhouette harmonious with natural landforms and building patterns, including the patterns produced by height limits:

*The scale and treatment of the facade along Van Ness Avenue are in keeping with other large developments in the area and are desirable to better relate the project with the grand scale of the Avenue. Along the Clay Street facade, the formal, regularized building patterns found along the Van Ness Avenue facade are not necessary; however, the playfulness of the checkerboard cubed bays is retained and used to transition the Clay Street facade to the surrounding,*

*smaller-scaled development patterns as Clay Street approaches Polk Street. The use of the checkerboard cube design parti is minimized towards the eastern side of the Clay Street façade, which allows the upper southeast corner of the building to appear “eroded” and reflects the surrounding topography and also creates a distinct four-story base at the southeast corner of the building, which relates to the remainder of the lower-scaled buildings along the block-face of Clay Street.*

- ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character:

*The overall height is consistent with the height of surrounding development along Van Ness Avenue. Along the Clay Street façade, the façade is designed to transition to the shorter development east of the project and to reflect the topography of the surrounding area. Similarly, at the northwest and southeast corners of the building, various setbacks and height reductions in the building mass directly address the existing adjacent buildings that are shorter in height and smaller in scale.*

- iii. Use of materials, color and scales either similar to or harmonizing with those of nearby development:

*The use of certain materials, such as cement plaster, glass and zinc, references existing residential, commercial and mixed-use developments that are traditionally associated with the VNSUD. Other materials, such as the colored metal panels, are used with restraint to compliment and contrast the other traditional materials and in manner that is harmonious with existing development. The application of the traditional and more modern building materials is executed to produce a new building of its time.*

- iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest:

*From the exterior, the base of the building is approximately 20 feet tall, with the exterior materials detailed so the ground floor (retail space) appears approximately 15 feet in height at the sidewalk. The ground floor, particularly at the commercial spaces and residential lobby proposes large areas of glazing complimented with colored metal panels to provide visual interest and a visual connection between the public right-of-way and the ground floor. Along Clay Street, the loading entry and parking entry are consolidated via the use of a single garage door.*

- v. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.



*The design of the building's massing and scale, the application and use of the exterior building materials and the various setbacks both in vertical and horizontal planes are used to produce a successful building design that addresses the formality desired along Van Ness Avenue while addressing the scale and development patterns that about the project and especially along Clay Street. Of particular interest is how the building design is executed at the southeast corner of the Clay Street façade, as this portion of the building is a crucial area in transitioning the project to the overall urban forms and topography of the area.*

10. **Planned Unit Development Findings:** Planning Code Section 304 sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. This project generally complies with all applicable criteria:

- e) The development shall affirmatively promote applicable objectives and policies of the Master Plan.

*Comment: See "Master Plan Priority Policies" below.*

- f) The development shall provide off-street parking adequate for the occupancy proposed.

*This criterion is met. The project currently proposes 98 required parking spaces and one car share space.*

- g) The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

*This criterion is met. The amount of useable open space as required by the Planning Code is provided within the rear yard area, and the shape of the proposed rear yard area is allowed to be modified under the Planned Unit Development provisions per the Planning Code. The amount of useable open space provided in the proposed rear yard area is greater than the amount of useable open required by the Planning Code for the RC-4 Zoning District. The project proposes approximately 5,800 square feet of common useable open space, although only 4,692 square feet of useable open space is required for the project, if the open space requirement were to be solely satisfied via common useable open space. In addition to the common useable open space provided at the rear yard level, balconies (although not all are Planning Code-complying as to the minimum dimensions required to qualify as private useable open space) provide additional open space to some of the residential units.*

- h) The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

*This criterion is met. Per the prescribed RC-4 District, up to 129 units may be proposed for the subject property; however due to the Van Ness Special Use District there is no density limit. 98 units are proposed. The*

- i) The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

*This criterion is met. A ground-floor commercial space is proposed. While no tenant is identified at this time, the commercial space provides future opportunities for commercial uses that may serve residents of the immediate vicinity.*

- j) The development shall under no circumstances be excepted from any height limit.

*This criterion is met. Both buildings are within the 80-foot height limit set by the 80-D Height and Bulk District.*

11. **Conditional Use Findings:** Planning Code Section 303 sets forth criteria, which must be met before the Commission may authorize a Conditional Use. This project generally complies with the criteria of Section 303 in that:

- a) The proposed use or feature, at the size and intensity contemplated and at the proposed location, would provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

*The proposal to construct an 80-foot tall, eight-story, 94-unit mixed-use building and a 44-foot tall, four-story, four-unit residential building would add 98 market-rate dwelling units to the City's housing stock. The proposed buildings' scale and dwelling unit density are compatible with the prescribed zoning districts and the neighborhood.*

- b) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- 1) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The proposed buildings have a shape, size and use that are consistent with the existing surrounding development, particularly development along Van Ness Avenue and*

*Washington Street. The location of the trash and loading areas within the interior of the building, to contain such noxious uses, is consistent with promoting or creating positive general welfare for the persons residing or working in the vicinity and particularly to existing adjacent buildings. The quality of the open space provided is inviting and free of vehicular circulation.*

- 2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading;

*98 parking spaces and one car share space for the project are required. The loading area and parking area have been consolidated via one garage door. Within a two block distance, the project site is served by MUNI lines C, 1, 12, 27, 47, 49, 79 and by Golden Gate Transit. Such transit lines provide direct access to regional public transit providers: AC Transit (Transbay Terminal), BART and CalTrain.*

- 3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor;

*The project proposed is primarily for residential use with a commercial space at the ground floor level along Van Ness Avenue. Noxious or offensive emissions such as noise, glare, dust and odor are typically not associated with residential and commercial uses. The useable open space located within the rear yard and mid-block open space areas are for the residents of the building and not associated with the proposed commercial uses.*

- 4) Treatment given, as appropriate, to such aspects of landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The project proposes street trees along Van Ness Avenue, Clay Street and Washington Street. A conceptual landscape design for the rear yard open space appears well-designed. The proposed rear yard is also accessible from common areas of the building, i.e. a common hallway or lobby, which also encourages use of the open space by building residents.*

- c) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*Comment: See "Master Plan Priority Policies" below.*

12. **General Plan Conformity:** The Project generally meets the criteria in Section 303(c)(3) as specific components of the project are found to be consistent to the following objectives and policies of the General Plan:

**VAN NESS AVENUE AREA PLAN – RESIDENTIAL LIVABILITY**

**OBJECTIVE 7: PROVIDE SAFE AND ATTRACTIVE ENVIRONMENTS WITHIN EACH MIXED USE DEVELOPMENT.**

- Policy 1: Ensure safety, security and privacy within new residential developments while encouraging efficient use of common open space areas.
- Policy 3: Generally maintain existing open space requirements for residential use. Allow common open space requirements to be met by a variety of recreation and open space features.
- Policy 4: Design mixed use developments to create a quiet residential environment with a variety of intimate, personal spaces well insulated from the intrusion of noise from street of commercial activities.

*The project is appropriately designed to hold the building street wall along Van Ness Avenue, Clay Street and Washington Street. The proposed 80-foot tall building is in keeping with the existing building patterns and desired massing and scale along Van Ness Avenue, while the building is designed along the Clay Street façade to transition to the nearby smaller scaled development. The L-shape of the 80-foot tall building allows an intimate open space area be located at the rear of the building and shielded from street and commercial activities. Similarly, the 44-foot tall building proposed along Washington Street relates to the smaller scaled development along Washington Street, and it also appropriately infills a vacant gap along the Washington Street block face.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 34: RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICT 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 for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

*To minimize private auto use and to encourage the use of public transit, – particularly as the project is located in an area well-served by local and regional transit – the number of parking spaces provided at the project is limited to the amount required by the Planning Code: 98 parking spaces (one space for each dwelling unit) and one car share space – 99 spaces total.*

### COMMERCE AND INDUSTRY ELEMENT

**OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.**

Policy 1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The project provides 98 units to the City's housing stock in a zoning district that encourages the development of high-density housing. The number of units and the building size and shape are proposed within the provisions of the Planning Code. The project does not request rezoning of the site and/or amendments to the Planning Code to achieve the amount of density proposed at the project site.*

13. **Master Plan Priority Policies:** Planning Code Section 101.1(b) establishes eight priority planning policies and requires review of permits for consistency with said policies. The Project is consistent with all general and specific purposes of the Planning Code provided under Section 101.1, will not be detrimental to the character or stability of the neighborhood, and would constitute a beneficial development, in that:

a. Existing neighborhood-serving commercial uses are preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The project is consistent with this policy. While the existing commercial building is proposed for demolition, new commercial space is provided at the ground floor of the project. The new commercial space also fronts Van Ness Avenue, which is consistent with existing commercial uses along the Avenue.*

b. Existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*Existing housing and neighborhood character is conserved and protected by the configuration of the project, as the proposed buildings provide adequate setbacks from adjacent residential buildings. The residential uses that abut the rear yard area of the project will not be impacted by increased noise, trash, dust, odors and other noxious emissions associated with trash and loading areas, as the project has been revised to incorporate trash and loading areas within the basement level. The proposed ground floor retail space is seen as an opportunity to enhance the economic diversity of the immediate neighborhood.*

- c. The City's supply of affordable housing be preserved and enhanced;

*Fifteen on-site affordable housing units are proposed at the project. Furthermore, the existing housing that is directly adjacent to the project is presumed to be "affordable housing" as the adjacent residences are housed in older buildings. The proposed shape of the project preserves light and air to the adjacent buildings. No affordable housing will be lost on the project site, as the site currently does not contain any residential uses.*

- d. Commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The Mitigated Negative Declaration and the Addendum to Mitigated Negative Declaration prepared for the project indicates that the proposed parking and loading would not substantially adversely impact transportation and vehicular circulation.*

- e. 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 not in an area where industrial and services uses are permitted.*

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

*The proposal is new construction and will be reviewed and constructed in full compliance with current seismic and life-safety standards.*

- g. That landmarks and historic buildings be preserved; and,

*The existing building to be demolished is not a historic resource.*

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

*This proposed project will not affect any City-owned park or open space.*

13. 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 development.
14. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

### 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 **APPROVES Conditional Use Application No. 2011.0094C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 11, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND, the Addendum to Mitigated Negative Declaration and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND 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 MND.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. \_\_\_\_\_. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 20, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:     October 20, 2011



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Planned Unit Development containing an 80-foot tall, 8-story, 94-unit mixed use building with 4,900 square foot commercial space with 95 parking spaces and a 44-foot tall, 8-story, 4-unit residential building with 4 parking spaces located at 1800 Van Ness Avenue (including 1754 Clay Street), Assessor's Block 0619 and Lots 009 and 010 pursuant to Planning Code Sections 253.2, 271, 303, 304 and 306 within the RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District; in general conformance with plans, dated October 11, 2011 and stamped "EXHIBIT B" included in the docket for Case No. 2011.0094C and subject to conditions of approval reviewed and approved by the Commission on October 20, 2011 under Motion No \_\_\_\_\_. 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 October 20, 2011 under Motion No \_\_\_\_\_.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. \_\_\_\_\_ 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.

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

### PERFORMANCE

1. **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.sf-planning.org](http://www.sf-planning.org)*

2. **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.sf-planning.org](http://www.sf-planning.org)*

3. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

### DESIGN – COMPLIANCE AT PLAN STAGE

4. **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)*

5. **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)*

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

7. **Curb Cuts.** The proposed curb cut along Clay Street shall be limited to a maximum width of 20 feet including the curb returns. The proposed curb cut along Washington Street shall be limited to a maximum width of 10 feet including the curb returns.

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

8. **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)*

## PARKING AND TRAFFIC

9. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

10. **Bicycle Parking (Residential Only).** The Project shall provide no fewer than 37 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

11. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide ninety-eight (98) independently accessible off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide one (1) off-street loading space.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
13. **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)*

## AFFORDABLE UNITS

14. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 98 units; therefore, 15 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 15 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>*
15. **Unit Mix.** The Project contains two (2) studios, forty-three (43) one-bedroom, fifty-one (51) two-bedroom, and two (2) three-bedroom units; therefore, the required affordable unit mix is seven (7) one-bedroom and eight (8) two-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>*
16. **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>*

17. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) 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>*

18. **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>*

19. **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>*

20. 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.

21. 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.
22. 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.
  23. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  24. 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.
  25. 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 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.
  26. 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.
  27. 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.

## PROVISIONS

28. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use 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 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

## MONITORING - AFTER ENTITLEMENT

29. **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)*

30. **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

31. **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>*

32. **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>*

33. **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)*

34. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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



## EXHIBIT C

### MITIGATION MEASURES – MITIGATED NEGATIVE DECLARATION, CASE NO. 2004.0339E

#### 1. Mitigation Measure 1 – Construction Air Quality

The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsors shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

#### 2. Mitigation Measure 2 – Hazards (Contaminated Soil)

##### *Step 1: Soil Testing*

As required by the San Francisco Department of Public Health (SFDPH), the project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead, petroleum hydrocarbons, and other contaminants. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil contaminants including testing for petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for contaminants, including petroleum hydrocarbons and a fee of \$425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of \$425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of \$85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. *DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.*

##### *Step 2: Preparation of Site Mitigation Plan*

If, based on the results of the soil tests conducted, the San Francisco Department of Public Health

(DPH) determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

***Step 3: Handling, Hauling, and Disposal of Contaminated Soils***

- a. Specific Work Practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead or other contaminants at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.
- b. Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
- c. Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.
- d. Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.
- e. Hauling and Disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

***Step 4: Preparation of Closure/Certification Report***

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any

of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

3. **Mitigation Measure 3 – Hazards (Underground Storage Tanks)**

Wherever ground-disturbing activities are proposed in areas where the Phase I and/or Phase II Environmental Site Assessment identified the potential presence of underground storage tanks or related piping, the project sponsor shall utilize ground-penetrating radar, magnetic surveys, or other appropriate methods to locate underground storage tanks. If any are identified, the project sponsor shall coordinate with the San Francisco Department of Public Health's Local Oversight Program to determine whether they must be removed or whether they may remain closed in place. This determination shall be made at the earliest extent feasible during the construction period. These surveys shall be completed by an REA or a similarly qualified individual.

4. **Mitigation Measure 4 – Archeology**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. 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 testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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).

*Archeological Research Design/Testing Program:* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological research design/testing program (ARD/TP). Prior to undertaking the preparation of the ARD/TP, the archeological consultant shall meet and consult with the ERO on the scope of the ARD/TP. The archeological testing program shall be conducted in accordance with the approved ARD/TP. The ARD/TP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, evaluate the eligibility of expected archeological resources for listing in the CRHR, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO 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) 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.

*Archeological Monitoring Program:* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program 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 archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological 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 project 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 activities and 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and 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.

*Archeological Data Recovery Program:* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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 and 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. This shall include 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, custodianship, curation, 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 final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

## IMPROVEMENT MEASURES

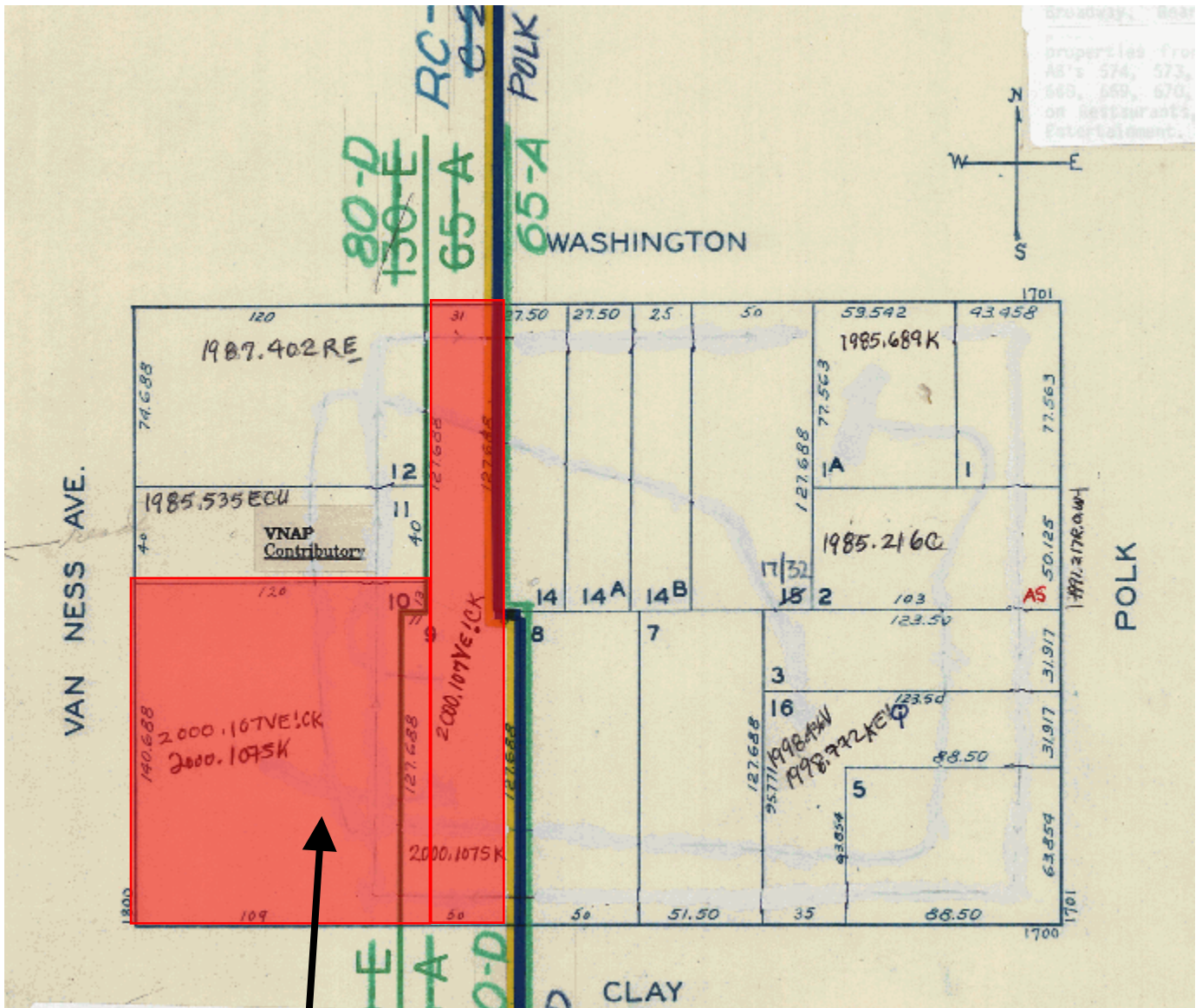
The project sponsor has agreed to implement the following improvement measures to reduce impacts of the project that were found in this Initial Study to be less than significant. Improvement measures identified in this Initial Study may be required by decision-makers as conditions of project approval.

### 5. **Improvement Measure 1 – Timing of Construction Truck Traffic**

The following measure would minimize disruption of the general traffic flow on adjacent streets:

- A) To the extent possible, truck movements generated by the project during the construction period should be limited to the hours between 9:00 a.m. and 3:30 p.m.
- B) The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project.

# Parcel Map

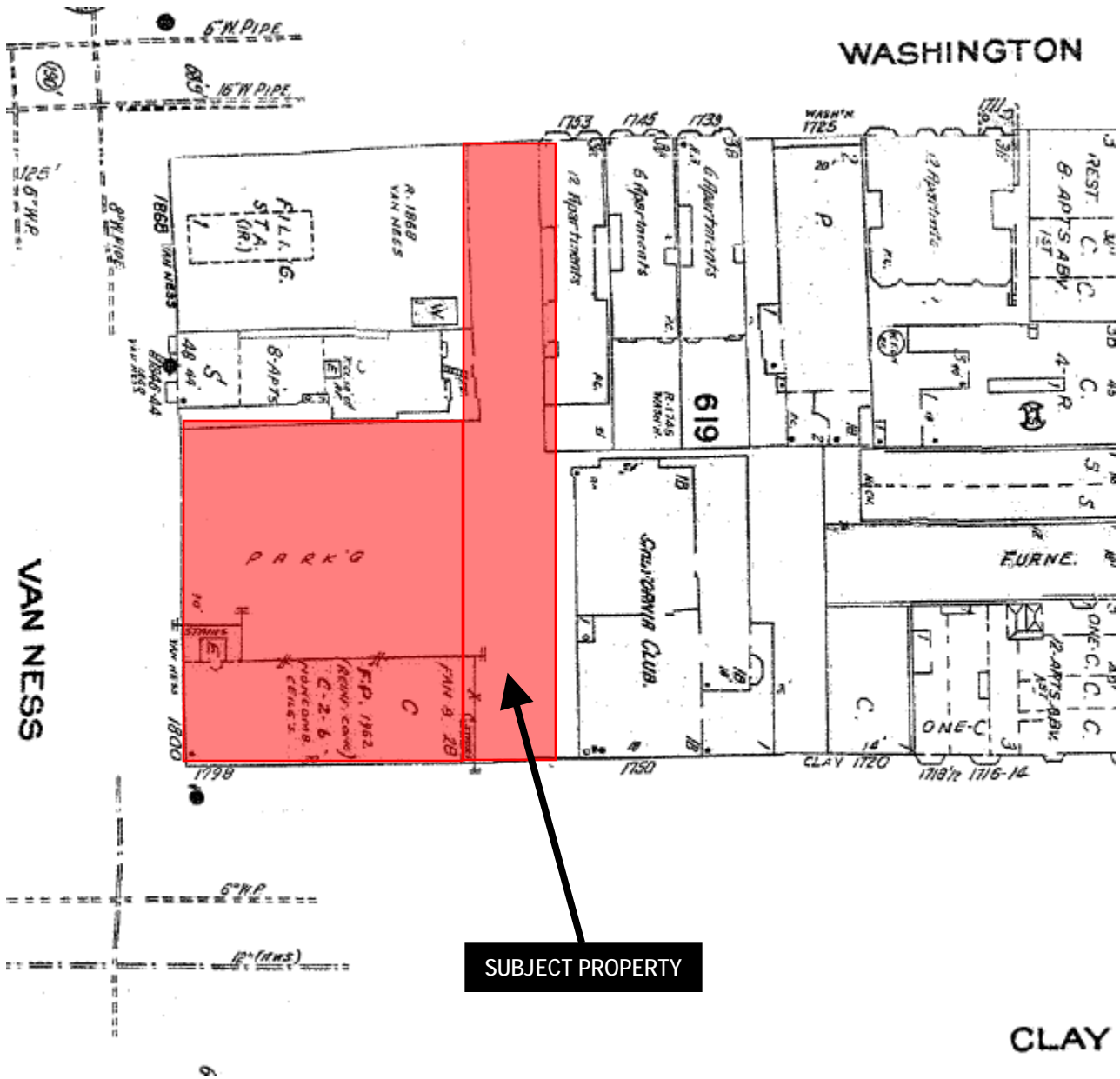


**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2011.0094C  
 1800 Van Ness (and 1754 Clay Street)

# Sanborn Map\*



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



Conditional Use Hearing  
Case Number 2011.0094C  
1800 Van Ness (and 1754 Clay Street)



# Aerial Photo 1



SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2011.0094C  
1800 Van Ness (and 1754 Clay Street)

# Aerial Photo 2



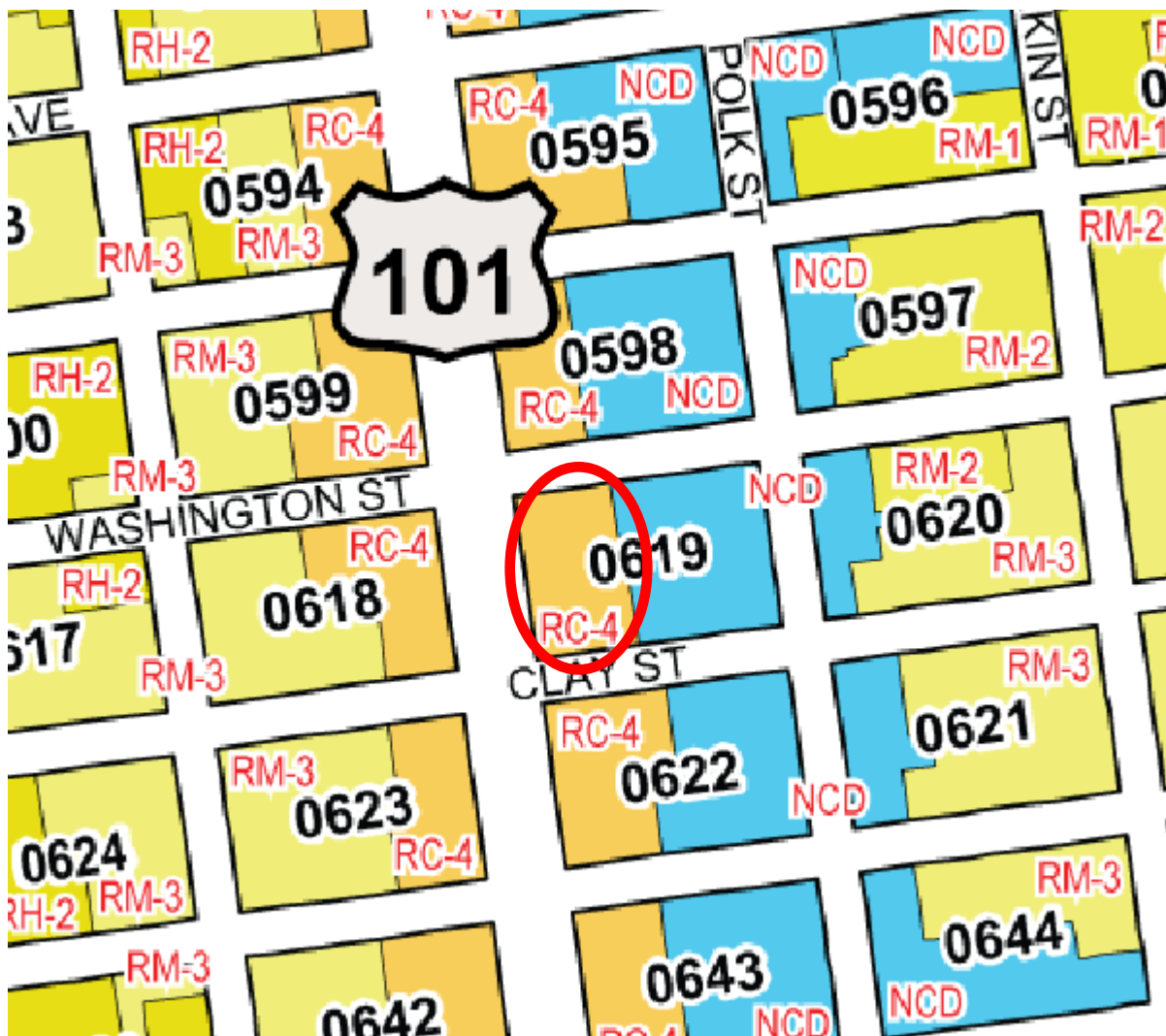
**SUBJECT PROPERTY**



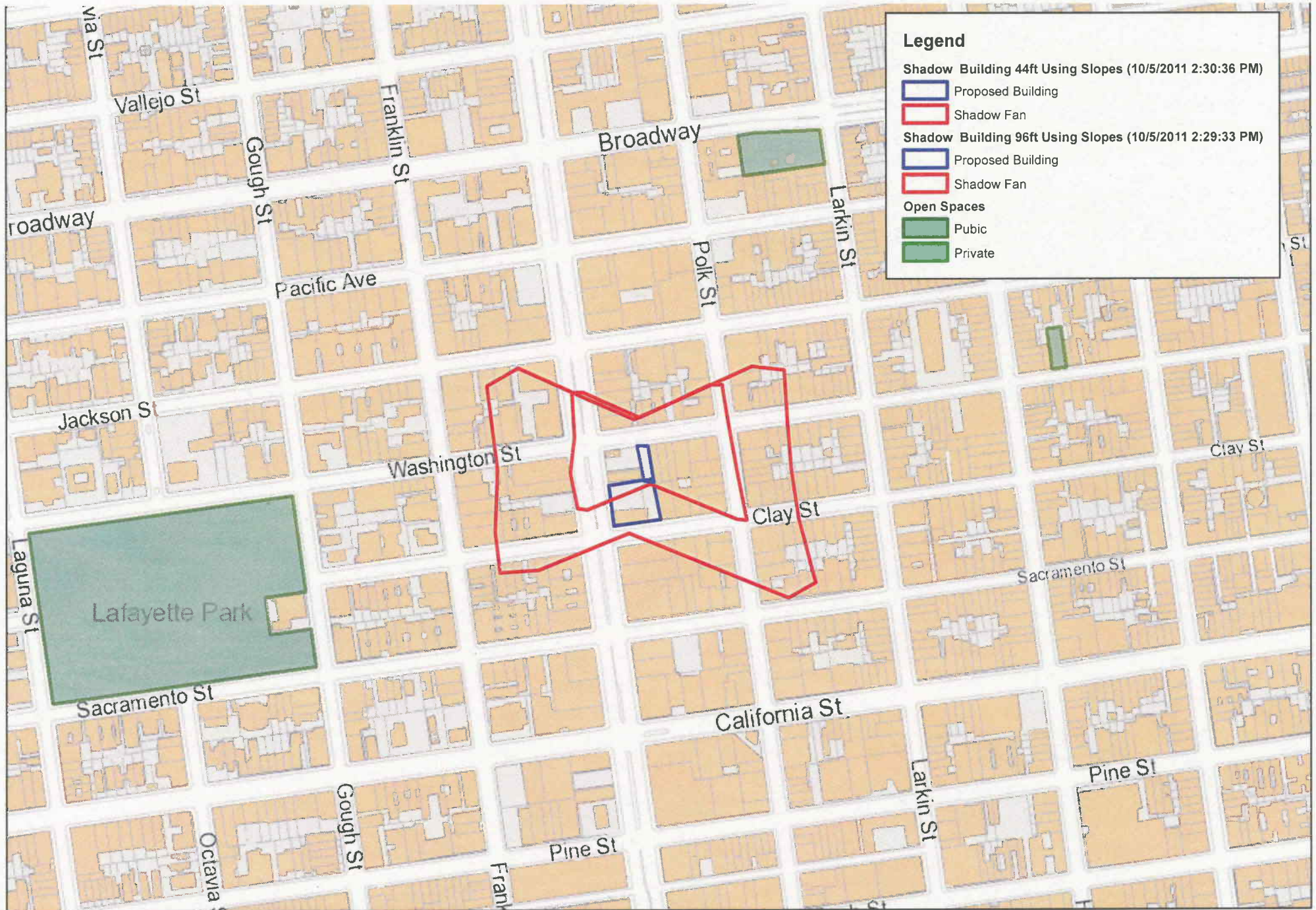
Conditional Use Hearing  
Case Number 2011.0094C  
1800 Van Ness (and 1754 Clay Street)



# Zoning Map



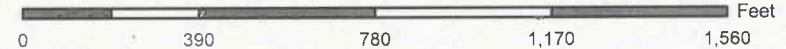
Conditional Use Hearing  
Case Number 2011.0094C  
1800 Van Ness (and 1754 Clay Street)



Title: 2004.0339K - 1800 Van Ness (and 1754 Clay Street) Shadow Fan

Comments: Larger fan = 96' tall bldg (80' bldg + 16' penthouse)  
 Smaller fan = 44' tall bldg

Printed: 5 October, 2011



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# SAN FRANCISCO PLANNING DEPARTMENT

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## Addendum to Mitigated Negative Declaration

*Date of Publication*

*of Final MND:* September 21, 2005  
*Case No.:* **2004.0339E**  
*Project Title:* **1800 Van Ness Avenue**  
*BPA Nos.:* none yet filed  
*Zoning:* RC-4 (Residential-Commercial Combined, High Density) District  
80-D Height and Bulk District  
*Block/Lot:* 0619/009 and 010  
*Lot Sizes:* 10,341 and 15,476 square feet  
*Project Sponsor:* Andrew Junius, Reuben & Junius LLP – 415 567-9000, representing  
Van Ness Clay LLC – 415 298 3326  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Jeremy D. Battis – 415 575-9022  
Jeremy.battis@sfgov.org

## REMARKS

### Background

A Final Mitigated Negative Declaration (FMND), Case File No. 2004.0339E, for the subject project was adopted and issued on September 21, 2005. The original project, described below, was approved by the Planning Commission on January 25, 2007. Subsequent to that approval, modifications to the project have been proposed. This addendum to the FMND evaluates whether the proposed modifications to the original project would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the FMND.

Section 31.19(c)(1) of the San Francisco Administrative Code states that a revised project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefor shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter."



**Project Analyzed in the FMND**

The project analyzed in the FMND (“the original project”) was the demolition of a vacant approximately 20-foot-high, two-story, 9,514-square-foot (sf) office building, constructed in 1962 and 60-vehicle surface parking areas, and the construction of an 80-foot high, eight-story, 116,200-sf mixed-use building<sup>1</sup> with 62 dwelling units above a 5,100-sf ground-floor retail space and below-grade garage with 83 off-street parking spaces. The project, although designed as senior residences, was entitled as a general residential project and was not considered a senior project for purposes of code analysis or in its approval by the Planning Commission.

The original project was approved by the Planning Commission and received a conditional use (CU) authorization for a project in a residential district with a building height exceeding 40 feet, a CU authorization for approval of a Planned Unit Development (PUD), and an exception under Planning Code Section 271 for building mass exceeding the district’s bulk allowances.

**Revised Project**

The proposed project, as revised (hereinafter “revised project”) includes demolition of the existing building and surface parking areas and construction of (a) an 80-foot high, eight-story, mixed-use building (“Van Ness building”) with 98 dwelling units, 4,900 sf of ground-floor retail space, and a below-grade garage (accessible from Clay Street) with 99 off-street parking spaces at the northeast corner of Van Ness Avenue and Clay Street; and (b) a 44-foot-high, four-story residential building fronting on Washington Street (“Washington annex”) with four dwelling units and a four-car at-grade garage (accessible from Washington Street). The total combined floor area of the revised project would be 123,914 sf with 98 dwelling units.<sup>2</sup>

Table 1 provides a summary of the revisions to the revised project. As shown in Table 1, the revised project has the same height and substantially similar area as the original project. The revised project includes 36 more dwelling units than the original project, as well as 20 more off-street parking spaces.

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<sup>1</sup> This area is exclusive of the parking garage area, which does not factor into density allowances for Planning Department purposes. The garage area of both the original and revised project’s Van Ness building is 43,660 sf.

<sup>2</sup> See note 1.

Table 1 – Proposed Revisions to Project

Project Element	Current Conditions	Original Project (Analyzed in FMND)	Revised project
Building height (feet)	20	80	80
Stories	2	8	8
Area (square feet) – TOTAL	9,514	116,200	123,914
Van Ness Building		116,200	116,681
Washington Annex		NA	7,233
Residential (stories/square feet)	0	7	7
Dwelling Units	0	62	98
Unit composition		0	
studio		0	2
one-bedroom		0	43
two-bedroom		59	49
three-bedroom		3	4
Retail (ground floor, square feet)	0	5,100	4,900
Office	2 stories 9,514 square ft.	0	0
Parking (spaces)	60	83	103
Van Ness Building		83	99
Washington Annex		NA	4

The required conditional use authorizations remain unchanged for the revised project. Thus, new conditional use (CU) authorization would be required for the revised project. As described above, the original project was approved by the Planning Commission and received a CU authorization for a project in a residential district with a building height exceeding 40 feet, a CU authorization for approval of a Planned Unit Development (PUD), and an exception under Planning Code Section 271 for building mass exceeding the district’s bulk allowances. An additional requirement for the revised project would be authorization for an exception to rear yard requirements.



View northward across Clay Street  
at Van Ness Avenue site



View eastward across Van Ness Avenue  
at Van Ness Avenue site



View southward at Washington Street site

**Figure 1 – Project Site Photos  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



# Project Data

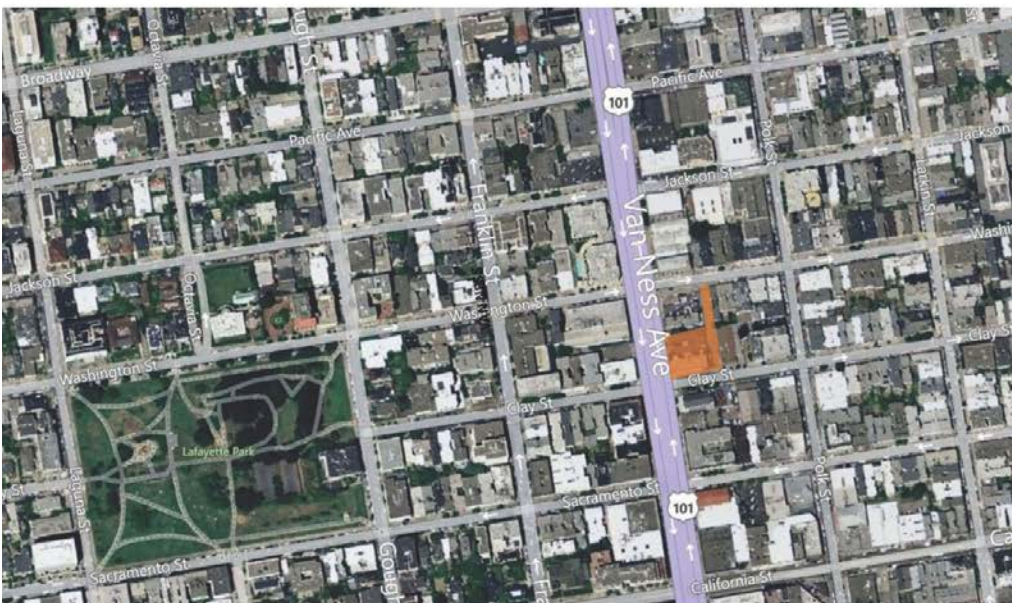
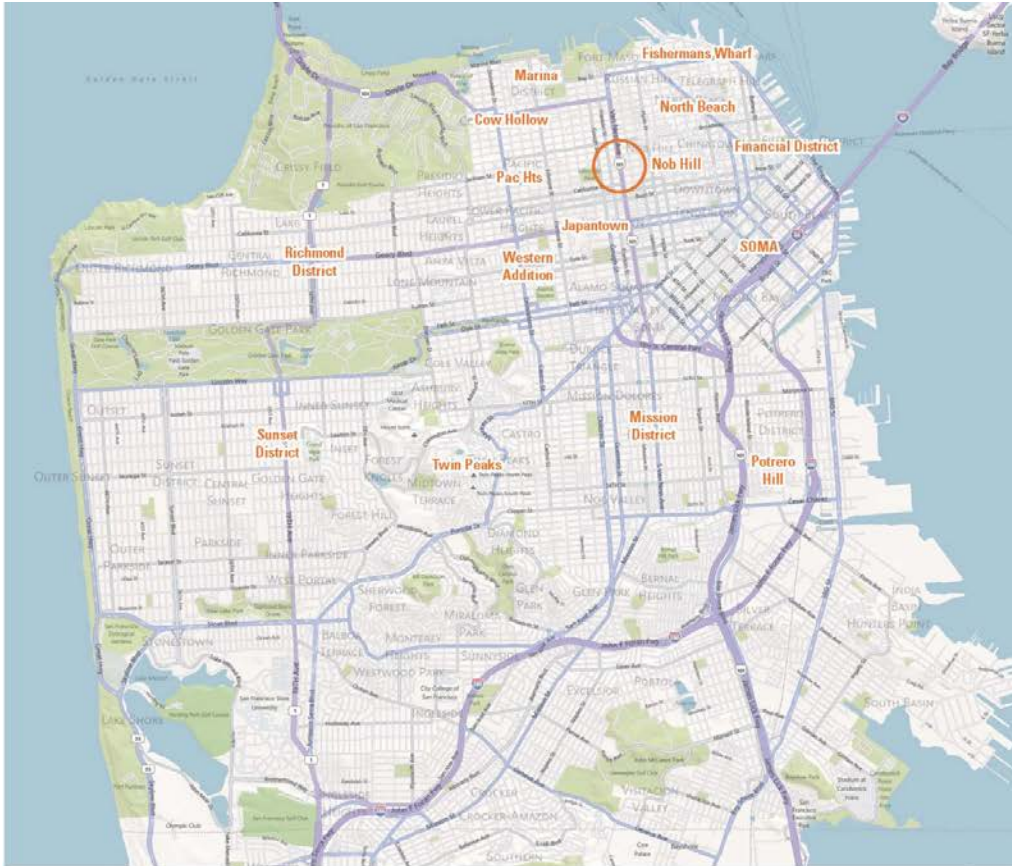
## FAR Calculations

Floor Areas	Combined	Main Building	Washington Annex
Level 01	15,398 sf	12,896 sf	2,502 sf
Level 02	17,195 sf	15,133 sf	2,062 sf
Level 03	16,971 sf	15,204 sf	1,767 sf
Level 04	16,010 sf	15,108 sf	902 sf
Level 05	15,065 sf	15,065 sf	
Level 06	14,813 sf	14,813 sf	
Level 07	14,727 sf	14,727 sf	
Level 08	13,735 sf	13,735 sf	
<b>Total</b>	<b>123,914 sf</b>	Defined "Gross Area" for Total FAR Calculations	
Site Area	25,821 sf		
FAR	4.8 multiplier		
<b>Allowable</b>	<b>123,941 sf</b>		7,260
Delta	27 sf		
Level P1	21,830 sf	21,830 sf	N/A
Level P2	21,830 sf	21,830 sf	N/A
<b>Total</b>	<b>43,660 sf</b>		
	<b>167,574 sf</b>	Overall Building Area	
<b>Parking</b>			
Level P1	53	48 Residential + 4 Designated for Retail + 1 Share	
Level P2	46	46 Residential	
Level 01	4	4 Residential in the "Washington Annex"	
<b>Total</b>	<b>103</b>	98 Residential + 4 Designated for Retail + 1 Share	
<b>Bicycle Parking</b>			
Level P1	19		
Level P2	18		
Level 01	4	4 in "Washington Annex"	
<b>Total</b>	<b>41</b>		
<b>Loading</b>			
Level 01	1 Space	12' x 35'	

Notes:

1. Level 01 area in main building excludes the loading & ramp breezeway.

**Figure 2 – Project Summary Table  
1800 Van Ness Avenue**



**Figure 3 – Project Site Location and Map and Aerial Photo**  
**1800 Van Ness Avenue**  
Source: Kwan Henmi Architecture  
September 2011

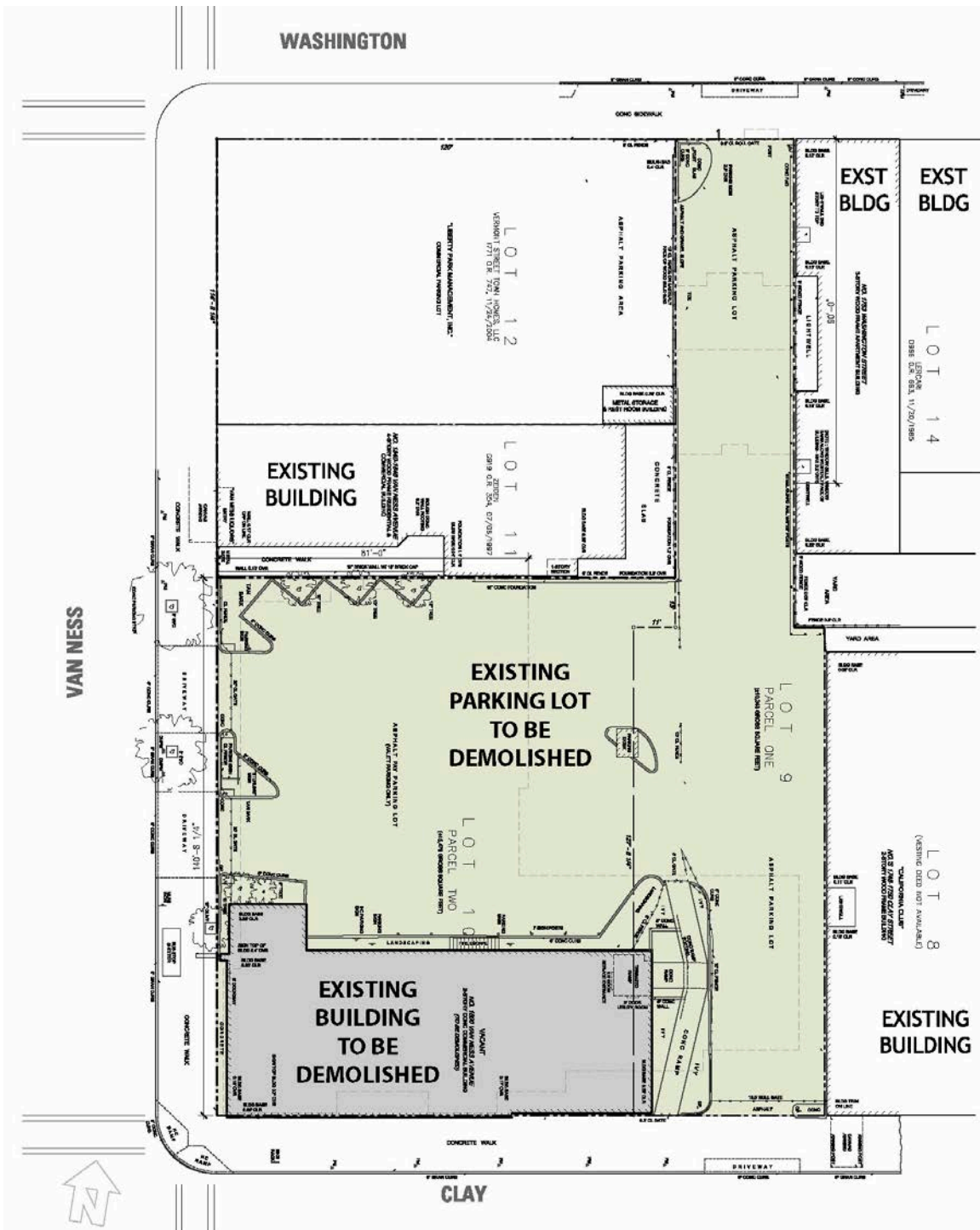


Figure 4 – Project Site Plan, Existing 1800 Van Ness Avenue

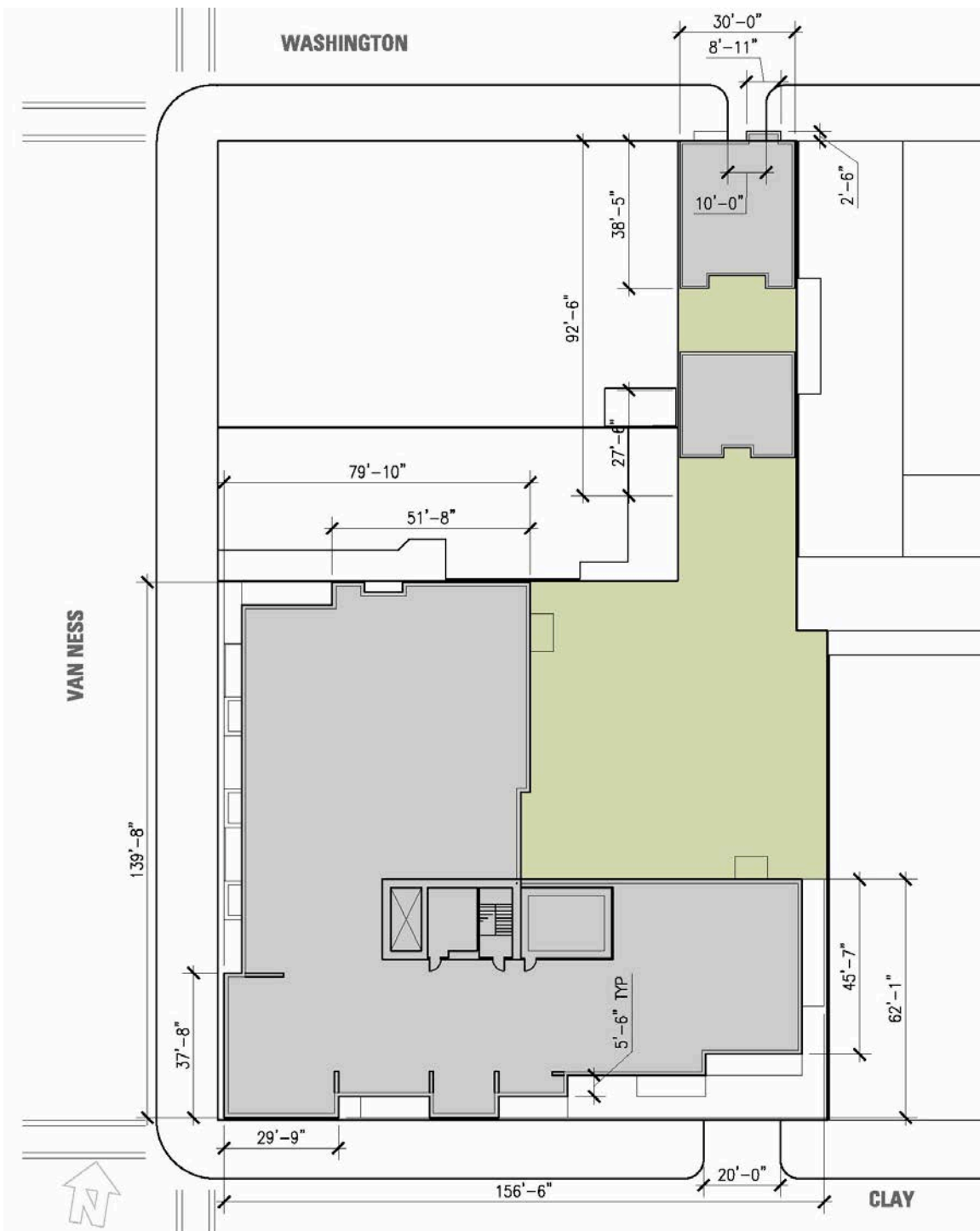


Figure 5 – Project Site Plan, Proposed 1800 Van Ness Avenue

Source: Kwan Henmi Architecture, Sept. 2011





**Figure 6 – Elevation, Van Ness Facade  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



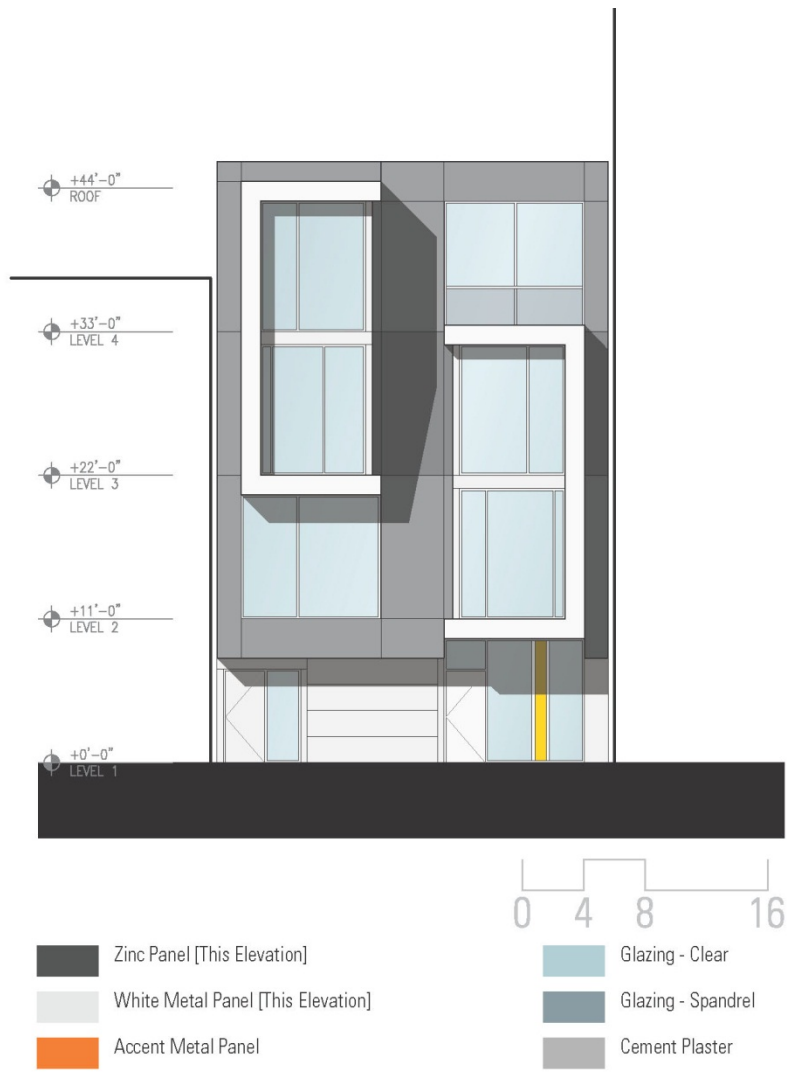
-  Zinc Panel [This Elevation]
-  White Metal Panel [This Elevation]
-  Accent Metal Panel

-  Glazing - Clear
-  Glazing - Spandrel
-  Cement Plaster

0 4 8 16

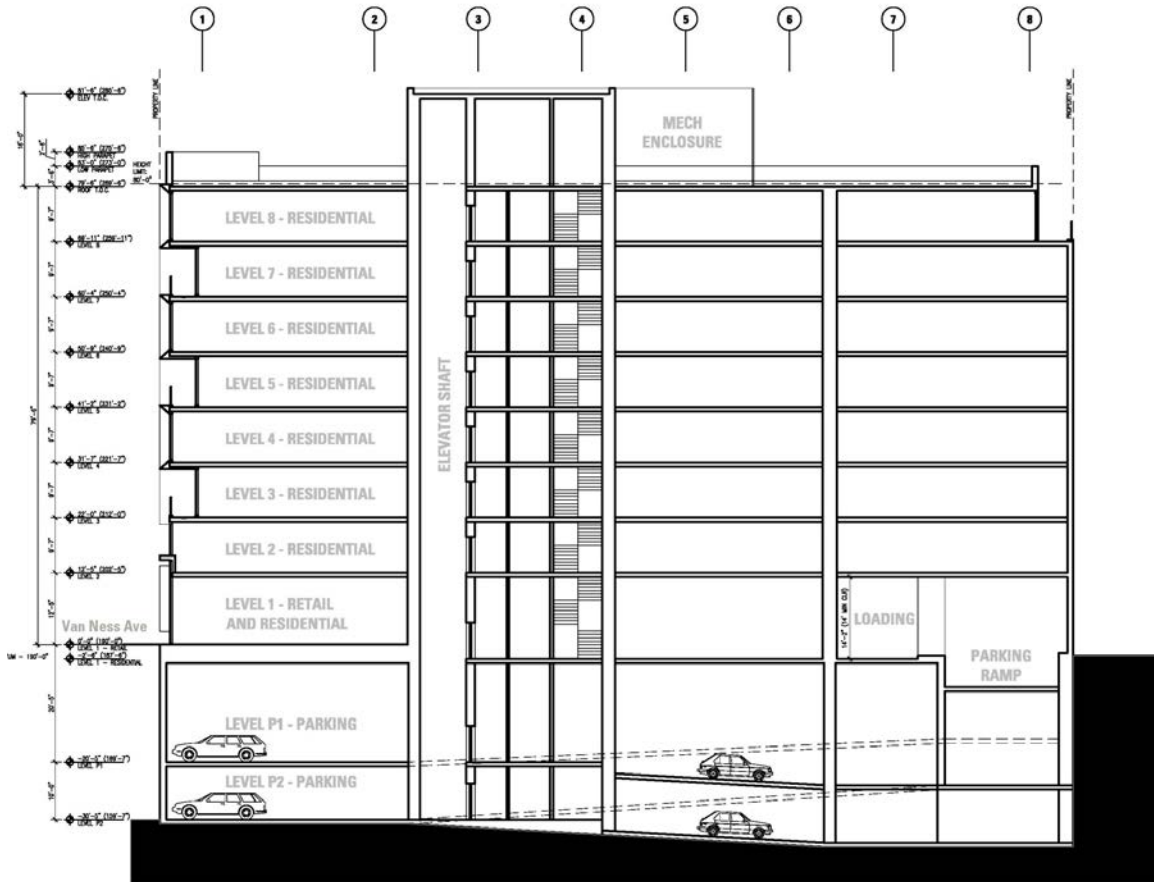
**Figure 7 – Elevation, Clay Street Facade  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



**Figure 8 – Elevation  
Washington Street Building Facade  
1800 Van Ness Avenue**

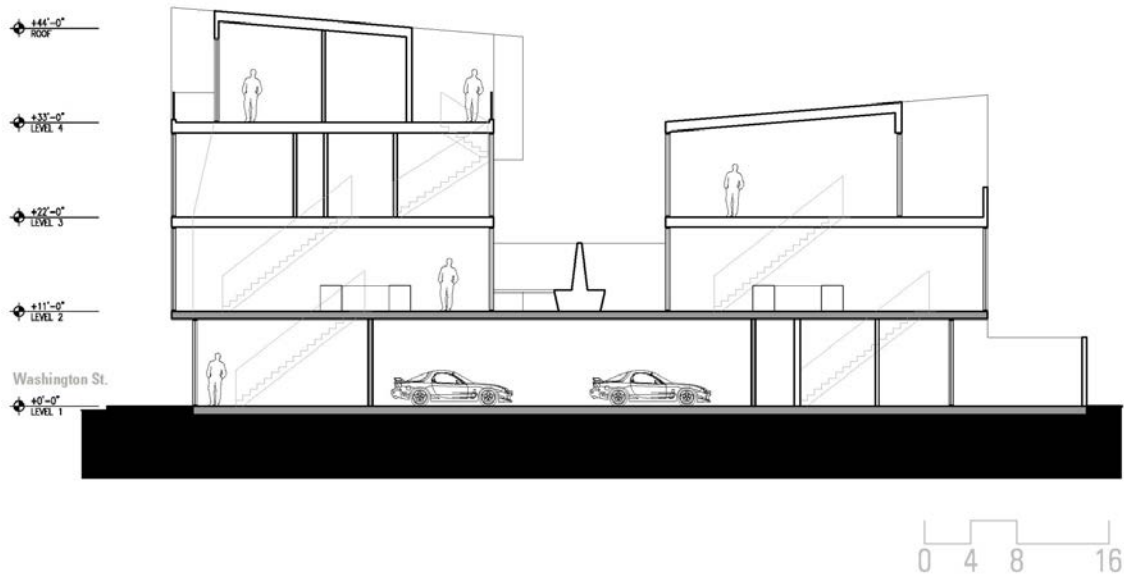
Source: Kwan Henmi Architecture, Sept. 2011



**Figure 9 – Section  
Clay Street Perspective  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011





**Figure 10 – Section  
Washington Street Building  
1800 Van Ness Avenue**



Figure 11 – Ground Floor Plan  
1800 Van Ness Avenue

Source: Kwan Henmi Architecture, Sept. 2011

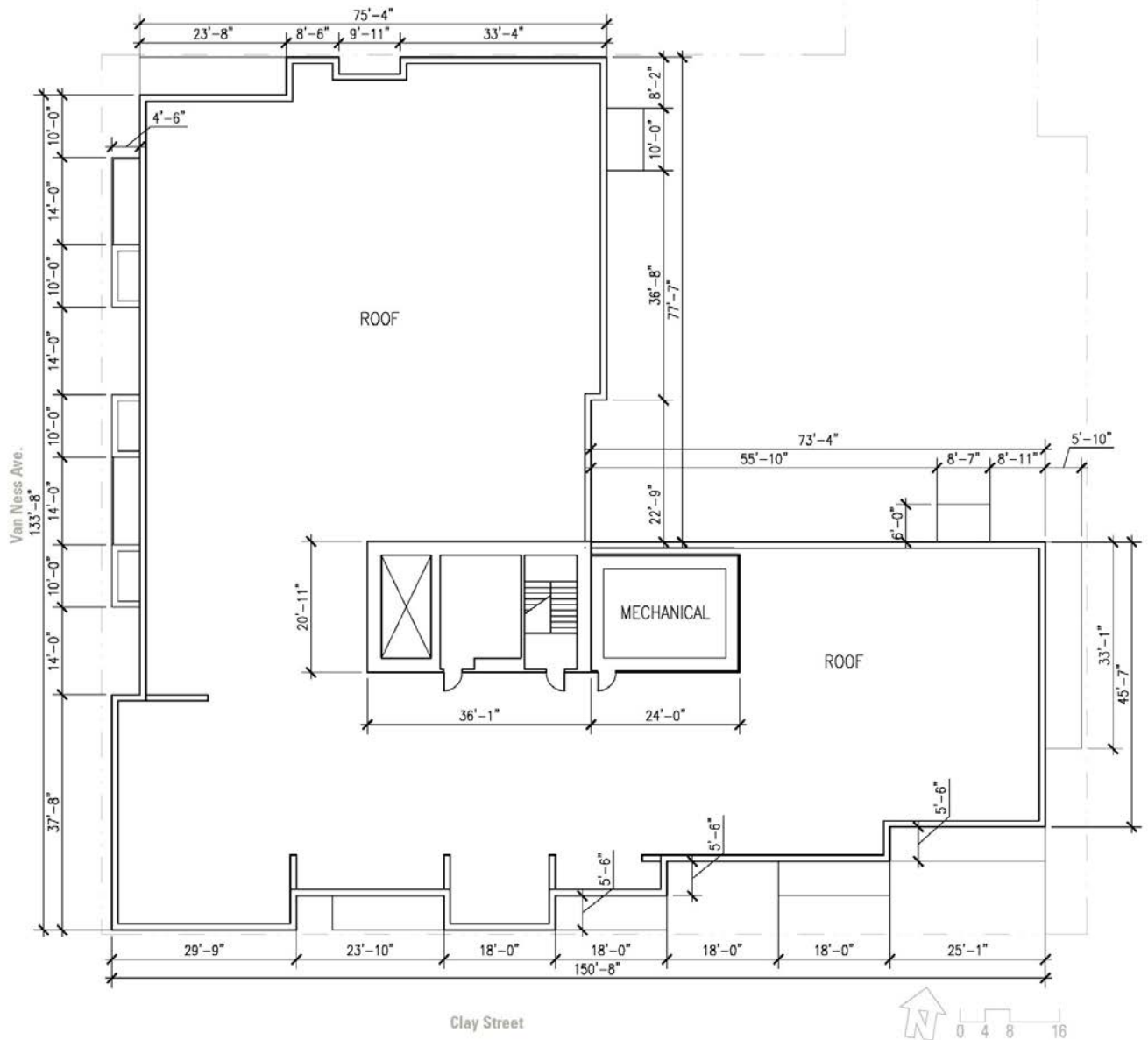


**Figure 12 – Typical Floor Plan  
(approximate)  
Levels 2 through 7  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011

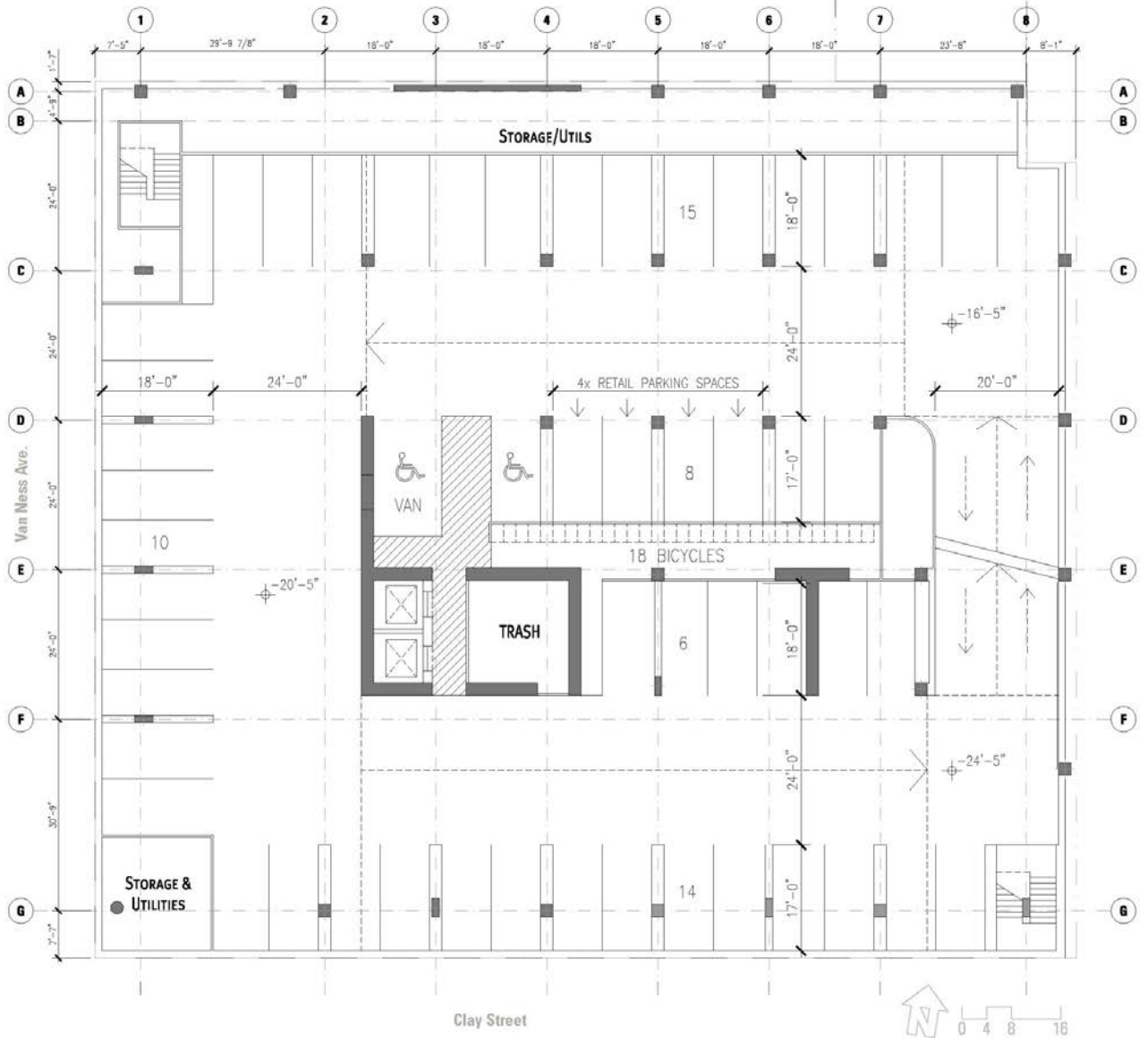


**Figure 13 – Floor Plan  
Level 8  
1800 Van Ness Avenue**



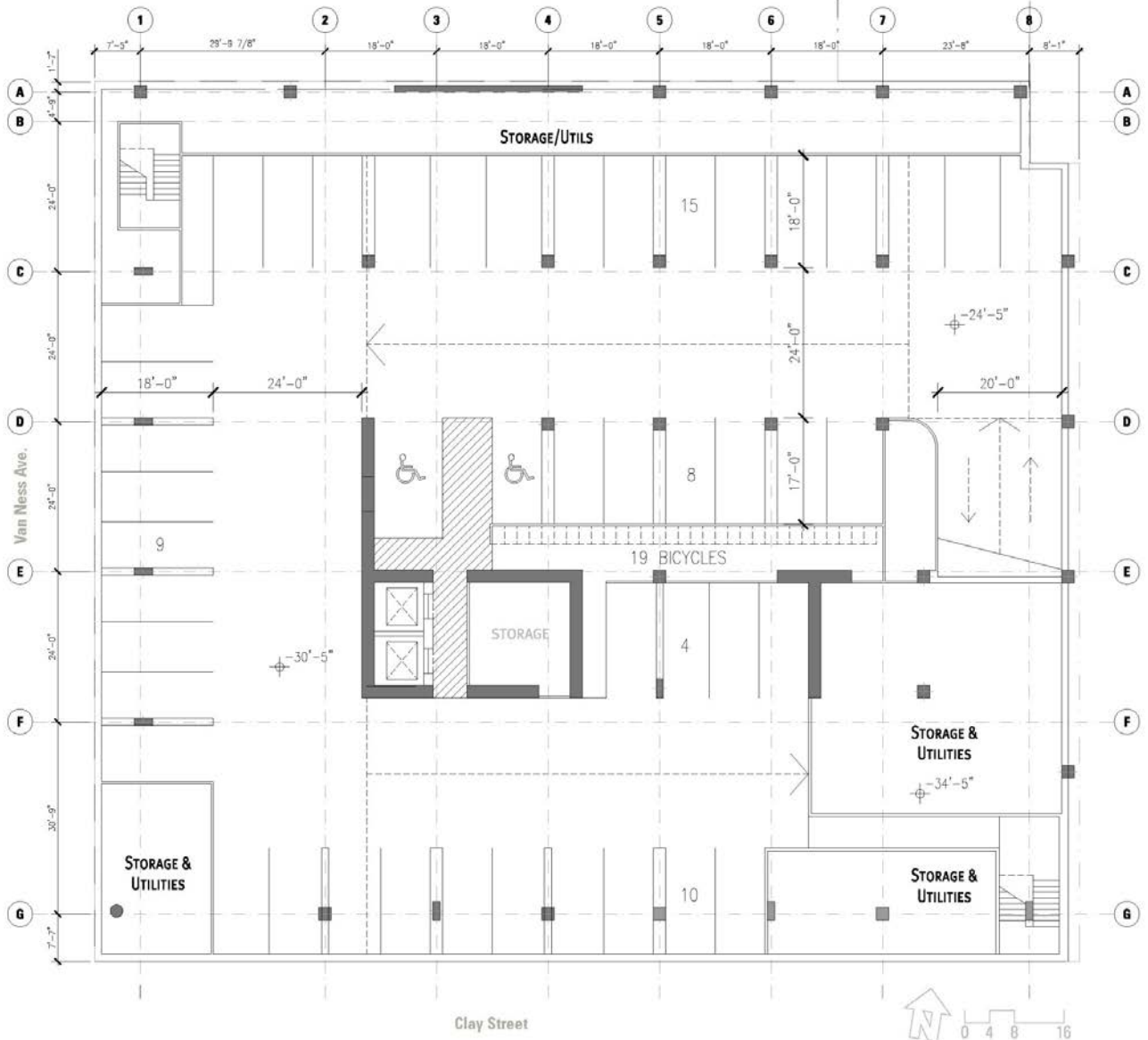
**Figure 14 – Roof Plan  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



**Figure 15 – Floor Plan  
First Garage Level  
(P1 – below ground)  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



**Figure 16 – Floor Plan  
Second Garage Level  
(P2 – below ground)  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



**Figure 17 – Floor Plans  
Washington Street Building  
1800 Van Ness Avenue**

Source: Kwan Henmi Architecture, Sept. 2011



## **Analysis of Potential Environmental Effects**

### **Aesthetics**

The proposed 8-story structure on Van Ness Avenue would be the same height as the original project, with substantially similar bulk and massing. The proposed height and massing would also be substantially similar to other residential buildings in the immediate vicinity, including the older residential building across the street at 1735 and 1755 Van Ness Avenue, as well as the new residential buildings at 1776 Sacramento Street (at the corner of Van Ness) and 1701 Jackson Street. While its design and appearance would change somewhat, the building would still be considered a minor addition to an already densely built urban environment and would remain consistent with the general pattern of new construction in the area, with substantially similar less-than-significant impacts on views as those of the original project. Therefore, the Van Ness building would result in similar less-than-significant impacts related to aesthetics as the original project analyzed in the FMND.

The Washington annex, at four stories and 44 feet in height, would be consistent with the scale, height, massing and architectural vernacular of the residential buildings to the east between the site and Polk Street. To the east of the Washington Annex, three corners at the intersection of Van Ness Avenue and Washington Street consist of relatively large commercial or mixed-use buildings. The remaining southeast corner of the intersection, at 1868 Van Ness Avenue within the project site block, includes a former gas station site which has development entitlements to construct an 80-foot-high, 8 story building with 35 dwelling units. The buildings along both sides of Washington Street between Van Ness Avenue and Polk Street are of heights ranging from 30 to 50 feet with some smaller 6- to 8-unit residential buildings transitioning to larger 15- to 20-unit residential buildings approaching the Washington and Polk Streets intersection. The architectural form is varied along this block, with traditional bay window buildings mixed with several contemporary buildings. The proposed Washington Annex would be consistent with this pattern.

Therefore, the revised project would result in similar less-than-significant impacts related to aesthetics as the original project analyzed in the FMND.

### Transportation and Circulation

Compared to the original project analyzed in the FMND, the revised project would have a substantially similar amount of residential square footage but with 36 additional units, and 200 sf less retail area.<sup>3</sup> As described above, the revised project includes a 4-story, 4-unit, 7,233-sf residential annex with four ground-floor parking spaces. Therefore, the revised project would have 7,233 sf more total area than the original project and about 7,514 sf more residential space, an increase of about 6.7 percent.

Travel demand for the revised project was calculated using the San Francisco Planning Department's October 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. The revised project would result in 215 PM peak-hour person trips and 50 PM peak-hour vehicle trips,<sup>4</sup> compared to roughly 87 PM peak-hour person trips and 16 PM peak-hour vehicle trips generated by the original project.<sup>5</sup> The increase in trips attributable to the revised project can be explained by 1) the site's present condition as a vacant retail property and therefore allocated no existing-trip credit that would reduce the estimated number of additional future trips, which because the retail space at the time of the original project entitlement was occupied, received a trip credit of approximately 66 PM peak-hour person trips and 10 PM peak-hour vehicle trips.; and 2) lower residential trip rates for the original project's intended senior housing market which does not apply to the revised project. Seniors typically exhibit lower car ownership and drive less, and when they do drive they tend to have higher vehicle occupancy rates than the general population. Therefore, the number of trips associated with both the original and revised projects would not affect conclusions nor generate new significant transportation impacts.

The operational impact of a project on signalized intersections would be considered significant if project-related traffic were to cause an intersection level of service (LOS) to deteriorate from LOS D or better to LOS E or LOS F, or from LOS E to LOS F. Currently all nine intersections considered within the transportation study area—extending north to Pacific Avenue, east to

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<sup>3</sup> The original proposal and the proposed Van Ness building both consist of 116,200 sf of total area; the total residential area of the Van Ness building would be 200 sf greater than under the original proposal, accounting for a reduced office area.

<sup>4</sup> *1800 Van Ness Avenue Residential Project Transportation Study, Final Report, San Francisco* by AECOM, September 8, 2011. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, as part of Case File 2004.0339.

<sup>5</sup> *1800 Van Ness Avenue Final Mitigated Negative Declaration by the San Francisco Planning Department*, September 21, 2005. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, as part of Case File 2004.0339

Hyde Street, south to California Street, and west to Gough Street—are operating at LOS C or better during the weekday PM peak hour. Under existing plus project conditions, all nine study intersections would continue to operate at LOS D or better. Thus, the revised project would continue to result in less-than-significant traffic impacts.

Under cumulative conditions,<sup>6</sup> three intersections would change to LOS D,<sup>7</sup> with the remaining intersections operating at LOS C or better during the weekday PM peak hour largely due to lane capacity reduction resulting from the planned Van Ness BRT project. Thus, impacts on operating conditions under cumulative conditions would be considered less than significant.<sup>8</sup>

Thus, as with the original project, the revised project would result in less-than-significant impacts related to transportation and circulation.

### Greenhouse Gases

The proposed project would increase the activity onsite by demolition of an existing office building and construction of a new mixed-use building, which would result in additional vehicle trips and an increase in energy use. The project 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 project 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.

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. Requirements that are applicable to the proposed project are shown below in Table 2.

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<sup>6</sup> For the purposes of this discussion cumulative conditions are based on conditions expected for year 2035 and include the proposed project along with other future development.

<sup>7</sup> One intersection is presently at LOS B; the two other intersections are presently at LOS C.

<sup>8</sup> Supra note 2.

**Table 2. Greenhouse Gas Reduction Strategies Applicable to the Proposed Project**

Regulation	Requirements	Project Compliance	Discussion
<b>Transportation Sector</b>			
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 include commercial uses. The Project will be reviewed by MTA and may be subject to the TIDF fee.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.  (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project would include 36 bicycle Class 1 bicycle spaces to be located on garage of the mixed use building. The project is required to provide ten Class 1 spaces. Therefore, the proposed project complies with bicycle parking requirements.
<b>Energy Efficiency Sector</b>			
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 would disturb over 5,000 square feet, and thus would be required to comply with the SFPUC's stormwater design guidelines, which emphasize low impact development using a variety of Best Management Practices for managing stormwater runoff and reducing impervious surfaces, thereby reducing the volume of combined stormwater and sanitary sewage requiring treatment.
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	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	The project is a mixed-use building with residential and commercial uses. Therefore, the proposed project would be required to comply with the Residential Water Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
(subject to CEQA) would be issued.			
<b>Renewable Energy Sector</b>			
<p>San Francisco Green Building Requirements for renewable energy (SF Building Code, Chapter 13C)</p>	<p>By 2012, all new commercial buildings will be required to provide on-site renewable energy or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6.</p> <p>Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources.</p> <p>Credit 6 requires providing at least 35% of the building’s electricity from renewable energy contracts.</p>	<p>X Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>The proposed project is the construction of a mixed-use building which would be required to comply with the San Francisco Green Building Code.</p>
<b>Waste Reduction Sector</b>			
<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>X Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>The proposed project is the construction of a mixed-use building which would be required to comply with the San Francisco Green Building Code requirements for solid waste.</p>
<p>Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)</p>	<p>The mandatory recycling and 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.</p>	<p>X Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>The proposed project is the construction of a mixed-use building which would be required to comply with the Mandatory Recycling and Composting Ordinance.</p>
<p>San Francisco Green Building Requirements for construction and demolition debris recycling (SF Building Code, Chapter 13C)</p>	<p>These projects proposing demolition are required to divert at least 75% of the project’s construction and demolition debris to recycling.</p>	<p>X Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>The proposed project is the demolition of a commercial building and new construction of a mixed-use building which would be required to comply with the San Francisco Green Building for demolition debris.</p>
<b>Environment/Conservation Sector</b>			
<p>Street Tree Planting Requirements for New Construction (Planning Code Section 428)</p>	<p>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.</p>	<p>X Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Planning Code Section 143 requires new construction, significant alterations or relocation of buildings within many of San Francisco’s zoning districts to plant one 24-inch box tree for every 20 feet along the property street frontage. In conformance with Planning Code section 143, the proposed project would plant one tree along Clay Street.</p>

Regulation	Requirements	Project Compliance	Discussion
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 not include any wood burning fireplaces.

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

**Wind**

A wind study was conducted for the original project<sup>9</sup> and notes that the project site is generally sheltered from prevailing winds by the surrounding buildings, some of which are seven- and eight-story structures. The terrain west of the project site slopes upward which magnifies the sheltering effect provided by structures located to the west. The study thus found that the sheltered nature of the project site limits the potential for substantial wind accelerations that would occur at ground level.<sup>10</sup> Additionally, prevailing winds in San Francisco generally come from the west at the Pacific Ocean. Also, a building’s orientation is a major determinant of wind acceleration, with more acceleration resulting if the building’s largest plane faces into the wind. The study found that the proposed Van Ness building would be oriented such that the largest building plane is situated east-west, thereby lessening resulting wind accelerations. The report concluded that the project would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site.<sup>11</sup> The proposed Washington annex, at 44 feet, would also not have the potential to cause any substantial wind accelerations at ground level. For the above reasons—exposure, massing, and orientation— the revised project would result in similar less-than-significant wind impacts as than the original project.

<sup>9</sup> *Wind Impact Evaluation for the Proposed 1800 Van Ness Project, San Francisco* by Donald Ballanti, Certified Consulting Meteorologist November 1, 2004. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, as part of Case File 2004.0339.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

### Shadow

Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless it is determined that the impact would be insignificant. To determine whether the original project would conform to Section 295, a shadow fan analysis for the 80-foot-high building was prepared by the Planning Department.<sup>12</sup> The analysis determined that the project would not shade any properties subject to Section 295. The revised project underwent a similar analysis by Department staff based on revised bulk and massing specifications provided by the project architect. The Department found that shadow impacts from the revised project would remain unchanged, as it was found that there would be no additional shade cast on properties subject to Section 295.<sup>13</sup>

### Other Issues

The Initial Study for the original project determined that for the following topics, any project or cumulative environmental effects associated with the original project would either be insignificant or would be reduced to a less-than-significant level, by implementation of specific mitigation measures: land use, population and housing, cultural and paleontological resources, noise, air quality, wind and shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards/hazardous materials, mineral/energy resources, and agricultural resources. The revised project would result in similar less-than-significant impacts for other environmental issues as those discussed in the FMND for the original project.

The Initial Study for the original project identified four mitigation measures. **Mitigation Measure 1**, Construction Air Quality, will reduce airborne dust and exhaust emissions from construction activity at the project site to a less than significant level. **Mitigation Measure 2**, Hazards (Contaminated Soil), will ensure that existing soils would be tested, removed and disposed of in accordance with state and federal guidelines, thus reducing any potentially significant hazardous soil effects to a level less than significant. **Mitigation Measure 3**, Hazards (Underground Storage Tanks), will ensure that any remaining buried fuel storage tanks would be removed and the site remediated with oversight from the San Francisco Department of

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<sup>12</sup> San Francisco Planning Department, 1800 Van Ness Avenue Shadow Analysis, April 4, 2005. This document is available for public review as part of Case File No. 2004.0339E.

<sup>13</sup> Jan. 27, 2011 Planning Department staff email correspondence Glenn Cabrerros to Jeremy Battis

Public Health, thereby reducing any associated potentially significant effects to a level less than significant. Mitigation Measure 4, Archeological Resources, will avoid any potentially significant adverse effect from the proposed project on buried archeological resources.

Mitigation Measures 1 through 4 will be applicable to the revised project. Therefore, the Initial Study, including the significance conclusions reached therein, remains applicable to the proposed project as revised.

**Conclusion**

Based on the foregoing, it is concluded that the analyses conducted and the conclusions reached in the FMND adopted and issued on September 21, 2005, remain valid and that no supplemental environmental review is required. The proposed revisions to the project would not cause new significant impacts not identified in the FMND, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

Date of Determination

February 3, 2011

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



BILL WYCKO  
Environmental Review Officer

cc: Andrew Junius, on behalf of project sponsor Van Ness Clay LLC;  
G. Cabrerros, Planning Department; Distribution List; Master Decision File/Bulletin Board



## MITIGATED NEGATIVE DECLARATION

**Date of Publication of Preliminary Mitigated Negative Declaration:** August 27, 2005

**Lead Agency:** Planning Department, City and County of San Francisco  
1660 Mission Street, Suite 500, San Francisco, CA 94103  
**Agency Contact Person:** Rana Ahmadi **Telephone:** (415) 558-5966

**Project Title:** 2004.0339E – 1800 Van Ness Ave **Telephone:** (650) 938-2249  
**Project Sponsor/Contact:** Daniel F Zemanek

**Project Address:** 1800 Van Ness Ave  
**Assessor's Block and Lot:** Block 0619, Lot 9  
**City and County:** San Francisco

**Project Description:** The proposed project is the construction of an eight-story, 80-foot-high, approximately 116,200-gross-square-foot (sq. ft.) building. The project would contain 62 senior housing units, 5,100 sq. ft. of ground-floor retail, and a two-level underground parking garage, on a 25,817 sq. ft. site located on the northeast corner of Van Ness Avenue and Clay Street in the Nob Hill neighborhood. The ground floor would contain retail space, a residential lobby, and vehicular entrances on Clay and Washington Streets leading to an off-street loading space and ramps to an 83-space garage for residents and commercial uses. The second through eighth floors would contain 62 senior residential units that would be accessed via elevators from a lobby on Clay Street. There would be about 5,000 sq. ft. of private usable open space and 4,500 sq. ft. of common usable open space. The site is currently occupied by a two-story 9,514-sq. ft. commercial building and two surface parking lots containing a total of approximately 60 spaces, all of which would be demolished. The project site is located in an RC-4 (Residential-Commercial Combined, High Density) District, an 80-D Height and Bulk District, and the Van Ness Avenue Special Use District. The proposed project would require approval of a Conditional Use Authorization for a Planned Unit Development and exceptions for parking spaces exceeding the maximum requirements, minimum rear yard depth, and bulk restrictions.

**Building Permit Application Number(s), if Applicable:** Not Applicable

**THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.** This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

-Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: See page 55

Final Mitigated Negative Declaration adopted and issued on September 21, 2005

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

  
PAUL E. MALTZER  
Environmental Review Officer

cc: Daniel F. Zemanek, Project Sponsor  
Jared Eigerman, Project Attorney  
Glenn Cabrerros, Planning Department  
Supervisor Aaron Peskin, District 3  
Bulletin Board  
Fernandez/Master Decision File

20040339E





# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

<b>MAIN NUMBER</b> (415) 558-6378	<b>DIRECTOR'S OFFICE</b> PHONE: 558-6411 4TH FLOOR FAX: 558-6426	<b>ZONING ADMINISTRATOR</b> PHONE: 558-6350 5TH FLOOR FAX: 558-6409	<b>PLANNING INFORMATION</b> PHONE: 558-6377 <b>MAJOR ENVIRONMENTAL</b> FAX: 558-5991	<b>COMMISSION CALENDAR</b> INFO: 558-6422 <b>INTERNET WEB SITE</b> WWW.SFGOV.ORG/PLANNING
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## PRELIMINARY MITIGATED NEGATIVE DECLARATION

**Date of this Notice:** August 27, 2005

**Lead Agency:** San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, California 94103-2414

**Agency Contact Person:** Rana Ahmadi

**Telephone:** (415) 558-5966

**Project Title:** 2004.0339E 1800 Van Ness Avenue/1756 Clay Street

**Project Sponsor:** Sunrise Development, Inc.

**Project Contact Person:** Daniel F. Zemanek

**Telephone:** (650) 938-2249

**Project Address:** 1800 Van Ness Avenue

**Assessor's Block and Lot:** Block 0619, Lots 009 and 010

**City and County:** San Francisco

**Project Description:** The proposed project is the construction of an eight-story, 80-foot-high, approximately 116,200-gross-square-foot (sq.ft.) building at 1800 Van Ness Avenue/1756 Clay Street (Lots 9 and 10 of Assessor's Block 619). The project would contain 62 senior housing units, 5,100 square feet of ground-floor retail, and a two-level underground parking garage, on a 25,817 sq.ft. site located on the northeast corner of Van Ness Avenue and Clay Street in the Nob Hill neighborhood of San Francisco. The ground floor would contain retail space, a residential lobby, and vehicular entrances on Clay and Washington Streets leading to an off-street loading space and ramps to an 83-space garage for residents and commercial uses. The second through eighth floors would contain 62 senior residential units that would be accessed via elevators from a lobby on Clay Street. There would be about 5,000 sq.ft. of private usable open space and 4,500 sq.ft. of common usable open space. The site is currently occupied by a two-story, 9,514-square-foot commercial building and two surface parking lots containing a total of approximately 60 spaces, all of which would be demolished. The project site is located in an RC-4 (Residential-Commercial Combined, High Density) District, an 80-D Height and Bulk District, and the Van Ness Avenue Special Use District. The proposed project would require approval of a Conditional Use Authorization for a Planned Unit Development and exceptions for parking spaces exceeding the maximum requirements, minimum rear yard depth, and bulk restrictions.

**THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.** This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached:

-Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: Pages 55 to 62

cc: San Francisco Planning Commission; Daniel F. Zemanek, Project Sponsor; Jared Eigerman, Project Attorney; Glenn Cabrerros, Planning Department; Sue Hestor; Distribution List; Supervisor Aaron Peskin, District 3; Maria Oropeza/Bulletin Board; Master Decision File

# INITIAL STUDY

## 2004.0339E – 1800 Van Ness Avenue/1756 Clay Street

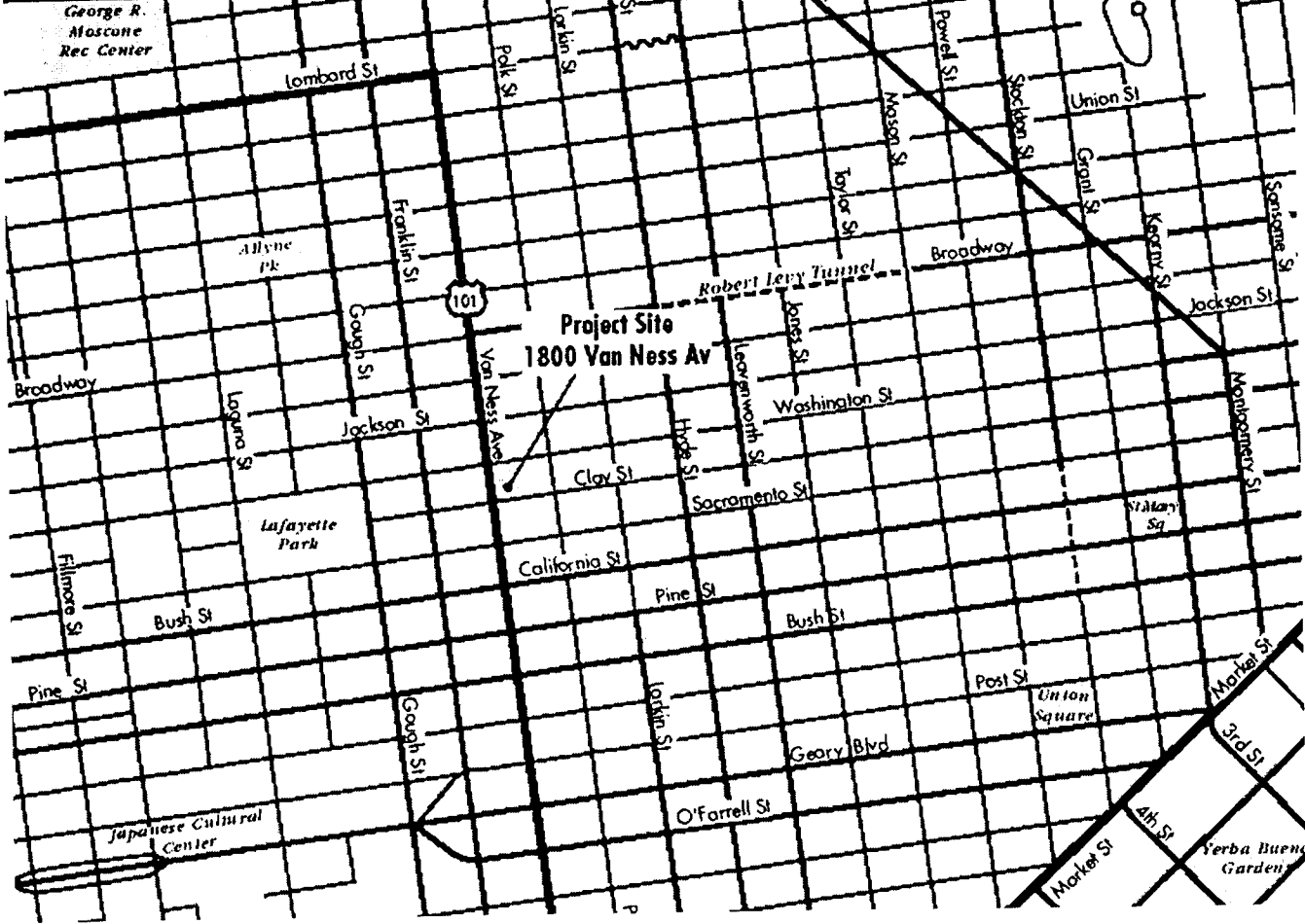
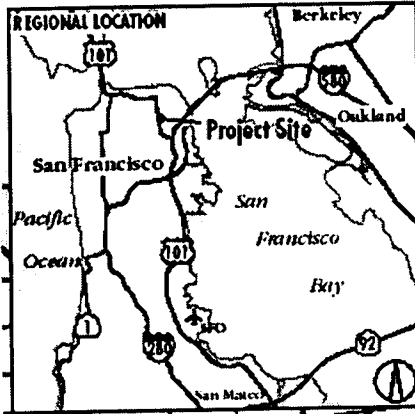
### I. PROJECT SETTING AND DESCRIPTION

#### A. PROJECT SETTING

The project site is L-shaped, with the main portion located on the northeast corner of Clay Street and Van Ness Avenue (1800 Van Ness Avenue/1756 Clay Street), and a narrower strip extending north to Washington Street (Assessor's Block 619, Lots 9 and 10). The site is located in the block bounded by Van Ness Avenue and Clay, Washington, and Polk Streets, in the Nob Hill neighborhood along the Van Ness Avenue corridor of San Francisco (see Figure 1, page 2). The southwest portion of the site contains a two-story, 9,514-square-foot commercial building with an approximately 4,775 square-foot copy store on the ground floor and about 4,740 square feet (sq.ft.) of office uses on the second floor. North of the commercial building, in the main portion of the site, is a surface parking lot with approximately 32 spaces. The strip extending north to Washington Street is also paved and used for surface parking with about 28 spaces. The project site is essentially flat and has a slight downward slope to the east. The surrounding area also generally slopes downward from west to east.

In the vicinity of the site, Van Ness Avenue (U.S. Highway 101, with three travel lanes in each direction, is the primary north/south transportation corridor. Nearby land uses include residential, office, retail, restaurant, bar, auto service, church, hotel, and parking. There is a variety of building types, sizes, and ages, with building heights varying from one to 12 stories in the immediate project vicinity. The 23-story Holiday Inn building is located two and one-half blocks south of the project site on Van Ness Avenue.

On the east side of Van Ness Avenue, immediately north of the site in the project block, is a four-story apartment building converted to office suites, with ground-floor retail. Farther north, at the southeast corner of Washington Street and Van Ness Avenue, is a former gasoline service station. East of Van Ness Avenue, Washington Street has buildings of one to five stories, occupied by residential, church, retail, and auto service uses. Clay Street between Van Ness Avenue and Polk Street is occupied by surface parking and buildings of one to five stories including residential, office,



Source: During Associates

5-25-05

Project Location Figure 1

auto service, church, bar, and private club uses. Farther east of the project site, Polk Street is lined with two- to six-story buildings occupied by office, retail, and residential uses.

Van Ness Avenue north of Washington Street has buildings of one to nine stories, with residential, office, restaurant, and auto service uses, including the Pacific Place residential project, which consists of a nine-story tower at the northwest corner of Van Ness Avenue and Washington Street, and an eight-story tower farther north at Van Ness Avenue and Jackson Street. The west side of Van Ness Avenue between Washington and Clay Streets, facing the project site, has surface parking and two- to four-story buildings occupied by office and retail uses. Van Ness Avenue south of Clay Street has buildings of one to seven stories, with residential, office, retail, and church uses.

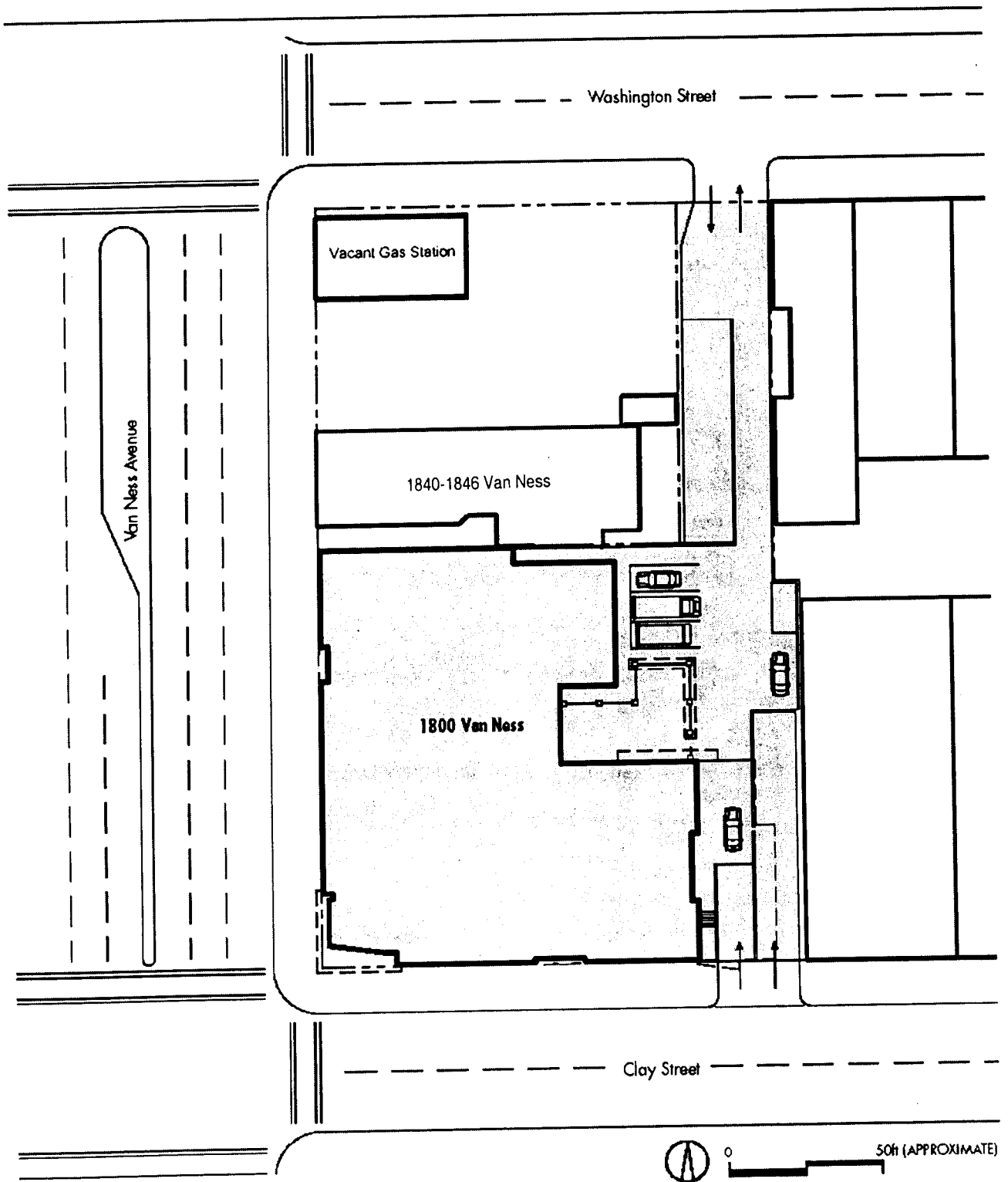
Washington Street west of Van Ness Avenue is occupied by buildings of one to 11 stories, with residential, office, and retail uses. Clay Street west of Van Ness Avenue is occupied by residential buildings of one to 12 stories in height.

Lafayette Park is located two blocks west of the project site, in the area bounded by Gough, Washington, Sacramento, and Laguna Streets. The Washington-Hyde Mini-Park is located approximately three blocks northeast of the site on the north side of Washington Street near Hyde Street. Helen Wills Playground is located approximately three and one-half blocks north of the site, at the southwest corner of Broadway and Larkin Street.

The project site is located in an RC-4 (Residential-Commercial Combined, High Density) District, an 80-D Height and Bulk District, and the Van Ness Avenue Special Use District.

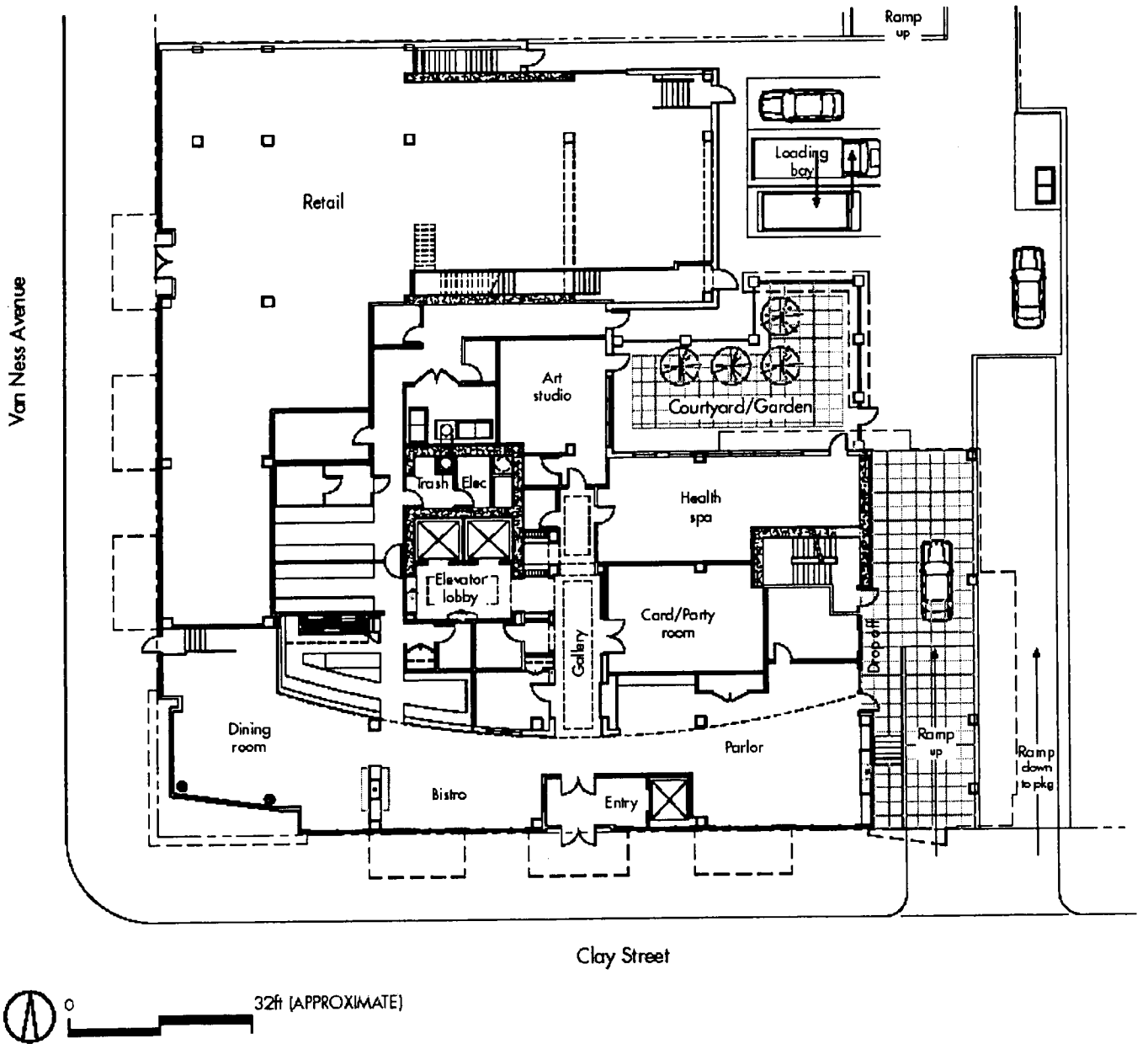
## **B. PROJECT DESCRIPTION**

The proposed project is the construction of an eight-story, 80-foot-high, 116,200-gross-square-foot (gsf) building. The building would contain approximately 62 senior housing units occupying about 111,100 sq.ft, 5,100 sq.ft. of ground-floor retail space, and a two-level underground garage. (See Figures 2 through 8, pages 4 to 10). The existing two-story retail building and a surface parking lot on the project site would be demolished. The ground floor of the proposed building would contain retail space, which would be accessed from Van Ness Avenue, and a residential lobby with elevators, accessed from Clay Street. Vehicular entrances on Clay and Washington Streets would lead to an



Source: Mihun Architects + designers + planners  
5/2/05

Proposed Site Plan Figure 2

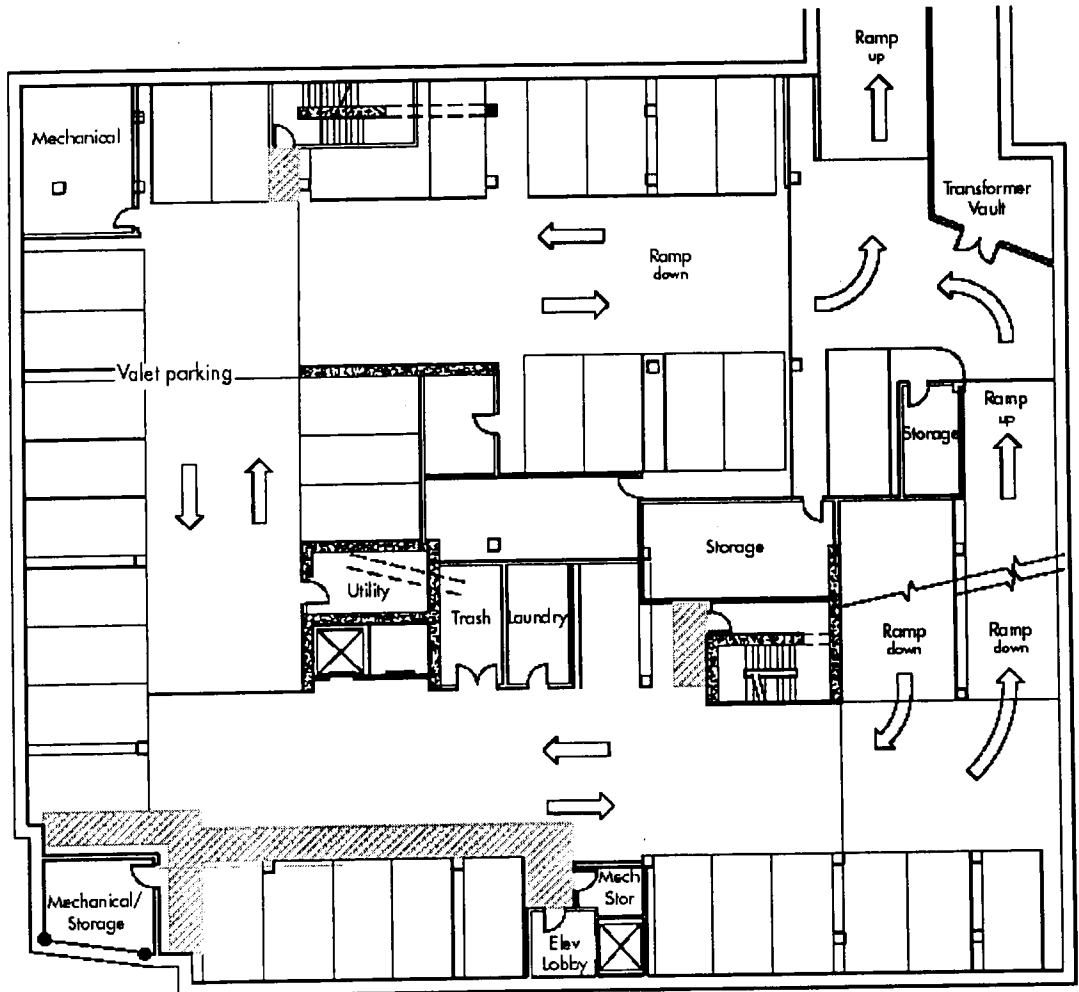


Source: Mithun Architects + designers + planners  
 5-21-05

Proposed Ground Floor Plan Figure 3



Van Ness Avenue



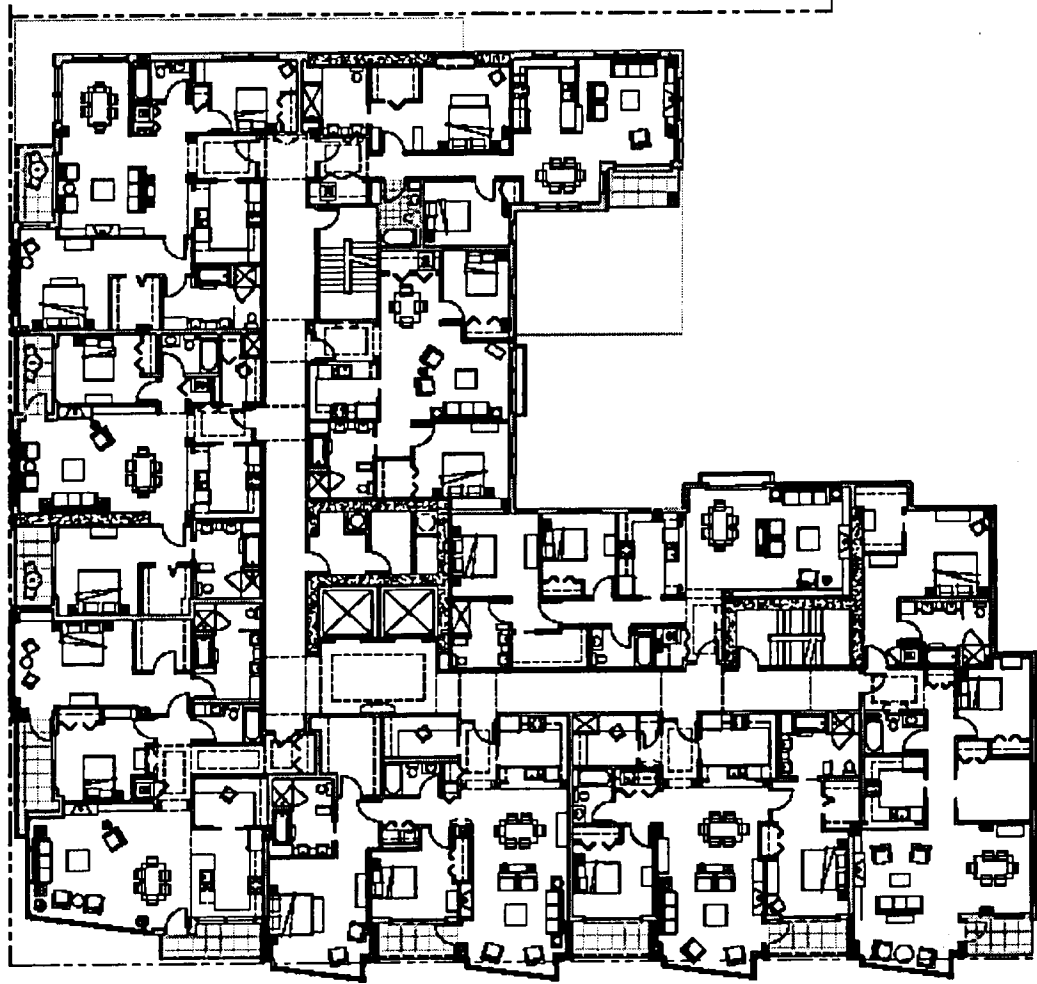
Clay Street



Source: Milbun Architects + designers + planners  
5-21-05

Proposed Parking Plan—Level P1 Figure 4

Van Ness Avenue

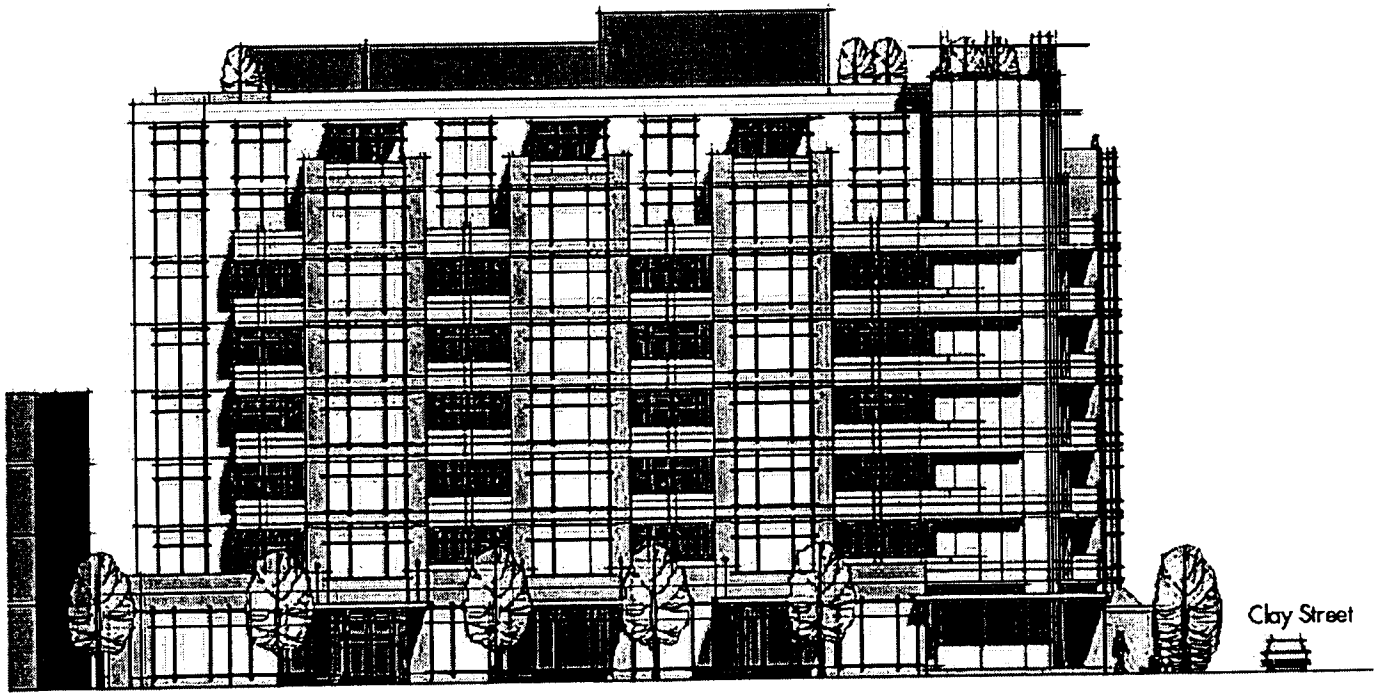


Clay Street



Source: Milium Architects + designers + planners  
12-22-01

Proposed Residential Levels 2-7 Figure 5



Van Ness Avenue

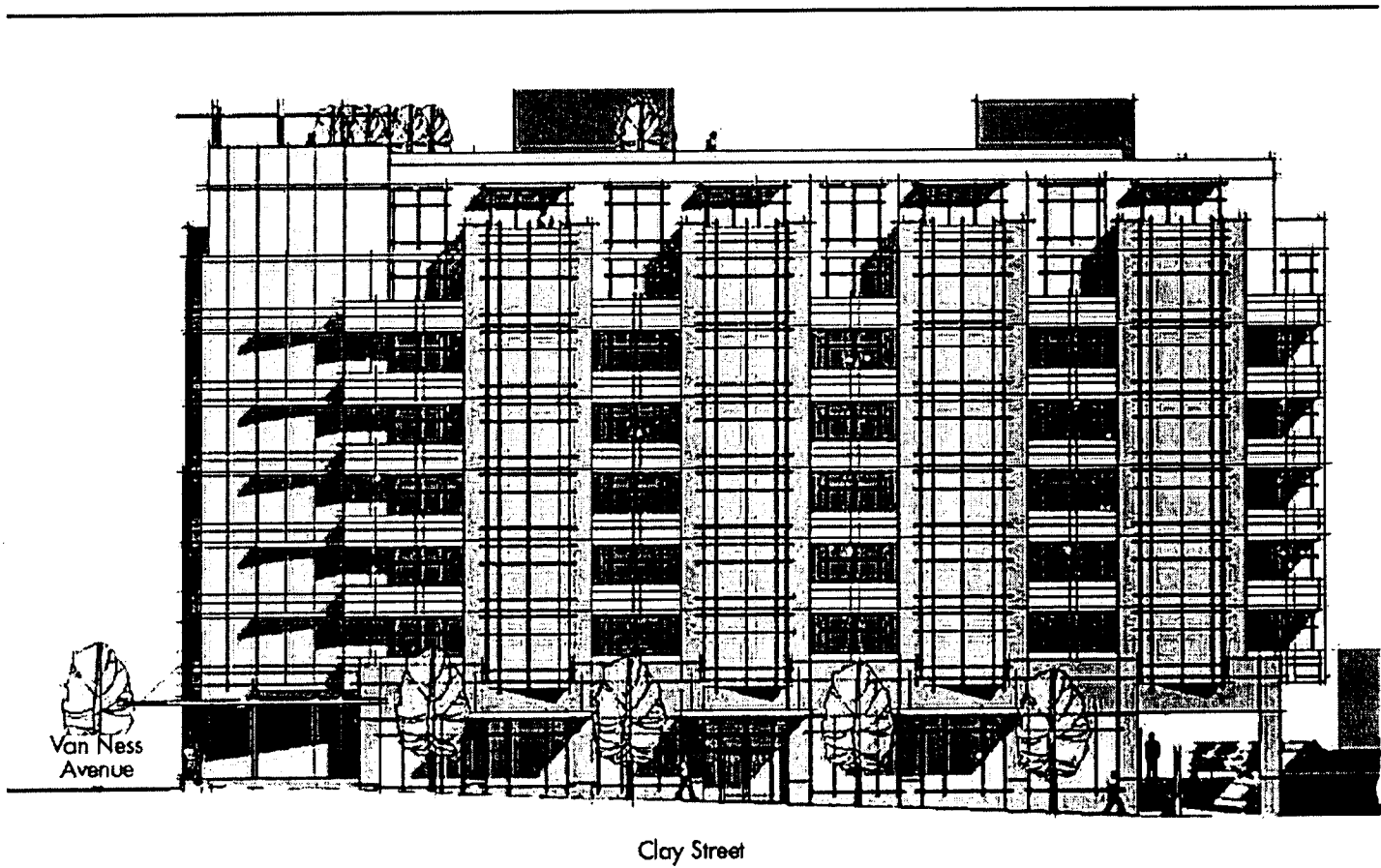
0 32ft (APPROXIMATE)

Clay Street

Source: Mithun Architects + designers + planners

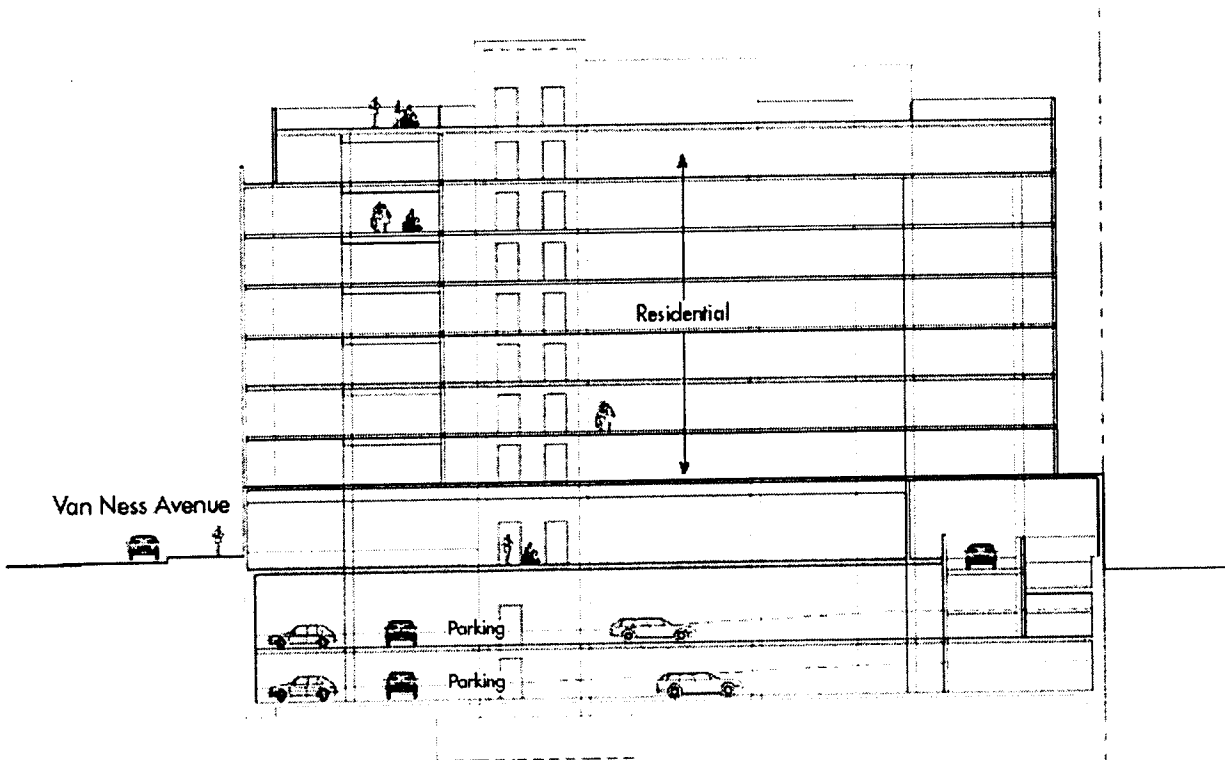
5/24/05

Proposed Van Ness Avenue Elevation Figure 6



Source: Mithun Architects + designers + planners  
5/2/05

Proposed Clay Street Elevation Figure 7



0 32ft (APPROXIMATE)

Source: Mithun Architects + designers + planners  
12.22.09

Proposed Project Section Figure 8

off-street loading space at the rear of the building, and ramps to an 83-space garage, including three handicap-accessible spaces, in two below-grade levels. Approximately 62 of the spaces would be for the senior residents and 21 spaces would be available for public parking at times when it is not needed for the ground floor retail space. There would be a ground-floor pedestrian drop-off on the east side of the building under the second level. Vehicles would enter from Clay Street and load/unload passengers with direct access to the lobby and concierge desk. The second through eighth floors would contain 62 senior residential units. The project would have 5,000 sq.ft. of private usable open space and 4,500 sq.ft. of common usable open space.

Both the Van Ness Avenue and Clay Street facades would be articulated by balconies and bay windows, and would have exterior treatments consisting of contrasting colors relieved by windows.

The proposed project would remove five existing trees on the site, with trunk diameters that range from 6 to 12 inches, and would include planting of street trees every 20 feet along Van Ness Avenue and Clay Street.

Construction of the proposed project would involve excavation to an average depth of approximately 26 feet in the western portion of the site, and excavation varying from about one to ten feet in the narrow eastern portion of the site. Approximately 23,500 cubic yards of soil would be excavated, and would be removed from the site.

The project sponsor is Sunrise Development, Inc., and the project architects are Patri Merker Architects and Mithun Architects + Designers + Planners. The estimated cost of construction is \$17.4 million.

Construction of the project would continue for about 18 months. Assuming that construction would begin in the third quarter of 2005, the project would be ready for occupancy by early 2007.

The project site is located in an RC-4 (Residential-Commercial Combined, High Density) District, an 80-D Height and Bulk District, and the Van Ness Avenue Special Use District (VNSUD). The proposed project would require approval of a conditional use authorization (CU) for a planned unit development (PUD) because it is in the VNSUD and exceeds 40 feet in height; and would require

exceptions for parking spaces exceeding the limit permitted by the *Planning Code*, minimum rear yard depth, and bulk restrictions. The project would also require approval by the Department of Building Inspection and Department of Public Works for demolition and site permits.

## II. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

### A. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

	<u>N/A</u>	<u>Discussed</u>
1. Discuss any variances, special authorizations, changes proposed to the City <i>Planning Code</i> or Zoning Map, if applicable.	<input type="checkbox"/>	■
2. Discuss any conflicts with any other adopted environmental plans and goals of the City or Region, if applicable.	■	■

#### *San Francisco Planning Code*

The San Francisco *Planning Code*, which incorporates the City's Zoning Maps, implements the *San Francisco General Plan* and governs permitted uses, densities, and configuration of buildings within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless: (1) the proposed project conforms to the Code, (2) an allowable exception is granted pursuant to provisions of the Code, or (3) amendments to the Code are included as part of the project.

The site is zoned RC-4 (Residential-Commercial Combined Districts, High Density). RC-4 use districts provide for a mixture of high-density dwellings (one unit per 200 sq.ft. or lot area) similar to those in RM-4 (Residential, Mixed Districts, High Density) with supporting commercial uses. However, because the project is in the VNSUD, the RC-4 densities would not apply (per *Planning Code* Section 243(c)(2)). The commercial uses permitted in the VNSUD would be the same as RC-4 which allows all of the uses permitted under C-2 (Community Business Districts), located in or below the ground story in most instances, and excluding automobile-oriented establishments as per Section 209.8C of the *Planning Code*. Open spaces are required for dwellings in the same manner as in RM-4 Districts (36 sq.ft. per unit for private open space, 48 sq.ft. per unit for common useable open space), except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.

The VNSUD imposes special controls tailored to implement the objectives and policies of the Van Ness Avenue Plan, a part of the *General Plan*, which include: (1) creation of a mix of residential and commercial uses on the boulevard, (2) preservation and enhancement of the pedestrian environment, (3) encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings, (4) conservation of the existing housing stock, and (5) enhancement of the visual and urban design quality of the street. Residential uses are encouraged in the Van Ness Avenue Special Use District.

The project site is located in an 80-D Height and Bulk District. Within the 80-foot height district portion of the VNSUD, the only applicable residential density limitation is the Floor Area Ratio (FAR) of 4.5:1 (*Planning Code* Section 243(c)(1)), which would allow up to approximately 116,200 gross square feet of development on the 25,817-square-foot site. The proposed building would have a total of 116,200 sq.ft, which is within the applicable FAR.

### ***Required Approvals***

The proposed project would require PUD (Planned Unit Development) and CU (Conditional Use) approval by the Planning Commission under Sections 304 and 303 of the *Planning Code*.

1. **Planned Unit Development.** The project is proposed as a Planned Unit Development (PUD) pursuant to *Planning Code* Section 304 which provides for Planning Commission review and approval. PUD is intended for projects on large sites (generally more than 0.50 an acre) developed as integrated units where outstanding design responsive to the surrounding environment may merit modification of certain provisions contained elsewhere in the *Planning Code*. The project site is approximately 0.59 of an acre and thereby is eligible for a PUD. The project requires PUD approval for the following:

The project would not conform to the rear yard requirements of *Planning Code* Section 134. In RC-4 Districts, Section 134 requires rear yard depth to be a minimum of 25 percent of the total lot depth, and in no case fewer than 15 feet deep. Although, the proposed project includes usable open space, it would not conform to the rear yard requirement.

2. **Conditional Use.** The project would require CU approval from the Planning Commission for additional parking under Sections 303, 157, and 151 of the *Planning Code*. *Planning Code*



Section 151 requires minimum one off-street parking space per 5 senior housing units, which results in a total of 13 spaces for the 62 units of the project. The 5,100 sq.ft. of retail space would require 10 off-street parking spaces under the *Planning Code*. The project's total parking requirement would be 23 spaces. The project would include 83 below-grade parking spaces. Because this exceeds the parking requirement by 150 percent (34 spaces), it must be approved as a CU pursuant to *Planning Code* of Section 157.

The building exceeding 40 feet in height in the VNSUD requires Conditional Use authorization by the Planning commission as per Section 253.2(a) of the *Planning Code*. The project would be 80 feet high.

It would not comply with bulk requirements. Within the D bulk districts, buildings are limited to maximum plan dimensions of 110 feet and maximum diagonal dimensions of 140 feet, per *Planning Code* Section 270(a). The proposed project would have a length of 141 feet on Van Ness Avenue and 150.5 feet on Clay Street, and an average diagonal dimension above 40 feet of 164 feet.

The project would also require approval by the Department of Building Inspection and Department of Public Works for demolition and site permits.

### ***Plans and Policies***

The San Francisco *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

Environmental plans and policies are those, like the Bay Area Air Quality Plan, which directly address physical environmental issues and/or contain targets or standards which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *City Planning Code* to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The Priority Policies, which provide general policies and objectives to guide certain land use decisions, contain some policies that relate to physical environmental issues. The current project would not obviously or substantially conflict with any such policy. The case report for the Conditional Use authorization and/or subsequent motion for the Planning Commission will contain the analysis determining whether the proposed project would be in compliance with the eight Priority Policies.

**B. ENVIRONMENTAL EFFECTS (Initial Study Checklist) .**

All items on the Initial Study Checklist have been checked “No,” indicating that Planning Department staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked “Discussed,” indicating that the Initial Study text includes discussion about those particular issues. For all of the items checked “No” without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department’s *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1. <u>Land Use</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Disrupt or divide the physical arrangement of an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have any substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The project site has two parking lots with approximately 60 parking spaces and a two-story, approximately 9,514 sq.-ft commercial building. The site is in a block bounded by Washington Street on the north, Polk Street to the east, Clay Street to the south and Van Ness Avenue to the west. The area is primarily characterized by residential uses with pedestrian level commercial uses along Van Ness Avenue including offices, restaurants, bars, small grocery stores, retail shops, auto services, churches and parking.

Immediately north of the project site is a four-story residential building converted to offices with a ground-floor grocery store (1840-46 Van Ness Avenue). At the southeast corner of Van Ness Avenue and Washington Street (1868 Van Ness Avenue) is a former gasoline service station used for temporary parking (36-spaces). Across the street on the northeast corner is furniture store (1900 Van Ness Avenue) and a restaurant (1906 Van Ness Avenue) that uses a portion of the east parking lot on the project site for valet parking. Further east along both sides of Washington Street are residential apartment buildings. Land uses along Polk Street are primarily commercial.

Adjacent to the project along Clay Street is a private club (1750 Clay Street) and to the south on Clay Street is an auto service (1745 Clay). The St. John’s Episcopal Church is located at the southeast corner of Van Ness Avenue and Clay Street. To the west across Van Ness Avenue from the project block is an office building with a ground floor bank at the northwest corner of Clay Street and Van Ness Avenue (1801 Van Ness Avenue), parking lot and a commercial building at the southwest corner of Washington and Van Ness Avenue (1825 Van Ness Avenue).

The proposed project would replace the existing retail building and parking lot on the project site with a residential and retail building with below-grade parking, introducing a new residential use on the project site. The RC-4 (Residential-Commercial Combined, High Density) zoning of the area permits residential uses. The proposed project would not introduce a new type of use to the project vicinity, as multi-family residential, retail, and parking uses already exist in the surrounding area.

Although the project would intensify use of the site, the proposed residential, retail, and parking uses would be compatible with the existing mixed-use character of the project vicinity, which includes both residential and retail uses. The project would be compatible with recreational use of nearby parks including Lafayette Park, Washington-Hyde Mini-Park, and Helen Wills Playground, and the residential and non-residential uses along Van Ness Avenue and Clay and Washington Streets.

The building heights in the project vicinity generally range from one to twelve stories, with the exception of one 23-story hotel about 1 ½ blocks to the south of the project site. The proposed eight-story, 80-foot high project would be within the allowable height limit. It would be the highest building on the project block where buildings range from one to four stories in height. However, the project building would be similar in height to the existing buildings on the opposite corners of the project block facing Van Ness Avenue (1901 Van Ness Avenue, a nine-story building on the northwest corner of Washington Street and Van Ness Avenue, and 1735 Van Ness Avenue, a eight-story building on the southwest corner of Clay Street and Van Ness Avenue).

The project would not divide the physical arrangement of its block or the surrounding general area. It would be incorporated within the established street plan and would create no impediment to the passage of persons or vehicles.

The project would have no significant adverse impact on the character of the vicinity. It would not introduce a new or incompatible land use to the area, and the nature and intensity of proposed land uses with the project would be consistent with the size, character and uses of the structures in the general area. The proposed project’s impacts relating to land use are considered less than significant under CEQA, for the reasons discussed above.

2. <u>Visual Quality</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Have a substantial, demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially degrade or obstruct any scenic view or vista now observed from public areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Generate obtrusive light or glare substantially impacting other properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### *Aesthetic Effect*

The project site currently has an urban and developed visual character. The southwestern portion of the mostly flat project site is currently occupied by a two-story commercial building that is relatively contemporary in design and rectilinear in form, and the remainder of the site consists of paved parking areas. There are several mature street trees located along Van Ness Avenue between the northwest corner of the commercial building and the site's northern border at Van Ness Avenue. These trees are widely spaced and have limited crowns and, as a result, screen views of only a relatively small portion of the site. There are no street trees along the site's Clay Street frontage

The project site is located in an area of mixed residential, office, retail, restaurant, bar, auto service, church, hotel, and parking uses, providing an urban and developed visual character consistent with that of the project site. Due to the relatively flat topography and extensive urbanization of the immediate site vicinity, the built environment, especially the seven to nine-story nearby buildings, is the predominant influence on the visual character of the area. There is a variety of building types, sizes, and ages, with building heights varying from one to twelve stories. A 23-story high-rise Holiday Inn is located two and one-half blocks south of the project site on Van Ness Avenue. The buildings immediately adjacent to the project site are one to four stories. West of the project site on Van Ness Avenue at the corners of Clay and Washington are apartment buildings ranging from seven to nine stories.

Immediately to the north of the project site, on Van Ness Avenue, is a rectilinear four-story building of early twentieth century design containing office suites and ground-floor retail. Farther north, at the southeast corner of Van Ness Avenue and Washington Street, is former gasoline service station proposed for replacement with an eight-story apartment building (1868 Van Ness). East of Van Ness Avenue, on the north and south sides of Washington Street are buildings of one to five stories, occupied by residential, church, retail, and auto service uses, the majority of which date from the early twentieth century. On both north and south sides of Clay Street between Van Ness Avenue and Polk Street are surface parking and buildings of one to five stories that contain residential uses, office uses, auto service uses, a church, a bar, and a private club. These buildings, which include an early twentieth century church, have varying ages and a mixture of styles. The west side of Van Ness Avenue between Washington and Clay Streets, facing the project site, has surface parking and two-

to four-story buildings, with rectilinear massing and contemporary style, occupied by office and retail uses.

Prominent buildings in the project vicinity include the 23-story Holiday Inn of contemporary design noted above; the Pacific Place residential project west of Van Ness Avenue and north of the project site, which is also of contemporary design and consists of eight- and nine-story towers; and the rectilinear 11-story Clay Park Towers residential building, of early twentieth century design, located one block west of the project site at the northeast corner of Clay and Franklin Streets.

Lafayette Park, an open urban park with grass slopes and landscaping and vistas to the east and south of the City, is located two blocks west of the project site, in the area bounded by Gough, Washington, Sacramento, and Laguna Streets. The Washington-Hyde Mini-Park is located approximately three blocks northeast of the site on the north side of Washington Street near Hyde Street. Helen Wills Playground is located approximately three and one-half blocks north of the site, at the southwest corner of Broadway and Larkin Street. These parks provide green space in an urban residential neighborhood.

The proposed project would replace the existing two-story commercial building and parking areas on the site with an eight-story, 80-foot-high, residential building with ground-floor retail. The visual character of the proposed project would be distinctly urban. The design of the building would be contemporary in character, with rectilinear form and massing, and would be built to the lot lines on Van Ness Avenue and Clay Street, similar to most existing buildings in the neighborhood. Both the Van Ness Avenue and Clay Street facades would be articulated by balconies and bay windows. Exterior treatments would consist of contrasting colors, relieved by windows. Although the proposed building would be taller than the majority of buildings in the immediate vicinity, its height would not exceed that of the largest buildings in the vicinity. The visual character and massing of the proposed project would not be aesthetically inconsistent with the mixed-use urban form of the project vicinity and existing neighborhood.

Approximately five existing trees on the site, with trunk diameters that range from 6 to 12 inches, would be removed as part of the project. These trees are common decorative street trees with no unique features, and are not considered scenic trees. The proposed project would include

landscaping and planting of trees in conformity with *Planning Code* and Department of Public Works requirements, which include street trees every 20 feet.

Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such a change. The project would change the visual character of the project site, by replacing a two-story commercial building and parking areas with an eight-story residential building including ground-floor retail. The project would occur in an urbanized, mixed-use neighborhood that includes residential uses and buildings of a height similar to the proposed project, but would not add a new or visually inconsistent use. While intensifying the development of the site, the proposed project would not significantly change the prevailing mixed-use visual character of the site vicinity. For these reasons, the proposed residential and retail development would not cause a substantial and demonstrable negative change, or disrupt the existing visual character of the project vicinity.

### ***Scenic Views from Public Areas***

There are limited scenic views from public areas in the project vicinity, which consist primarily of public streets and sidewalks, Lafayette Park, Washington-Hyde Mini-Park, and Helen Wills Playground. Views of the project site are generally obscured from these public areas. There are no scenic corridors near the project site.

The proposed building would be visible from nearby portions of Van Ness Avenue and Clay and Washington Streets, but most views of the project site from more distant street-level points are screened by intervening buildings. The project would not obstruct views along these corridors as it would be built within the existing street pattern. From Clay and Washington Streets near the project site, transient public views to the west toward Lafayette Park are almost entirely obstructed by the visual barrier created by existing buildings between Van Ness Avenue and Gough Street. The proposed building would not add substantial obstruction of these transient views.

Lafayette Park is located two blocks west of the project site, and the eastern portion of the park slopes upward to the west from Gough Street. The park provides public scene vistas to the east and

south of the City. The eastern portion of the park faces toward the project site, but views of the project building from almost all of Lafayette Park would be screened by the three- and four-story buildings on the east side of Gough Street, the 11-story Clay Park Towers on the northeast corner of Clay and Franklin Streets, and mature trees within Lafayette Park itself. Portions of the proposed building may be visible from limited areas of Lafayette Park that abut the western terminus of Clay Street at Gough Street, but the overall effect of the project on views eastward along Clay Street from the park would be small and insignificant because of the existing buildings along Clay Street between the park and Van Ness Avenue, including the 11-story Clay Park Towers.

Intervening buildings would also screen views of the project building from the Washington-Hyde Mini-Park, located approximately three blocks northeast of the site on the north side of Washington Street near Hyde Street, and the Helen Wills Playground, located approximately three and one-half blocks north of the site, at the southwest corner of Broadway and Larkin Street. The project would not have a substantial effect on views from the Washington-Hyde Mini-Park or the Helen Wills Playground.

In summary, the proposed project would not substantially degrade or obstruct any scenic view or vista now observed from public areas.

### ***Views from Private Residences***

The upper portion of the proposed building would be visible from portions of residential buildings in the area, including the upper floors of residential buildings along the north side of Washington Street east of Van Ness Avenue (six to eight units), the side and rear windows of residential buildings along the south side of Washington Street east of Van Ness Avenue (three to four units), south- and east-facing residences in the upper floors of Pacific Place (1901 Van Ness Avenue) (possibly eight to twelve units) on the west side of Van Ness Avenue north of Washington Street, east-facing windows on the upper floors of residences along Van Ness Avenue in the block south of Clay Street (1735 Van Ness Avenue) (possibly six to eight units), and the 23-story Holiday Inn located two and one-half blocks south of the project site on Van Ness Avenue. The proposed building could block views of a portion of the sky or views that existed across the project site from some of the northeast corner apartments in 1735 Van Ness Avenue building; some of the apartments facing south or east in the 1901 Van Ness Avenue building, and from the residential units in the project block east of the project



site. The reduced private views would be an undesirable change for those individuals whose views would be blocked by the proposed building. However, the reduction of private views and the view change from private residences due to a project are a consequence of living in an urban environment where the permitted height is 80 feet and new development is a common occurrence. The change in private views would be considered to be a less-than-significant environmental visual impact.

***Light and Glare***

The project site is occupied by a commercial building and a surface parking area. Illumination from these existing uses is similar to that of other commercial uses in the vicinity. The proposed project would replace these uses with an eight-story residential building with ground-floor retail, which would include outdoor lighting typical of other retail and multi-unit residential uses in the project vicinity. The project would obstruct light access on the south side of the office building immediately adjacent to the proposed building on the northern property line. The project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. For these reasons, the proposed project would not generate obtrusive light or glare that would substantially impact other properties.

***Conclusion***

The proposed project would not have a substantial, demonstrable negative aesthetic effect; would not substantially degrade or obstruct any scenic vista observed from public areas; and would not generate obtrusive light and glare. Therefore the project would have a less-than-significant impact on visual resources.

3. <b><u>Population</u></b> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Induce substantial growth or concentration of population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace a large number of people (involving either housing or employment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

San Francisco is the central city (and most urban place) in an attractive region and consistently ranks as one of the most expensive housing markets in the United States. The San Francisco Bay Area is

known for its agreeable climate, open space, recreational opportunities, cultural amenities, a strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong demand for housing in San Francisco. Providing new housing to meet this strong demand is particularly difficult because the amount of land available is limited, and land and development costs are relatively high.

During the period of 1990-2000, the number of new housing units completed citywide ranged from a low of about 379 units (1993) to a high of about 2,065 units (1990) per year. The citywide annual average over that 11-year period was about 1,130 units.<sup>1</sup>

In March 2001, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Determination 1999-2006 allocation. The jurisdictional need of the City between 1999 and 2006 is 20,372 dwelling units, or an average yearly need of 2,547 net new dwelling units (for an eight-year period).<sup>2</sup> The proposed project would add about 62 residential units to the City's housing stock, helping meet this need.

Based on the household density factor for San Francisco Census Tract 110 of 2.05 persons per unit, the proposed development, which includes 62 senior housing units, would house approximately 127 people.<sup>3</sup> There would be an estimated 10 to 15 employees of the senior housing facility<sup>4</sup>, and the proposed 5,100 sq.ft. of ground-floor retail would accommodate approximately 15 retail employees at 350 sq.ft. per employee,<sup>5</sup> for a total daily population of up to 157 with the proposed project. Currently, the existing 9,514-square-foot retail building on the site has an estimated 27 workers, and

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<sup>1</sup> San Francisco Planning Department, *Data and Needs Analysis - Part 1 of the 2001 Housing Element Revision, Proposal for Adoption*, May 2004, pages 37 and 40.

<sup>2</sup> San Francisco Planning Department, *Housing Element, an Element of the San Francisco General Plan*, Adopted May 13, 2004, page 1.

<sup>3</sup> Census Tract 110, San Francisco County, California, Table QT-H3. Household Population and Household Type by Tenure: 2000 Census summary File 1 (SF1) 100-Percent Data. The estimate may be high as senior housing occupancy would likely be lower. A copy of this table is available for review, by appointment, at the Planning Department, 1660 Mission, Suite 500, in the files for Case No. 2004.0339E.

<sup>4</sup> Dan Zemanek, Sunrise Senior Living, e-mail communication with Stu During, During Associates, May 30, 2005.

<sup>5</sup> City and County of San Francisco, Department of City Planning, Table C-1, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002.

the parking lot has two valet attendants for a total of 29 workers. Thus, there would be an increase of up to approximately 128 in the site's daily population, which may be noticeable to nearby residents, employees, and visitors. It would not, however, substantially increase the area-wide population, and the resulting density would not exceed levels that are common and accepted in high-density urban areas such as San Francisco. Therefore, the project's population increase would not be a significant effect.

The existing building on the project site contains no dwelling units, and no residents or dwelling units would be displaced. If the existing copy business on the project site ceases operations, approximately 27 employees would be displaced, but this loss would be offset by the creation of approximately 25 to 30 new jobs on the site.<sup>6</sup> If the existing copy business relocates elsewhere in San Francisco or the Bay Area, the new retail jobs on the site would generate an increased demand for housing of up to approximately 20 dwelling units (at a ratio of 1.5 employees per household<sup>7</sup>). This demand for housing would be small relative to the existing San Francisco housing stock and vacancy rate, and would be less than the new housing units that would be provided by the proposed project.

Based on the above analysis, no significant physical environmental effects on housing demand or population would occur due to the project.

4. <u>Transportation/Circulation</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>6</sup> The project sponsor has indicated that the existing copy business may be able to occupy the new retail space in the proposed project; however, no arrangement has been made at the time of this report.

<sup>7</sup> The ratio of 1.5 employees per household for the Bay Area was taken from the Data and Needs Analysis - Part 1 of the 2001 Housing Element Revision, Proposal for Adoption, May 2004, Table 1-11: Average Number of Workers per Household Trends and Projections, 1990-2025, page 21. The sources for this table are cited as U.S. Census Bureau and ABAG Projections 2002.

The main portion of the project site is located on the northeast corner of Van Ness Avenue and Clay Street, and a narrower strip extends north to Washington Street (between Van Ness Avenue and Polk Street).

In the project vicinity, Van Ness Avenue is a two-way, north-south roadway with three travel lanes in each direction and parking on both sides of the street. Clay Street is a two-lane, east-west roadway with on-street parking on both sides of the street. West of Van Ness Avenue, Clay Street is two-way, and east of Van Ness Avenue, Clay Street is one-way eastbound. In the vicinity of the project site, Washington Street is a one-way, two-lane eastbound street with on-street parking on both sides. Polk Street is a two-way, two-lane north-south street in the vicinity of the project, with parking on both sides of the street.

In the San Francisco *General Plan*, Van Ness Avenue is designated a Major Arterial, Metropolitan Transportation System (MTS) Street, Neighborhood Commercial Street, and a Transit Important Street. Clay Street is designated a Secondary Transit Street, Clay Street east of Polk Street is designated a Neighborhood Commercial Street, and Clay Street west of Van Ness Avenue is designated a Neighborhood Network Connection Street. Washington Street east of Polk Street is designated a Neighborhood Commercial Street. Polk Street is designated a Neighborhood Commercial Street and a Citywide Bicycle Route.

### ***Traffic***

Based on the trip rate for residential use in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project would generate an estimated average daily 1,075 person-trips, including about 87 daily person-trips during the p.m. peak hour. These 87 p.m. peak-hour person-trips would be distributed among various modes of transportation, including 31 automobile person-trips, 21 public transit trips, 27 walking trips, and 8 trips by other means that include bicycling and motorcycles. Mode split data for residential use were obtained from the 2000 Census "Journey to Work" figures. Using vehicle occupancy rates from the 2000 Census applicable to the senior housing and retail-related trips, the proposed residential and retail uses would generate approximately 16 vehicle-trips during the p.m. peak-hour.

The estimated project-generated increase of 16 vehicle-trips during the p.m. peak hour would not be considered a substantial traffic increase relative to the existing capacity of the local street system. The 16 trips would at inbound and outbound direction and would be distributed to the intersections around the project site. The change in traffic in the project area as a result of the proposed project would be undetectable to most drivers, although it could be noticeable to those immediately adjacent to the project. The proposed project would add a small increment to the cumulative long-term traffic increase on the local roadway network in the neighborhood caused by other land use and development changes in the region.

### ***Transit***

The San Francisco Municipal Railway's (MUNI) transit lines 1-California, 12-Folsom, 19-Polk, 27-Bryant, 47-Van Ness, 49-Van Ness-Mission, and 76-Marin Headlands all pass within two blocks of the project site. In addition, Golden Gate Transit buses run along Van Ness Avenue.

The estimated 21 p.m. peak-hour project trips utilizing public transit would be distributed among the public transit lines in the inbound and outbound directions providing service to the vicinity of the project site, and would yield an average increase of less than one new rider per transit vehicle. The increase in transit demand associated with the proposed project would not have a significant or noticeable impact upon transit services in the project area or affect transit operations.

### ***Parking***

Currently, parking is allowed on both sides of Van Ness Avenue and Clay and Washington Streets, with certain times designated for street cleaning. There are approximately 60 parking spaces on the project site that are used by the employees and customers of the businesses on the site and the adjacent building (1840-1846 Van Ness Avenue), nearby residents and guests, and valet parking for a restaurant at 1906 Van Ness Avenue. These 60 spaces would be displaced by the project.

*Planning Code* Section 151 requires a minimum of one off-street parking space per 5 senior housing units, which results in a total of 13 spaces for the 62 units of the project. The 5,100 sq.ft. of retail space would require 10 off-street parking spaces under the *Planning Code*, for a total of 23 required spaces. The proposed project would provide 83 below- grade off-street parking spaces. and this would exceed the requirement of 23 spaces by 60 parking spaces. (As discussed in Compatibility

with Zoning, Plans, and Policies, Required Approvals, above, the project requires Conditional Use authorization under the standards of Section 157 because it exceeds the parking requirement by 150 percent). Approximately 38 spaces would be reserved for residents on the lower parking level and 24 spaces reserved on the upper parking level of the below-grade garage. The remaining 21 spaces would be used for the project retail customers and for the public at non-business hours. Vehicles would enter the project on Clay Street and Washington Streets and exit on Washington Street.

The proposed residential and retail uses would create a total parking demand of about 25 daily spaces and displace 60 spaces. The project would meet the parking demand and would have a surplus of 58 spaces and not create a parking deficit or adversely affect the area-wide parking situation.

### ***Loading***

The proposed project would generate an estimated 4.3 service vehicle stops per day. Average hour loading demand for the proposed project would be 0.20 space, and peak hour loading demand (occurring in the 10:00 a.m. to 1:00 p.m. peak period) would be 0.25 space. One off-street freight loading space would be required for the project's residential uses, and none would be required for the retail uses, pursuant to *Planning Code* Section 152.1, Table 152. One off-street loading space is proposed as part of the project, which would meet both the *Planning Code* requirement and the project's projected loading demand.

### ***Pedestrian and Bicycle Conditions***

Sidewalks in the project vicinity have substantial excess capacity at present. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or that would result in safety concerns.

In the vicinity of the project site, Polk Street is designated as a Citywide Bicycle Route. With the current bicycle and traffic volumes on streets in the project vicinity, bicycle travel generally occurs without major impedances or safety problems. The proposed project would result in an increase in the number of vehicles in the vicinity of the project site. However, this increase (16 vehicle-trips during the p.m. peak-hour) would not be substantial enough to affect bicycle travel in the area or create hazardous conditions for bicyclists.

### ***Construction Impacts***

Construction of the proposed project might temporarily affect traffic and parking conditions in the vicinity of the project site. During the estimated 18-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts with traffic and transit operations than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. Construction-period traffic impacts resulting from the proposed project are considered short term and would be less than significant. However, limiting construction-related truck traffic during peak periods would lessen construction period impacts (see Improvement Measure 1, on page 63).

The project sponsor does not anticipate closures of any traffic lanes on Van Ness Avenue or Clay Street during construction, but may request temporary closures of the sidewalks and/or parking lanes abutting the project. Temporary closures of any traffic lane, parking lane or sidewalk would require review and approval by the Department of Public Works (DPW) and the City's Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). If it is determined that temporary Muni bus stop relocation would be needed, the relocations would be coordinated with Muni's Street Operations/Special Events office.

Assuming approximately 60 construction workers, there would be a peak construction worker parking demand for up to 30 parking spaces. Construction workers would need to find parking in the nearby streets or the project sponsor would have to arrange for off-street parking spaces in the area for construction workers until completion of the underground parking levels, when construction worker parking demand could be accommodated onsite. However, this anticipated temporary parking deficit would be considered a less-than-significant impact.

Based on the analysis above, no significant physical environmental effects on Traffic/Circulation would occur.



***Cumulative Impacts***

There are several residential projects proposed in the project area: approximately 35 units at 1868 Van Ness Avenue on the northwest corner of the project block, and 26 units at 1840 Washington between Franklin Street and Van Ness Avenue (about a half a block from the proposed project). There would be approximately 58 vehicle trips generated by all three projects (the proposed project, 1868 Van Ness Avenue and 1840 Washington Street) during the p.m. peak hour. The additional 58 vehicles trips (less than one vehicle per minute) in the in-bound and out-bound directions would be distributed on the streets around the project site and would not be considered a substantial traffic increase relative to the existing capacity of the local street system. The cumulative increase on transit ridership, parking demand, loading, pedestrian and bicycle conditions due to the overall small demand generated by these projects would not be significant. Based on the above discussion, the project would not cause significant cumulative transportation impacts.

	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
5. <b><u>Noise</u></b> – Could the project:			
a. Increase substantially the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate Title 24 Noise Insulation Standards, if applicable?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be substantially impacted by existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

***Effects on Ambient Noise Levels***

Traffic is the existing noise source that makes the greatest contribution to ambient noise levels throughout most of San Francisco. Traffic volumes in an area would have to approximately double before the attendant increase in ambient noise levels would be noticeable to most people. The project would add up to 1,075 person-trips per day to adjacent streets, 204 of which are anticipated to be new vehicle trips. The project’s contribution to traffic volumes would be a small fraction of the existing traffic in the project vicinity. Therefore, the project would not cause traffic volumes to double at any study location, and it would not have a noticeable effect on ambient noise levels in the project vicinity.

The proposed project may include mechanical equipment, such as forced air mechanical ventilation, which could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29, Section 2909, which limits noise from building operations. Substantial increases in the ambient noise level due to building equipment noise would not be anticipated. The

new retail space and residential units would generate noise similar to that generated by the nearby existing residential, retail, and other uses, and would not result in significant noise impacts. At the project location, operational noise would not be expected to be noticeable, given background noise levels along Van Ness Avenue and Clay Street.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA<sup>8</sup> at a distance of 100 feet from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. The project demolition and construction operations would comply with the Noise Ordinance requirements, and construction is not expected to occur after 8:00 p.m.

Foundation construction could involve piles for the building perimeter with a spread footing/mat foundation for the interior. The piles would be pre-drilled cast-in-place to minimize construction noise impacts.

The proposed development would consist primarily of residential uses. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. For areas with background noise levels between 60 and 70 decibels, the San Francisco General Plan states that “new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.”<sup>9</sup> For areas with background noise levels greater than 70 decibels, “new construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.” (There are no special noise insulation requirements for background noise

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<sup>8</sup> dBA is the symbol for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

<sup>9</sup> San Francisco General Plan, Environmental Protection Element, Land Use Compatibility Chart for Community Noise.

levels below 60 decibels.) The Department of Building Inspection (DBI) would review the final building plans to insure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission. Because the proposed development would comply with Title 24 noise insulation requirements, the existing noise environment would not significantly affect occupant use.

In summary, project-related noise including traffic, construction, operational, and interior noise would be less than significant.

6. <u>Air Quality/Climate</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Permeate its vicinity with objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### ***Effects on Ambient Air Quality***

#### **Construction Emissions**

Demolition, excavation, grading, foundation construction, and other ground-disturbing construction activity would temporarily affect localized air quality for up to about nine months during project construction, causing temporary and intermittent increases in particulate dust and other pollutants. Excavation and movement of heavy equipment could create fugitive dust and emit nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulphur dioxide (SO<sub>2</sub>), reactive organic gases or hydrocarbons (ROG or HC), and particulate matter with a diameter of less than 10 microns (PM<sub>10</sub>) as a result of diesel fuel combustion. Fugitive dust is made up of particulate matter including PM<sub>10</sub> and PM<sub>2.5</sub>. Soil movement for foundation excavation and site grading would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed.

While construction emissions would occur in short-term, temporary phases, they could cause adverse effects on local air quality. The Bay Area Air Quality Management District (BAAQMD), in its *CEQA Guidelines*, has developed an analytical approach that obviates the need to quantitatively estimate these emissions. The BAAQMD has also identified a set of feasible PM<sub>10</sub> and PM<sub>2.5</sub> control

measures for construction activities. Soil movement for foundation excavation and site grading would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed. In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement Mitigation Measure 1 listing the BAAQMD PM<sub>10</sub> control measures. (See Mitigation Measure 1, page 55) The project would include this measure to reduce the effects of construction activities to a less-than-significant level. With implementation of Mitigation Measure 1, the project would not have significant construction-related air quality impacts.

### **Traffic Emissions**

The BAAQMD has established screening methods to determine whether development projects could exceed significance thresholds for air quality impacts of project operations and therefore require a detailed air quality analysis.<sup>10</sup> The District generally does not recommend a detailed air quality analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or for projects generating less than 2,000 vehicle trips per day. The proposed project would have 62 senior residential units and 5,100 sq.ft. of retail space, and would generate approximately 204 daily vehicle trips. Therefore, no detailed air quality analysis is needed, and no significant air quality impacts due to vehicular emissions would be generated by the proposed project.

### **Wind**

A wind impact evaluation for the proposed project was performed by a qualified consulting meteorologist, the results of which are presented below.<sup>11</sup>

Winds in San Francisco are generally from the west, off the Pacific Ocean. Wind speeds, in general, are greatest in the spring and summer, and least in fall. Daily variation in wind speed is evident, with the strongest wind in the late afternoon and lightest winds in the morning.

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<sup>10</sup> See BAAQMD CEQA Guidelines, April 1996, Revised December 1999, page 25.

<sup>11</sup> Donald Ballanti, Certified Consulting Meteorologist, Letter to Stu During of During Associates: Wind Impact Evaluation for the Proposed 1800 Van Ness Project, San Francisco, November 1, 2004. A copy of this letter is available for review, by appointment, at the Planning Department, 1660 Mission, Suite 500, in the files for Case No. 2004.0339E.

Ground-level wind accelerations near buildings are controlled by exposure, massing, and orientation. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed.

Massing is important in determining wind impact because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind problems. Buildings that have an unusual shape or utilize setbacks have a lesser effect. A general rule is that the more complex the building is geometrically, the lesser the probable wind impact at ground level.

Orientation determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction will have a greater impact on ground-level winds than a building oriented with its long axis along the prevailing wind direction.

The project site is located on the northeast corner of Van Ness Avenue and Clay Street. Building heights near the project vary between two and eight stories, with larger structures located to the northwest, west, and southwest. The site currently is occupied by a two-story building and a parking lot.

The site is generally sheltered from prevailing winds. For northwesterly winds, an eight-story structure provides substantial shelter. Directly west across Van Ness Avenue are two- to four-story buildings, with a larger seven-story structure beyond to the west. An eight-story building occupies the block southwest of the project site on the opposite side of Van Ness Avenue. The terrain west of the site slopes up, which magnifies the sheltering effect of existing structures west of the project site.

The project would create an eight-story building on the site, which would have little potential to cause substantial wind accelerations at ground level. The site is substantially sheltered from prevailing winds, which limits the strength of any wind accelerations that would occur at ground level. Based on considerations of exposure, massing, and orientation, the independent consultant

does not expect the project to have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the site. Thus, the wind impacts of the proposed project would not be considered significant.

***Shadow***

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. *Planning Code* Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. To determine whether this project would comply with Section 295, a shadow fan analysis was prepared by the Planning Department, which concluded that project-generated shadow would not reach any Proposition K protected properties.<sup>12</sup> The project, however, would at times shade portions of the streets and sidewalks of Van Ness Avenue and Clay and Washington Streets, and nearby buildings, including residences. The new shadows created by the project would not exceed levels commonly expected in urban areas, and would not be considered significant.

7. <u>Utilities/Public Services</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Breach published national, state or local standards relating to solid waste or litter control?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Extend a sewer trunk line with capacity to serve new development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially increase demand for schools, recreation or other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Require major expansion of power, water, or communications facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project would increase demand for and use of public services, but not in excess of amounts expected and provided for in this area.

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<sup>12</sup> A copy of this report is available for review by appointment in Project File No. 2004.0339K at the Planning Department, 1660 Mission Street, Suite 500, San Francisco.

### ***Solid Waste***

San Francisco's solid waste is disposed of at the Altamont Landfill. A substantial expansion of the landfill was approved in 1997 that will be able to accommodate San Francisco's solid waste stream well into the future. The solid waste associated with the project construction and operation would not substantially affect the projected life of the Altamont Landfill, and this impact would be less than significant. The proposed project would consist of residential uses that would not breach published national, state or local standards relating to solid waste or litter control.

### ***Sewer and Wastewater Treatment Plant Capacity***

The project site is served by San Francisco's combined sewer system, which handles both sewage and storm water runoff. No major new sewer construction would be needed to serve the proposed project, and extension of a sewer trunk line with capacity to serve new development beyond the proposed project would not be required. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. The project would meet wastewater pre-treatment requirements of the San Francisco Public Utilities Commission, as required by the San Francisco Industrial Waste Ordinance.<sup>13</sup> The project would have little effect on the total wastewater volume discharged through the combined sewer system, since almost all of the project site is currently covered with impervious surfaces, and storm water runoff (as opposed to wastewater) contributes greatly to the total flow. The project would not result in a substantial increase in demand for wastewater treatment, and thus it would not result in an associated significant impact.

### ***Public Services***

#### **Police and Fire Protection**

The project site presently receives police and fire protection services, and the addition of a senior housing facility with 62 dwelling units and 5,100 sq.ft. of retail space, for a net increase of approximately 146 people on the site, could slightly increase the demand for fire and police services in the area. Police service to the site is provided by the Northern Station located at 1125 Fillmore Street (between Golden Gate Avenue and Turk Street). Although the project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not

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<sup>13</sup> City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Part II, Chapter X, Article 4.1 (amended ), January 13, 1992.

likely be substantial in light of the existing demand for police protection services in the Nob Hill area. The nearest fire stations are Station 3 at 1067 Post Street (near Polk Street), Station 38 at 2150 California Street (near Laguna Street), and Station 41, located at 1325 Leavenworth Street (near Jackson Street). Although the project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not be substantial in light of the existing demand for fire protection services in the Nob Hill area. Furthermore, the increase in demand would not require the construction of any new police or fire prevention facilities, and thus would not result in an associated significant impact.

### **Schools and Recreation Facilities**

The proposed project is a senior housing facility, and few if any of the residents are anticipated to be children of school age. The nearest elementary schools are Spring Valley Elementary School at 1451 Jackson Street and Redding Elementary School at 1421 Pine Street, the nearest middle school is the Marina Middle School at 3500 Fillmore Street, and the closest high schools are Newcomer High School at 2340 Jackson Street and Galileo Academy of Science and Technology at 1150 Francisco Street. The SFUSD is currently not a growth district, most facilities throughout the City and County are generally underutilized, and the District currently has more classrooms district-wide than it needs.<sup>14</sup> However, the increase in number of charter schools, and the trend toward smaller schools, is anticipated to increase the demand for classroom space.<sup>15</sup> The proposed senior housing facility is anticipated to generate few or no students, but would be assessed a school impact fee of \$1.72 per gross square foot of residential space. These funds could be used to rehabilitate underutilized schools to accommodate the students, if any, generated by the project. Therefore, the proposed project's impact on school facilities would be less than significant.

### **Power and Communications Facilities**

The proposed project would require typical utility connections and would tap into existing power and communications grids. Any relocation would be completed without interruption of service to adjacent properties.

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<sup>14</sup> San Francisco Unified School District, *Facilities Master Plan*, 2003.

<sup>15</sup> Sue Mock, Assistant to Chief Business Officer, Public Information Office, SFUSD, telephone conversion, March 23, 2004.



San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem is thought to be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project would not be built and occupied until about 2007; therefore, additional generating facilities may have been completed by the time the project is in operation.

The project-generated demand for electricity would be small in the context of the overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. No new power or communications facilities would be necessary as a result of project implementation, and thus the proposed project would not result in an associated significant physical environmental effect.

### **Water Supply Facilities**

The 62 senior residential units of the proposed project would generate an estimated demand for about 7,130 gallons of water per day, while the 5,100 sq.ft. of retail space are anticipated to use less water than the existing 9,514-square-foot retail building on the site.<sup>16</sup> The proposed project would incrementally increase the demand for water in San Francisco. The new construction would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the California State Building Code Section 402.0(c). The projected water consumption for the proposed project was accounted for in the development projections assumed in the San Francisco

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<sup>16</sup> Daniel Steiner, consulting engineer, *Estimated Water Use by 500 Dwellings*, February 26, 2002. The estimate of 115 gallons per day per household is consistent with water use assumption incorporated within the San Francisco Public Utility Commission's (SFPUC) Year 2000 Urban Water Management Plan (UWMP).  
115 gallons x 62 units = 7,130 gallons per day.

Public Utilities Commission’s *Urban Water Management Plan 2000* and an adequate water supply would be available for the project.<sup>17</sup>

Because project water demand could be accommodated by the existing supply, it would not result in a substantial increase in water use, and the impact would be less than significant.

8. <b>Biology</b> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Substantially affect a rare or endangered species of animal or plant, or the habitat of the species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require removal of substantial numbers of mature, scenic trees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is within a developed area of the City, and it is almost completely covered by the impervious surfaces of the existing retail building and parking lot, with the exception of small areas landscaped with imported trees and shrubs. The site does not provide habitat for any rare or endangered plant or animal species, and the proposed project would not affect, or substantially diminish, plant or animal habitats. The project would not interfere with any resident or migratory species. There are approximately five mature street trees (Sweet Bay and Grecian Laurel) on the site, with trunk diameters that range from 6 to 12 inches, which would be removed as part of the project. These trees are common street trees in San Francisco and are neither unique nor scenic. They are not considered to be a habitat for any rare and endangered species. The project would include planting of street trees (15-gallon in size possibly a Linden or Sycamore as recommended in the Van Ness Avenue Area Plan) every 20 feet along Van Ness Avenue and Clay Street for a total of approximately 8 trees. In conclusion, the proposed project would not result in significant adverse impacts on biological resources.

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<sup>17</sup> The SFPUC’s UWMP update 2000 is based on the ABAG Year 2000 Projections, which include all known or expected development projects in San Francisco through the Year 2020.

- | 9. <u>Geology/Topography</u> – Could the project:  | <u>Yes</u>               | <u>No</u>                           | <u>Discussed</u>                    |
|--|--------------------------|-------------------------------------|-------------------------------------|
| a. Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Change substantially the topography or any unique geologic or physical features of the site?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

***Introduction***

The proposed project site is essentially flat, with a slight downward slope to the east. The surrounding area generally has a similar slope. A preliminary geotechnical report, including soil borings, was prepared by a California-licensed geotechnical engineer.<sup>18</sup> The preliminary geotechnical report includes a site reconnaissance, testing and laboratory analysis of soil samples, a geologic and seismic hazard evaluation of the site, and a review of available subsurface information at the site and its vicinity. The purpose of the study was to evaluate subsurface conditions at the site and present preliminary geotechnical conclusions and recommendations for evaluating the feasibility of constructing an eight-story building on the project site. The conclusions of the geotechnical study are included in the discussion below.

***Site Conditions***

The project site contains an asphalt-paved parking lot and a two story building. The pavement section consists of approximately three to four inches of asphalt concrete over approximately four to five inches of aggregate base.<sup>19</sup> From the bottom of the base to a depth of approximately 60 feet, the site is underlain by Holocene dune and beach sand that generally consist of layers of poorly graded sand, silty sand and clayey sand, The sandy soils are medium dense to very dense in relative density, and generally increase in relative density with depth. Ground water may exist at depths of 55 to 66

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<sup>18</sup> Kleinfelder Inc., *Feasibility-Level Geotechnical Investigation, Proposed Sunrise Assisted Living Facility, 1800 Van Ness Avenue and 1754 Clay Street, San Francisco.*, August 15, 2003. This report was originally prepared for a proposed seven-story building with one-level or parking. Kleinfelder believes that the preliminary conclusions and geotechnical guidelines would be the same as for the proposed project (Catherine Ellis, Kleinfelder Inc, e-mail to Stu During, During Associates, July 8, 2005). This report is on file with the Planning Department, 1660 Mission Street, Suite 500, San Francisco, and is available for public review, by appointment, as part of in Project File No. 2004.0339E.

<sup>19</sup> Ibid.

feet. The geotech report concluded that the construction of the proposed project would be feasible, providing the recommendations are implemented (see page 41).

### ***Seismically-Induced Hazards***

It is likely that the site will experience periodic minor earthquakes, and possibly a major (moment magnitude<sup>20</sup> [Mw] greater than 7) earthquake, on one or more of the nearby faults during the life of the proposed development. The project site is located approximately 12 kilometers from the San Andreas Fault, 17 kilometers from the San Gregorio North Fault, and 17 kilometers from the Hayward Fault. The Working Group for California Earthquake Probabilities estimated a 70 percent probability of an earthquake of Mw 6.7 or greater occurring on one of the major faults in the Bay Area within the next 30 years.

The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known fault or potentially active fault exists on the site. In a seismically active area, such as the San Francisco Bay area, the remote possibility exists for future faulting in areas where no faults previously existed. The geotechnical study found no evidence of active faulting on the site and concludes that the risk of surface faulting at the site is low. However, during an earthquake at any of the major area faults mentioned above, the ground at the proposed development site would experience very strong shaking. Strong shaking during an earthquake can result in ground failure associated with soil liquefaction,<sup>21</sup> lateral spreading,<sup>22</sup> and cyclic densification.<sup>23</sup>

The project site is not within a Special Geologic Study Area as shown in the Community Safety Element of the *San Francisco General Plan* (Map 4), designated as potentially liquefiable on a map titled "Zones of Liquefaction Potential, City and County of San Francisco," published by the

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<sup>20</sup> Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and fault rupture area.

<sup>21</sup> Liquefaction is a phenomenon in which saturated, cohesionless soil experiences a temporary loss of strength due to the buildup of excess pore water pressure, especially during cyclic loading such as that induced by earthquakes. Soil most susceptible to liquefaction is loose, clean, saturated, uniformly graded, fine-grained sand and silt of low plasticity that is relatively free of clay.

<sup>22</sup> Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surficial blocks are transported downslope or in the direction of a free face by earthquake and gravitational forces.

<sup>23</sup> Cyclic densification is a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing settlement.

California Department of Conservation, Division of Mines and Geology. Based on the soil borings conducted at the site and records of borings at nearby sites, the geotechnical report found that the soils beneath the project site have a very low potential for liquefaction and lateral spreading. However, there is some loose sand above a depth of eight feet at the site that is susceptible to cyclic densification, a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing settlement. This material would be removed during excavation for the basement; however, cyclic densification may occur beneath adjacent sidewalks and pavements, resulting in settlement up to approximately ½ inch.

The project site is not in an area subject to landslide, seiche, tsunami run-up, or reservoir inundation hazards (Maps 5, 6, and 7 in the Community Safety Element).<sup>24</sup>

### ***Geotechnical Recommendations***

Relevant conclusions and recommendations of the geotechnical report are indicated below.<sup>25</sup>

- A design-level geotechnical investigation is recommended for the design phase of the project when specific details regarding the building type, loads and dimensions have been finalized.
- Construction will require protection of the adjacent buildings which will include shoring of the basement excavation and underpinning of the adjacent structures. The basement excavation will require shoring or sloping of the side slopes in accordance with OSHA and Cal-OSHA requirements. Design installation, maintenance and removal of temporary shoring and bracing are the responsibility of the contractor and may involve soldier piles and lagging (with or without tiebacks), soil nails or other appropriate systems.
- The most economical building foundations may consist of a structural mat, but will depend on building loads and acceptable settlement for the building. The mat foundation system may be constructed on either competent undisturbed native soils or compacted engineered fill.
- Drilled pier foundations will require excavation in sandy soils which will require special construction techniques such as the use of steel casing. Drilled pier foundations may be designed to derive their vertical load carrying capacity either from skin friction between the pier shaft and the surrounding soils or from end bearing at the bottom of the piers.

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<sup>24</sup> City and County of San Francisco, Community Safety Element, San Francisco *General Plan*, April 1997.

<sup>25</sup> Kleinfelder Inc., op cit

- Providing the adjacent buildings are properly under pinned, these buildings should not impose surcharge loads on the basement of the proposed building.
- Highly compressible material was not encountered in the geotechnical study.
- The liquefaction potential for the project site is relatively low.
- The need to dewater the site during construction and design the proposed building for hydrostatic uplift would be low. In either case however, protecting the basement walls and slab foundation from moisture would be necessary.

The report concluded that the site is suitable for the proposed project providing that the above recommendations are implemented. The project sponsor has agreed to implement the recommendations listed above.

### ***Excavation***

Construction of the two-level below-grade parking garage for the proposed project would require excavation of western portion of the site to an average depth of approximately 26 feet below ground surface (bgs). The eastern portion of the site would be excavated to depths of approximately one to ten feet. Approximately 23,500 cubic yards of soil would be excavated and removed from the project site. Soil removed from the site would be trucked to an appropriate landfill following testing pursuant to City and State requirements.

### ***Surface and Groundwater***

As discussed above, groundwater may exist at a depth of 60 feet below ground surface and it is unlikely that it would be encountered during excavation and project construction. As mentioned in Seismically-Induced Hazards, above, the project site is not in an area subject to seiche or tsunami run-up or reservoir hazards (Maps 6 and 7 in the Community Safety Element).

### ***Conclusion***

As discussed in Geotechnical Recommendations, above, the geotechnical investigation report found the site suitable for development of the proposed project providing that the recommendations included in the report were incorporated into the design and construction of the proposed development.

The final building plans of the currently proposed project, an eight-story building with two below-grade levels, would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspector's working knowledge of areas of special geologic concern. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed.

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code. For all of the above reasons, the proposed project would not result in a significant impact related to geology and soils.

In view of the above, the project would not have a significant impact regarding geology, seismicity, soils, or dewatering.

10. <u>Water</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a. Substantially degrade water quality, or contaminate a public water supply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Cause substantial flooding, erosion or siltation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

***Water Quality***

The project would not substantially degrade water quality or contaminate a public water supply. All sanitary wastewater from the proposed buildings and storm water runoff from the project site would

flow into the City's combined sewer system, to be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitations set by the Plant's National Pollutant Discharge Elimination System (NPDES) permit.

As discussed in 9. Geology/Topography, above, groundwater, which will likely fluctuate with the seasons, is estimated to occur at a depth of approximately 33 feet below ground surface, although some perched water may be encountered at shallower depths. The proposed project would involve excavation to as deep as 26 feet below the surface. The foundation and portions of the building below grade would be water tight to avoid the need to permanently pump and discharge water. Natural groundwater flow would continue under and around the site. While this is not anticipated to significantly affect groundwater flows, it is possible that dewatering could be required during excavation. Dewatering would be conducted as described in 9. Geology/Topography, Surface and Groundwater, above. Potential degradation of groundwater quality as a result of dewatering during project construction would not occur due to the requirement of the Bureau of System Planning, Environment, and Compliance (SPEAC) of the San Francisco Public Utilities Commission for retention of groundwater pumped from the project site in a holding tank, and analysis of the quality of this groundwater before it is discharged to the combined sanitary and storm drain sewer system. For these reasons, the project would not substantially alter existing groundwater quality or flow conditions.

Soil would be exposed during site preparation. During construction, requirements to reduce erosion would be implemented pursuant to Building Code Chapter 33, Excavation and Grading.

The site currently is almost completely covered by the impervious surfaces of the existing building and parking areas. With project development, there would be a small increase in the impervious surface coverage on the site, and a corresponding small decrease in infiltration and groundwater recharge. However, groundwater is not used as a drinking water supply in the City and County of San Francisco, and the project would not substantially affect a public water supply or water resource. There would also be a small increase in the quantity and rate of storm water runoff from the site, which would flow into the City's combined sewer system. Because storm water flows from the project could be accommodated by the existing combined sewer system, this would not cause



substantial flooding or erosion downstream. As discussed above, requirements to reduce erosion would be implemented during construction, which would prevent substantial siltation downstream.

Based on the information presented above, there would be no significant water quality, groundwater, flooding, or erosion impacts from the proposed project.

- | <b>11. <u>Energy/Natural Resources</u> – Could the project:</b>  | <u>Yes</u>               | <u>No</u>                           | <u>Discussed</u>                    |
|--|--------------------------|-------------------------------------|-------------------------------------|
| a. Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a substantial effect on the potential use, extraction, or depletion of a natural resource?                             | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project would consist of residential and retail uses. Development of these uses would not result in use of large amounts of fuel, water or energy. The project would meet or exceed current state and local standards regarding energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. For this reason, the project would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and natural resources. No substantial environmental effects are expected from the proposed project.

Electric generation to serve the project would consume natural gas and coal fuel to generate electricity for the project. The project would not use substantial quantities of other non-renewable natural resources. It would not use fuel or water in an atypical or wasteful manner. Therefore, the project would not have a significant effect on the use, extraction, or depletion of a natural resource.

- | <b>12. <u>Hazards</u> – Could the project:</b>  | <u>Yes</u>               | <u>No</u>                           | <u>Discussed</u>                    |
|---|--------------------------|-------------------------------------|-------------------------------------|
| a. Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Interfere with emergency response plans or emergency evacuation plans?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Create a potentially substantial fire hazard?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

### ***Hazardous Materials Use***

During operation, the proposed project would involve residential and retail land uses that would require relatively small quantities of hazardous materials for routine household and business purposes. The project would likely result in the use of common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All of these products are labeled to inform users of risks, and to instruct them in proper disposal methods. Most of these materials are consumed or neutralized through use, resulting in little hazardous waste. Businesses are required by law to ensure employee safety by identifying hazardous materials, and adequately training workers. For these reasons, hazardous material use by the project would not pose a substantial public health or safety hazard.

### ***Soil and Groundwater***

#### **Hazardous Waste Studies**

Construction of the proposed project would require excavation of up to approximately 26 feet below the ground surface. Approximately 23,500 cubic yards of soil would be excavated. Phase I and Phase II Environmental Site Assessments (ESAs) were conducted for the proposed project site in October 2000 and are summarized below.<sup>26</sup>

The site has been developed since the late 1800s, and several different buildings have occupied the property since that time. In 1886, there was a non-residential reinforced concrete and steel frame building on the site, but the site was vacant in 1913. A structure was built on the site in 1918 for use as retail stores and auto accessory sales. From the 1920s to 1961, the site was used for retail auto sales, storage, and repair, and there was an auto roof manufacturer on the site in 1929. The existing building was constructed in 1962, and has been occupied by several banks and other commercial tenants. Nearby uses have included apartment buildings, commercial enterprises, numerous automobile dealerships, and a gasoline service station, located northwest of the project site on the southeast corner of Van Ness Avenue and Washington Street.

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<sup>26</sup> PES Environmental, Inc., *Phase I Environmental Site Assessment, Lead Paint and Asbestos Survey, Phase II Soil Sampling, 1800 Van Ness Avenue, San Francisco, California*, October 25, 2000. This report is available for public review by appointment in Project File No. 2004.0339E at the Planning Department, 1660 Mission Street, San Francisco, California.

### **Past Uses of Hazardous Materials**

The site and the surrounding area were historically associated with automobile sales and apartment buildings that have used underground storage tanks for heating oil or automobile fuel, and regional contamination from petroleum hydrocarbons in both the soil and groundwater in the project vicinity has been identified. A search of public databases of hazardous materials releases was performed for the area within a 0.5- to one-mile radius of the site, depending on the database. The site itself was not listed in any of the databases. However, the San Francisco Department of Public Health (SFPDH) Environmental Health Section-Hazardous Waste Unit (EHS-HWU) states that underground storage tanks (USTs) may be present at the site as part of a Shell gasoline station and auto repair business.<sup>27</sup> Five nearby sites were listed, which were considered of potential concern to the project site; however, the sites are either closed, too distant to the project site to be of concern, or low risk. The project site's history of automobile repair, nearby land uses that are known to have used underground storage tanks for heating oil or automobile fueling, and the records of the listed sites discussed above suggest the possibility of groundwater and soil contamination at the project site.

### **Hazardous Wastes in Soil and Groundwater**

In response to the potential sources of contamination identified above, the Phase II ESA presents the results of soil sampling and analyses at the project site. To assess soil conditions at the site, samples were collected from six borings made at accessible areas that may have been affected by past automobile repair activity. These borings were sampled from one foot to 3.4 feet below the surface of the site. Laboratory analysis of the soil samples found low concentrations of TPH-d in all the samples, with a maximum concentration of 35 milligrams per kilogram (mg/kg) in one sample. The analyses did not indicate the presence of TPH-g or BTEX at or above the respective laboratory reporting limits. The low concentrations of TPH-d (diesel range hydrocarbons) occurrence in all samples suggest that these results may be an artifact of shallow fill soils at the site or the overlying pavement. The SFPDH EHS-HWU concluded that the Phase II sampling was too shallow to determine the presence of any release from USTs. The EHS-HWU recommends that ground

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<sup>27</sup> Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, San Francisco Department of Public Health, Environmental Health Section-Hazardous Waste Unit (EHS-HWU). Letter to During Associates, July 5, 2005. This letter is available for public review by appointment in Project File No. 2004.0339E at the Planning Department, 1660 Mission Street, San Francisco, California.

penetrating radar be used to determine if the site has USTs within the site or within the sidewalks surrounding the site and additional soil characterization should be conducted to determine land fill options for the excavation of the two-level garage.

The ESA and the EHS-HWU recommended preparation of a Site Mitigation Plan (SMP). The project sponsor has agreed to implement Mitigation Measure 2, pages 56 to 58, in the Mitigation Measures section of the Initial Study, which would ensure that any potential impacts due to the presence of petroleum hydrocarbons, heavy metals, or other hazardous materials in soils on the project site would be reduced to a less-than-significant level. With the implementation of this mitigation measure hazardous materials impacts would not be significant.

### ***Storage Tanks***

No evidence of USTs or aboveground storage tanks was observed during the site reconnaissance conducted as part of the Phase I ESA, or found in a search of the files of the San Francisco Fire Department and Department of Public Health, Environmental Management Division, or during Phase II ESA testing. However, based on the historical use of the site as an automotive sales and repair facility and after review of the Phase I and the Phase II Soil Sampling report, the SFDPH EHS-HWU concluded that there is a potential for undiscovered underground storage tanks at the site and recommended further study including the use of ground penetrating radar and additional soil characterization.<sup>28</sup> The project sponsor has agreed to implement Mitigation Measure 3, page 58, in the Mitigation Measures section of the Initial Study, which would ensure that any potential impacts due to the presence of underground storage tanks at the project site would be reduced to a less-than-significant level.

### ***Hazards***

An inspection of the site and the existing building, conducted as part of the Phase I ESA, found no evidence of use, storage, or disposal of hazardous materials beyond small amounts of cleaning supplies, paint, toner, binding materials, color imaging kits, and a compressed gas cylinder of helium. No hazardous chemicals or unidentified chemical/hazardous substance containers were observed. There were no transformers (which may contain PCBs) on the site.

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<sup>28</sup> Ibid.

Based on anticipated low radon levels and observed site characteristics, the ESA does not recommend site-specific testing for radon gas.

### ***Building Materials***

#### **Asbestos**

The existing building on the site to be demolished was constructed in 1962. An asbestos cleanup was performed at the building on the site in December 1999, although a copy of the report of the cleanup was not available when the ESA was prepared. Nevertheless, a reconnaissance of the existing building on September 12, 2000, identified suspected ACM (asbestos-containing) materials, including those typical of structures built during the early 1960s. A separate survey for asbestos, conducted on September 23, 2000, also identified asbestos-containing materials in the building.<sup>29</sup>

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; descriptions and locations of the structures to be demolished/alterd including size, age, and prior use, and the approximate amounts of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation for which a complaint has been received.

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<sup>29</sup> CTL Environmental Services, *Project Record Asbestos and Lead Survey, 1800 Van Ness Avenue, San Francisco, California*, October 25, 2000, reproduced as Appendix F of: PES Environmental, Inc., *Phase I Environmental Site Assessment, Lead Paint and Asbestos Survey, Phase II Soil Sampling, 1800 Van Ness Avenue, San Francisco, California*, October 25, 2000. This report is available for public review by appointment in Project File No. 2004.0339E at the Planning Department, 1660 Mission Street, San Francisco, California.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (DBI) would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

### **Lead**

A survey for lead-based paint conducted for the project site identified lead-based paint in the existing building, constructed in 1962 and proposed for demolition.<sup>30</sup> Demolition must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the HUD Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint

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<sup>30</sup> Ibid.

contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection, of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non compliance with the requirements of the ordinance.

These regulations and procedures by the San Francisco Building Code would ensure that potential impacts of demolition, due to lead-based paint, would be reduced to a level of insignificance.

### ***Fire Hazards***

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. The proposed project would conform to these standards, which

(depending on building type) may also include development of an emergency procedure manual and an exit drill plan.

Occupants of the proposed building would contribute to congestion if an emergency evacuation of the Nob Hill area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the Building and Fire Codes which require additional life-safety protections for high-rise buildings.

In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process.

**Conclusion**

Potential public health and safety hazards related to the possible presence of contaminated soil, and USTs would be reduced to a less-than-significant level by Mitigation Measures 2 and 3, pages 56 to 58, in the Mitigation Measures section of the Initial Study.

	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
13. <b>Cultural</b> – Could the project:			
a. Disrupt or adversely affect a prehistoric or historic archeological site or a property of historic or cultural significance to a community, ethnic or social group; or a paleontological site except as a part of a scientific study?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with established recreational, educational, religious or scientific uses of the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with the preservation of buildings subject to the provisions of Article 10 or (proposed) Article 11 of the City <i>Planning Code</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Historic Architectural Resources**

The building on the project site, constructed in 1962, is not included in, or determined eligible for inclusion in, any federal, state, or adopted local register of historic resources (including *Planning Code* Articles 10 and 11), pursuant to *CEQA Guidelines*, Section 15064.5(a)(1) and (2). In the



immediate vicinity of the project site, there are no historic resources listed in *Planning Code* Articles 10 or 11. The Paige Motor Car Company Building at 1699 Van Ness Avenue is listed in the National Register of Historic Places, but this historic building is a block south from the site and would not be significantly affected by the proposed project due to the distance from the site and the intervening buildings.

The project would not conflict with established recreational, educational, religious or scientific uses in the area, which would continue and would not be substantially affected by the proposed project.

### ***Archeological Resources***

An archeological resources evaluation of the project site was completed by an independent consultant and is summarized below.<sup>31</sup> In its natural state, the project site was situated on a gentle slope, in a relatively low-lying area, directly adjacent to several massive, brush-covered sandhills. Such a setting might have represented a potentially favorable site for the establishment of a Native American settlement. A survey of documentary sources revealed that no prehistoric/protohistoric (up to 1775 A.D.) cultural resources had been recorded within the project site. This may be due to the fact that the site has never been the subject of archeological investigation. Several deeply buried, previously unrecorded prehistoric sites have been recently discovered in San Francisco. An assessment of the characteristics of these archeological sites and the project site suggests that similar prehistoric/protohistoric archeological deposits could possibly exist within or adjacent to the site.

It is unlikely that there was any regular activity on the project site or its immediate vicinity during the Spanish/Mexican or Early American eras (1776-1848), and little likelihood of recovering cultural resources from these eras.

By the early years of the California Gold Rush era, a single structure existed within the project area, and systematic development and topographic modification within the present project area started in the mid-to late 1860s. When the project site was graded, it appears that relatively little topographic alteration occurred.

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<sup>31</sup> Archeo-Tec Consulting Archaeologists, *Archival Cultural Resources Evaluation of the Proposed 1700 Clay Street/1800 Van Ness Avenue Development Project, City and County of San Francisco, California*, December 2000.

Nineteenth Century industrial or domestic archeological deposits cultural resources may be present within the project. If prehistoric or historical archeological resources are present, they may possess sufficient integrity to provide significant scientific information. It is expected that if prehistoric or historical archeological resources were present that they may qualify as historical resources under Criterion D of the CRHR as contributors to questions of scientific historical importance. Construction of the proposed project would require excavation of up to 20 feet below the existing grade, and as much as 23,500 cubic yards of soil. Thus, the proposed project has the potential for resulting in an adverse effect on legally-significant archeological resources. Implementation of Mitigation Measure 4 pages 58 to 62, which requires an archeological testing program, would reduce potential effects of the project to archeological resources to a less-than-significant level.

**C. OTHER**

	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
1. Does the project require approval and/or permits from City Departments other than the Planning Department or Department of Building Inspection, or from Regional, State or Federal Agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

A discussion of approvals and permits necessary for the project is presented in Compatibility with Zoning, Plans, and Policies above, on pages 12 to 15. The proposed project would require approval of a conditional use authorization for a planned unit development and exceptions for parking requirements, minimum rear yard depths, and bulk requirements. The project would also require approval by the Department of Building Inspection and Department of Public Works for demolition and site permits.

***Public Notice and Comment***

On August 17, 2004, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the 1800 Van Ness Avenue project site, tenants on and adjacent to the site, and other potentially interested parties.

Groups and individuals commented and expressed concern regarding potential effects of the proposed project on its surroundings. Concern was expressed regarding the following environmental issues: (1) views; (2) traffic congestion; (3) parking; (4) public transit; (5) safety of senior pedestrians crossing Van Ness Avenue; (6) blockage of light and air; (7) scale of the proposed

project building; and (8) cumulative effects. Environmental issues identified in public comments, as noted above, are addressed in this Initial Study under applicable topics.

Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated into the Initial Study as appropriate for CEQA analysis. Comments regarding merits of the project and those that expressed support for or opposition to the project are not relevant to CEQA analysis of environmental impacts, but may be taken into account by the Planning Commission and other decision-makers as part of the project approval process. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

**D. MITIGATION MEASURES**

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Discussed</u>
1. Could the project have significant effect if mitigation measures are not included in the project?	■	□	□	■
2. Are all mitigation measures necessary to eliminate significant effects included in the project?	■	□	□	■

The following measures are necessary to avoid potential significant effects of the project and have been agreed to by the project sponsor:

***Mitigation Measure 1***

**Construction Air Quality**

The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the

Clean Water Program for this purpose. The project sponsors shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

### ***Mitigation Measure 2***

#### **Hazards (Contaminated Soil)**

##### ***Step 1: Soil Testing***

As required by the San Francisco Department of Public Health (SFDPH), the project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead, petroleum hydrocarbons, and other contaminants. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil contaminants including testing for petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for contaminants, including petroleum hydrocarbons and a fee of \$425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of \$425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of \$85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.

### *Step 2: Preparation of Site Mitigation Plan*

If, based on the results of the soil tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels; the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

### *Step 3: Handling, Hauling, and Disposal of Contaminated Soils*

(a) specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead or other contaminants at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

#### *Step 4: Preparation of Closure/Certification Report*

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

#### ***Mitigation Measure 3***

##### **Hazards (Underground Storage Tanks)**

Wherever ground-disturbing activities are proposed in areas where the Phase I and/or Phase II Environmental Site Assessment identified the potential presence of underground storage tanks or related piping, the project sponsor shall utilize ground-penetrating radar, magnetic surveys, or other appropriate methods to locate underground storage tanks. If any are identified, the project sponsor shall coordinate with the San Francisco Department of Public Health's Local Oversight Program to determine whether they must be removed or whether they may remain closed in place. This determination shall be made at the earliest extent feasible during the construction period. These surveys shall be completed by an REA or a similarly qualified individual.

#### ***Mitigation Measure 4***

##### **Archeology**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect

from the proposed project on buried or submerged historical resources. 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 testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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).

*Archeological Research Design/Testing Program:* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological research design/testing program (ARD/TP). Prior to undertaking the preparation of the ARD/TP, the archeological consultant shall meet and consult with the ERO on the scope of the ARD/TP. The archeological testing program shall be conducted in accordance with the approved ARD/TP. The ARD/TP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, evaluate the eligibility of expected archeological resources for listing in the CRHR, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological

monitoring, and/or an archeological data recovery program. If the ERO 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) A 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.

*Archeological Monitoring Program:* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program 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 archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological 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 project 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 activities and 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and 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.

*Archeological Data Recovery Program:* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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 and 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. This shall include 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, custodianship, curation, 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 final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**E. IMPROVEMENT MEASURES**

The project sponsor has agreed to implement the following improvement measures to reduce impacts of the project that were found in this Initial Study to be less than significant. Improvement measures identified in this Initial Study may be required by decision-makers as conditions of project approval.

***Improvement Measure 1: Timing of Construction Truck Traffic***

The following measure would minimize disruption of the general traffic flow on adjacent streets:

- To the extent possible, truck movements generated by the project during the construction period should be limited to the hours between 9:00 a.m. and 3:30 p.m.
- The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project.

**F. MANDATORY FINDINGS OF SIGNIFICANCE**

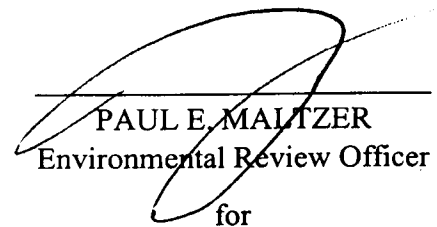
	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Cumulative analysis depends on a prediction of possible future environmental changes well beyond construction of the proposed project. There are several residential projects proposed in the project area: approximately 35 units at 1868 Van Ness on the northwest corner of the project block, and 26 units at 1840 Washington between Franklin Street and Van Ness Avenue (about a half a block from the proposed project). There would be approximately 58 vehicle trips generated by all three projects during the p.m. peak hour. The additional 58 vehicles trips (less than one vehicle per minute) would be distributed on the streets around the project site and would not be considered a substantial traffic increase relative to the existing capacity of the local street system. The cumulative increase on transit ridership, parking demand, loading, pedestrian and bicycle conditions would not be significant. The project would not be considered to contribute incrementally to cumulative regional air quality conditions, or to contribute to significant cumulative noise impacts. Similarly, the project would be generally consistent with the land use and height controls for the site and would not contribute to a cumulatively considerable land use or visual impact. There would also be a cumulative increase in the demand in residential population in the project area and an increase in the demand for public services and utilities, and energy consumption, however, this increase would not be significant. The project would further contribute to the cumulative change in the topography and geology of the area with additional excavation, but this change would not be considered significant. The project would contribute to the cumulative but not significant increase in stormwater runoff in the area. The additional street trees planted for the project would increase the cumulative biological resources. The removal of any contaminants on the project site would improve the cumulative hazardous materials condition in the project area. The project would not have a cumulative effect on any archaeological or historic architectural resources in the area. For reasons stated above, the project would not have unavoidable environmental effects that are cumulatively considerable.

**G. ON THE BASIS OF THIS INITIAL STUDY:**

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the City Planning Department.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because Mitigation Measures 1 through 4 in the discussion have been included as part of the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: August 27, 2005

  
\_\_\_\_\_  
PAUL E. MALTZER  
Environmental Review Officer  
for

Dean L. Macris  
Director of Planning

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

I, DEAN GIVAS, do hereby declare as follows:

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

1800 VAN NESS AVENUE AND 1754 CLAY STREET  
Address

0619-010 AND 0619-009  
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 2011.0094C

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

- 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:

355 1st St., #809, San Francisco, CA 94105  
 Location

10/4/11  
 Date

Alvan W. Givins  
 Signature

DEAN D. GIVINS, PRESIDENT OF VAN NESS CLAY CORP., MANAGING  
 Name (Print), Title

MEMBER OF VAN NESS  
 CLAY LLC

415-298-3326  
 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
98	1	44	51	2

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
15	0	7	8	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		



# REUBEN & JUNIUS<sup>LLP</sup>

October 11, 2011

## VIA MESSENGER

Ms. Christina Olague, President  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Re: 1800 Van Ness Avenue  
Conditional Use and Planned Unit Development Authorization  
Planning Department Case No. 2011.0094C  
Hearing Date: October 20, 2011  
Our File No.: 6604.01**

Dear President Olague and Commissioners,

This office represents Oyster Development Corp., the project sponsor (“Project Sponsor”) for the proposed demolition of the existing two-story commercial building at 1800 Van Ness Avenue (“Project Site”) and the construction of an eight-story, mixed-use building with up to 94 dwelling units and ground floor retail at the corner of Van Ness Avenue and Clay Street as well as the construction of a four-story, residential building with up to 4 units on a small portion of the Project Site fronting Washington Street (“Project”). The total unit count is 98. The Project was approved in 2007 as a 62-unit project in essentially the same building envelope. The prior sponsor, Sunrise Senior Living, had envisioned a “vertical country club” (their own words) without any assisted-living facilities but with market-rate units averaging 1,330 square feet targeted towards an age and income specific clientele. In order to provide broader affordability, the Project Sponsor has redesigned the Project with smaller unit sizes and unit types that average 920 square feet in one and two bedroom homes totaling 98 units.

The Project Sponsor respectfully requests that the Planning Commission grant the conditional use authorization, the planned unit development (“PUD”) approval, and the code modifications discussed below, pursuant to the San Francisco Planning Code Sections 303 and 304<sup>1</sup>.

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<sup>1</sup> All further references to code sections are to the San Francisco Planning Code unless otherwise stated.

**A. Summary of Project Benefits.**

The Project is a distinct improvement over the existing entitlements for a number of reasons, including the following:

- **Greater Affordability:** The Project Sponsor is proposing to develop 1 and 2-bed homes that average 920 square feet and primarily range from 700 to 1,250 square feet instead of the present entitlements with 1,100 to 1,500 square foot homes. The smaller unit sizes and unit types would result in a much greater affordability with significantly lower prices per unit.
- **More On-Site Inclusionary Housing:** The present entitlements were obtained in early 2007 when the Inclusionary Housing requirement was 12% on-site based on 62 units, resulting in 7 BMR units. Based on the present 15% requirements and greater proposed number of units at 98, the Project Sponsor would provide 15 on-site BMR's. As a result, the Project Sponsor is proposing more than double the amount of inclusionary housing.
- **Better Urban Planning:** A key component to the prior sponsor's development plan was a driveway from Clay to Washington and a vehicular drop-off behind the project. The present entitlements essentially have a mid-block alley. The Project Sponsor is now proposing to "enclose" the development site eliminating security issues and vehicular emissions to adjacent buildings, significantly expand the ground floor open courtyard space and replace a driveway with a 4-unit residential building that will maintain the urban fabric of Washington Street. The Project Sponsor believes the three aforementioned changes result in better urban planning.
- **Better Architecture:** Local firm, Kwan Henmi Architecture who worked for the Project Sponsor designing Arterra in Mission Bay, was engaged to redesign the approved Project with a more interesting, more modern but contextual design. Contrary to the prior design, all 3 facades now have variation which adds interest. The Project Sponsor and architect both hope the Commission will find the overall design and use of materials more interesting and a big improvement.

The Project is also desirable and compatible with the neighborhood for a number of reasons, including the following:

- **Infill Development/Supports "Smart Growth":** The Project will further the City's "smart growth" policies by providing high-density housing in the Van Ness Avenue corridor. The Project also provides 53 family housing units of two or three bedrooms.

The Van Ness Avenue Area Plan specifically calls for the development of high density housing over commercial space along Van Ness Avenue. Lower Van Ness Avenue is within walking distance of the Civic Center area and is served by at least six MUNI bus lines within three blocks. In addition, the planned Van Ness Bus Rapid Transit project will make the Van Ness corridor even more important for high density housing projects. The Project is a prime example of “smart growth” in the City.

- **Ground Floor Retail Contribution to Van Ness Avenue Corridor:** The Project will provide ground floor retail space at the corner of Van Ness Avenue and Clay Street, contributing to active pedestrian experience and continuity of ground floor retail along Van Ness Avenue, as expressly called for by Policy 1.1 of the Van Ness Avenue Area Plan.
- **Improves Currently Underutilized Site:** The Project Site currently consists of an undistinguished, two-story commercial structure that occupies a small fraction of the site. The balance of the Project Site is currently used for a surface parking lot. Such a low-intensity and inefficient use is clearly an underutilization of the Project Site, which is located in the middle of a transit-rich corridor better occupied by high density residential development. The Project will result in a better use of the Project Site, providing more and denser housing with a look that is more in conformity with the surrounding neighborhood than the existing structure.
- **Creation of New Mid-Block Open Space Adjacent to Residential Uses:** The majority of the Project Site is currently used as a surface parking lot, and the entire length of its eastern edge that borders residential projects is occupied by a driving aisle and haphazard parking spaces. The Project would remove all automobile access to the interior of the lot, creating an inner courtyard more complimentary to the adjacent residential uses. The new building will block this inner courtyard and the adjacent residential uses from the noise and exhaust from Van Ness Avenue. All automobiles will access a two-story, below grade parking garage from Clay Street. The combined inner courtyard will provide a substantially improved use of land to the west of the adjacent residences, whose rear yards are also adjacent to the current parking lot.
- **Increase in Housing Supply and Affordable Housing Contribution:** The Project will create up to 98 dwelling units and will make a significant contribution to the City’s affordable housing program.

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

**REUBEN & JUNIUS**<sub>LLP</sub>

[www.reubenlaw.com](http://www.reubenlaw.com)

**B. Project Site and Background.**

The Project Site is located at the northeast corner of the intersection of Van Ness Avenue and Clay Street. The Project Site consists of two assessor's lots: one large lot at the corner and one narrow through lot adjacent to the east. The Project Site is currently improved with a 9,514 square foot, two-story commercial building at the corner of Van Ness Avenue and Clay Street. The remainder of the site consists of surface parking and a driveway aisle connecting Clay and Washington Streets. The Project Site is within the RC-4 zoning district and 80-D height/bulk district, and is located within the Van Ness Special Use District.

The Project Site is located along Van Ness Avenue, a major automobile and transit artery, and is a major route for commuters from Marin County and north. Van Ness Avenue has historically been characterized with automobile and other non-residential development, but since the passage of the Van Ness Avenue Area Plan, it has been transitioning into high density residential with ground floor commercial uses.

**C. Project Description.**

The Project would demolish the existing two-story commercial structure at the site to construct an eight-story, 80 foot tall mixed-use building. The proposed building would have about 4,900 square feet of ground level retail space along Van Ness Avenue, and on floors one through eight, up to 94 dwelling units. The proposed building would include a two-story below grade parking garage consisting of 42,400 square feet providing up to 104 spaces. The Project would also construct a four unit residential building on Washington Street. The total Project unit count is 98. Both the surface parking lot and driveway aisle between Clay and Washington Streets will be eliminated. An interior courtyard will be provided as open space for residents.

The Project requires PUD (Conditional Use) authorization because the height of the new building would exceed 50 feet in the Van Ness Special Use District and because the Project needs a modification from normal rear yard and bulk requirements.

The Project Site was originally entitled in 2007 by a previous project sponsor for a 62-unit building with ground floor commercial space and 73 parking spaces. The previous project sponsor had intended to sell the units as senior housing, but did not seek approval to specifically designate the units as senior housing units under the Planning Code, meaning they could still be sold to the general public. The site is relatively large, at 25,817 square feet, and the Project would be superior and better fulfill the goals of the Van Ness Area Plan if it maximized residential density. As detailed in the Van Ness Area Plan, "[t]his section of Van Ness Avenue is one of the few areas in the city where new housing can be accommodated with minimal impacts on existing residential neighborhoods and public services."

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

**REUBEN & JUNIUS**<sub>LLP</sub>

[www.reubenlaw.com](http://www.reubenlaw.com)

**D. Extensive Neighborhood Outreach.**

The Project Sponsor has actively engaged nearby residents, neighborhood groups, and nearby property and business owners in the development process by organizing numerous meetings to present the Project. Over 1,000 pieces of mail providing information on the Project has been sent out to the neighborhood. The Project has received endorsements from the Middle Polk Neighborhood Association, the Lower Polk Neighborhood Association, and the San Francisco Housing Action Coalition.

A summary of the Project Sponsor's outreach efforts and support letters are attached.

The Project Sponsor has made a diligent and good faith effort to reach out to all interested parties in the neighborhood to inform and consult them on the Project, as evidenced by its decision to hire an outreach consultant and by the volume of meetings and conversations held.

**E. CEQA Review.**

The Project was reviewed for compliance with the California Environmental Quality Act, (Public Resources Code Sections 21000-21178.1, "CEQA"). The Planning Department adopted a Final Mitigated Negative Declaration ("FMND") for the previous 62-unit project on September 21, 2005. The FMND found that the Project would not create significant environmental impacts due to the adoption of mitigation measures. An addendum to the FMND has been prepared that reviewed the effects of the proposed changes to the Project would have on the environment beyond the original project. The addendum came to the same conclusions as the FMND: that the Project would not have a significant effect on the environment.

**F. Project Related Approvals.**

The Project Sponsor has requested the following approvals from the Planning Commission and the Zoning Administrator:

**Conditional Use Authorization** pursuant to:

- Section 253.2 to allow new construction of more than 50 feet in height in the Van Ness Special Use District for the building on Van Ness Avenue.

**PUD** approval pursuant to Section 304 to allow for the proposed residential density and for modification of the following requirements:

- Section 134 rear yard setback; and
- Section 260 bulk requirement.

**1. Conditional Use Authorization**

**New construction exceeding 50 feet in height:** The Project proposes an 80-foot tall mixed use building with 94 dwelling units and ground floor commercial space along Van Ness Avenue. This is consistent with the 80-D height/bulk district it is located within and with the Van Ness Avenue Area Plan. According to the Area Plan, “[a] height limitation of between 80 and 130 feet would allow sufficient development to make feasible over time the construction of housing on under used parcels.” The Area Plan also includes a number of policies calling for maximizing residential density along the Van Ness Avenue corridor, including:

- POLICY 1.1. Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.
- POLICY 1.4. Maximize the number of housing units.
- POLICY 5.1. Establish height controls to emphasize topography and adequately frame the great width of the Avenue.
- POLICY 5.3. Continue the street wall heights as defined by existing significant buildings and promote an adequate enclosure of the Avenue.
- POLICY 5.5. Encourage full lot development resulting in a maximum number of dwelling units.

The Project specifically fulfills the goals of the Van Ness Avenue Area Plan for high density, residential development at 80 feet height along this part of Van Ness Avenue. There are already a number of similarly-sized developments on this part of Van Ness, including the developments at 1755 Van Ness Avenue (at the opposite corner from the Project Site) and 1701 Jackson Street (one block north of the Project Site). The Project proposes a high density residential development at a height that was set to create consistent street wall along this portion of Van Ness Avenue. The Project is desirable and necessary because it will demolish the existing unutilized improvements at the Project Site, and it fulfills the express goals set for this site by the Van Ness Avenue Area Plan.

**2. Modifications Requested**

Due to the Project Site’s location, size, irregular shape, as well as the Project’s outstanding design, modifications to the following Code requirements are requested as part of the PUD:

1. **Rear Yard.** Section 134 establishes rear yard requirements. In the RC-4 district, Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total depth of the lot, but in no case less than 15 feet, provided at the lowest level containing a dwelling unit,

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

**REUBEN & JUNIUS**<sub>LLP</sub>

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and at each succeeding story of the building. A traditional rear yard at the Project Site, with the building's front along Van Ness Avenue, would expose the rear yard directly to Clay Street. Instead of providing a traditional rear yard that is completely open for the entire 25 percent of depth at the rear of a lot, the Project proposes a rear yard located at the northeast corner of the Project Site. The proposed rear yard will be roughly 5,600 square feet in size, larger than a rear yard with a traditional size and location.

In addition to providing a larger open space area for Project residents, the proposed rear yard's location would also provide privacy from Clay Street, and protection from the noise, automobile emissions, and wind that would otherwise penetrate the rear yard with a traditional configuration. A traditional rear yard is not appropriate for the Project; the better design is to create a coherent street wall along Van Ness Avenue and Clay Street.

2. Bulk. The Project Site is within a "D" bulk district, which subjects it to maximum plan dimensions above 40 feet of height. The maximum length is 110 feet and the maximum diagonal dimension is 140 feet. The Project proposes a length of 159 feet along Clay Street (which is reduced slightly at the top story) and a diagonal dimension of roughly 212 feet (again, slightly reduced at the top story).

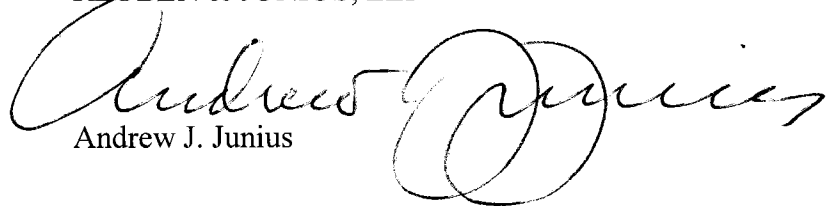
Granting a modification to the Project for its proposed bulk dimensions will allow it to better fulfill the policies of the Van Ness Avenue Area Plan. The Project maximizes new housing units at the Project Site and begins a street wall on a block that currently has no coherent street wall. The Project's bulk will be similar to other large housing developments in the vicinity on Van Ness Avenue. The Project as proposed would be consistent with and build on the existing character of the Van Ness Avenue corridor.

**G. Conclusion.**

The Project is a significant improvement over the existing approval. It will generate an additional 36 units, result in broader affordability, generate twice as much on-site inclusionary housing and result in better urban planning than the present entitlements, ultimately providing up to 98 units of housing for San Francisco. The buildings proposed for this site are typical of the scale in the neighborhood, with housing adjacent to and above the commercial space. The Project will give character and interest to a site that is currently occupied by a vacant building and large amounts of surface parking, will establish a coherent street wall along Van Ness Avenue and Clay Street, and will strengthen the corner. This in-fill housing and commercial project fits very well with the neighborhood. We respectfully ask the Commission to grant the requested conditional use authorization and PUD approval, and the requested modifications.

Very truly yours,

REUBEN & JUNIUS, LLP



Andrew J. Junius

Attachments

cc: Michael J. Antonini, Commissioner  
Gwyneth Borden, Commissioner  
Rodney Fong, Commissioner  
Ron Miguel, Commission Vice President  
Kathrin Moore, Commissioner  
Hisashi Sugaya, Commissioner  
John Rahaim, Planning Director  
Linda Avery, Commission Secretary  
Glenn Cabrerros  
Dean Givas

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

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# BergDavis Public Affairs

Date: 10/5/11

To: Andrew Junius, John Kevlin

From: BergDavis Public Affairs

Re: Outreach Activities for 1800 Van Ness

## Memo



As you know, BergDavis was retained to provide community outreach services on behalf of 1800 Van Ness. We conducted outreach over the course of four months including sending more than 1,000 pieces of mail to nearby neighbors. Below is a brief summary and timeline of our outreach efforts for the project.

### **July 2011**

Sent an introductory letter and project fact sheet to more than 700 residents living within 300 ft. of the project.

Met with neighboring businesses, including Tiny Giants and the California Club at 1750 Clay St., St. Luke's Episcopal Church at 1755 Clay St., and Van Ness Liquor at 1846 Van Ness.

### **August 2011**

Met with the Polk Street Merchants on 8/17 and answered initial questions. The Polk Street Merchants do not endorse or oppose projects, but we provided contact info for ongoing communication on the project. There was a generally positive response.

### **September 2011**

Held an open house for interested neighbors and members of the community on 9/13. Invitations were sent (again) to 700 residents and nearby neighbors.

Made a presentation to the Lower Polk Neighborhood Association on 9/14, answered questions. Since the presentation we have successfully obtained the endorsement of the LPNA.

Made a presentation to the Middle Polk Neighborhood Association on 9/19, answered questions. Since the presentation we have successfully obtained the endorsement of the MPNA.

Made a presentation to SF Housing Action Committee on 9/28, answered questions. We have been informed that SFHAC will be endorsing our project.

### **October 2011**

Met with the owner and a resident of 1753 Washington St., over concerns/questions about the four-unit build adjacent to their property.

The project hosted an additional open house on 10/6 for the residents of 1753 Washington St., to provide additional information regarding the four units facing Washington directly adjacent to their building.



October 3, 2011

Mr. Dean Givas  
Oyster Development Corporation  
2070 Vallejo Street  
San Francisco, CA 94123

**Re: Endorsement of 1800 Van Ness Avenue & 1754 Clay Street**

Dear Mr. Givas,

On behalf of the San Francisco Housing Action Coalition (SFHAC), I am pleased to inform you of our endorsement of your 1800 Van Ness and 1754 Clay Street project. Following review and discussion, our Endorsement Committee believes the project has many merits and will make a substantial contribution to SFHAC's mission of increasing the supply of well-designed, well-located housing for City residents. While our members had reservations about the amount of on-site parking which we have discussed below, we believe that it embodies excellent urban design principles and meets the needs of present and future San Franciscans. The project meets our guidelines in the following ways:

**Project Description**

The proposed project will involve construction of 98 units consisting of 1 and 2-bedroom homes averaging 900 square feet, approximately 4,900 square feet of commercial retail space in an eight-story building. There will also be two levels of below-grade parking with 102 parking spaces.

**Land Use:**

The proposed high-density and mixed-use project is an excellent use of the site and is well suited to the surrounding character of the neighborhood and will enhance its livability. It is within walking distance to multiple transit lines, entertainment, shopping and cultural venues.

**Density:**

The proposed project is in the Van Ness Special Use District where residential density is not limited by unit count. The proposed project increases the density to 98 units from the presently approved entitlements of 62 units.

Mr. Givas  
October 3, 2011  
Page 2

**Affordability:**

The project sponsor plans on making the units more “affordable by design” as the proposed project reduces the average unit size to 920 square feet from the existing entitlements of 1,330 square feet. This will result in the proposed project serving a broader range of the community than existing entitlements. The current project design will also provide 15 on-site BMR’s or 19.6 off-site or in-lieu units.

**Alternative Transportation and Parking:**

The proposed project exceeds the SFHAC guidelines with an overall parking ratio of greater than 1-1. The SFHAC encourages you to look into decreasing the number of parking spaces by a minimum of four thus having 98 parking spaces total. The SFHAC also suggests increasing the number of City CarShare spaces. SFHAC applauds the bicycle parking plan with ample secure parking spaces located within the building.

**Historic Preservation:**

There are no proximate historic resources that are to be negatively affected by the project.

**Urban Design:**

The SFHAC believes the proposed project promotes the principles of excellent urban design. The project will also provide private open space in the form of a central courtyard within the building. The building massing is compatible with the adjacent streetscape and neighborhood character and is appropriate for a development in the existing neighborhood.

**Environmental Features:**

The SFHAC is highly supportive of the project’s commitment to meet the city’s green building requirements. The SFHAC encourages you to consider additional greening measures, including rooftop solar panels. We urge you to also consider other on-site energy generation technologies as well as individual water metering.

**Community Input:**

Community outreach that has occurred to date includes a long history of meetings with neighborhood organizations, area merchants and other interested parties. The SFHAC encourages the project team to continue this dialogue with the community as the design and plan are finalized and moving forward.

Thank you for submitting this project to the SFHAC Endorsements Committee. We are pleased to endorse your excellent project but hope you will consider a reduction of parking to meet our guidelines. Please let us know how we may be of assistance.

Sincerely,



Tim Colen,  
Executive Director

## ENDORSEMENT GUIDELINES

Adopted January 2010

The SFHAC will consider endorsing housing developments and mixed-use projects with a housing component. The following guidelines will be used to evaluate the project:

**Land Use:** Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

**Density:** The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

**Affordability:** The need for affordable housing, including middle income (120-150 of median) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

**Parking and Alternative Transportation:** SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

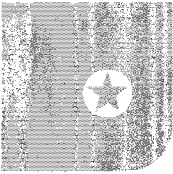
In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

**Preservation:** If there are structures of significant historic or cultural merit on the site, their retention and/ or incorporation into the project is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

**Urban Design:** The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent streetscape and existing neighborhood character while at the same time utilizing allowable unit density: pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided. Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

**Environmental Features:** SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

**Community Input:** Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.



October 10, 2011

Ms. Christina Olague  
President  
San Francisco Planning Commission  
1650 Mission Street  
San Francisco, CA 94103  
(Sent via email)

Re: 1800 Van Ness Avenue / 1754 Clay Street – 2011.0094C  
Conditional Use Hearing - October 20, 2011

Dear Commission President Olague:

It is with pleasure that I inform you that after several meetings and discussions, the Middle Polk Neighborhood Association, with the following mutually agreed upon additions, changes and caveats, endorses Project Plan of 1800 Van Ness as presented to us and modified by Dean D. Givas, President of Oyster Development Corporation and Taylor Jordan of BergDavis Public Affairs.

We have agreed with Mr. Givas to the following modifications and would appreciate the review and acceptance of these by the Planning Commission and the Planning Department.

- a) All Below Market Rate (BMR) Units will be on-site at the Development. The in-lieu fee and off-site options will not be used. This equates to 15 Units.
- b) 41 Bicycle Parking Slots will be included on-site.
- c) On-site Public Car Share Spaces will be provided as follows: a minimum of 3 Car Share and a maximum of 4 Car Share Spaces will be provided on-site. The addition of the fourth s Space would be in accordance with the following **agreement** - 3 car share spaces will increase to 4 spaces in the event that there is an excess of unsold space among the closed units after 12 months of commencing sales. As a matter of clarification, if 20 units have been sold and only 18 of those homeowners have each purchased a parking space, one of the excess parking spaces would be converted to a car share space. In the event Owner is renting the units instead of selling the units initially, this requirement and timeline would not start until Owner commenced unit sales

**dawn@middlepolk.org 415.314.0772**

**www.middlepolk.org**

-Page 2-

Re: 1800 Van Ness Avenue / 1754 Clay Street – 2011.0094C  
Conditional Use Hearing - October 20, 2011

We are prepared to present this request at the Planning Commission Hearing on October 20, 2011. We would be happy to address any questions concerning this negotiated agreement.

After discussing this Project at length with many concerned Neighbors and the Developer, I'm confident that we have reached a solution that best benefits all parties.

Thank you sincerely for your time and attention to these matters.

Kindest regards,

*Dawn S. Trennert*

Dawn S. Trennert  
Chair

Cc: Mr. Dean D. Givas, Oyster Development Corporation  
Ms. Linda Avery, San Francisco Planning Commission Secretary  
Mr. Glenn Cabrerros, San Francisco Planning Department  
Mr. Taylor Jordan, BergDavis Public Affairs

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# 1800

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# VANNESS

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# 1800

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# VANNESS

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11 OCT 2011

KH

Cover

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# A1.0

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## Urban Location

NTS



## Neighborhood Location

NTS

## Sheet List

- A1.0** - Cover
  - A1.1** - Location Maps and Sheet List
  - A1.2** - Material Palette
  - A1.3** - Survey
  - A1.4** - Landscape Site Plan
  - A1.5** - Site Plan and Project Data
  - A1.6** - Unit Matrix and Typical Units
- 
- A2.0** - Floor Plan - Level P2
  - A2.1** - Floor Plan - Level P1
  - A2.2** - Floor Plan - Level 1
  - A2.3** - Floor Plan - Level 2
  - A2.4** - Floor Plan - Level 3
  - A2.5** - Floor Plan - Level 4
  - A2.6** - Floor Plan - Level 5
  - A2.7** - Floor Plan - Level 6
  - A2.8** - Floor Plan - Level 7
  - A2.9** - Floor Plan - Level 8
  - A2.10** - Roof Plan
  - A2.11** - Floor Plan - Washington Street Annex
- 
- A3.0** - Elevation - Van Ness Street
  - A3.1** - Elevation - Clay Street
  - A3.2** - Elevation - Courtyard East
  - A3.3** - Elevation - Courtyard North
  - A3.4** - Elevation - Washington Street Annex
- 
- A4.0** - Section
  - A4.1** - Section - Washington Street Annex
- 
- A5.0** - Rendering - Corner w/ Van Ness
  - A5.1** - Rendering - Corner w/ Clay
  - A5.2** - Rendering - Corner Closeup
  - A5.3** - Rendering - Birdseye
  - A5.4** - Rendering - Washington Street Annex
- 
- A6.0** - Context Elevations - VanNess Street
  - A6.1** - Context Elevations - Clay Street
  - A6.2** - Context Rendering - Clay / West
  - A6.3** - Context Rendering - Clay / East
  - A6.4** - Context Rendering - VanNess / North
  - A6.5** - Context Rendering - VanNess / South
  - A6.6** - Context Photos
  - A6.7** - Context Photos
- 
- A7.0** - Detail - Facade

# 1800

# VANNESS

### Project Sponsor:

Oyster Development Corp.  
 355 1st Street #809  
 San Francisco, CA 94105  
 Contact: Dean Givas  
 Tel: 415 298 3326  
 Fax: 415 447 8578  
 Email: dean@oysterdev.com

### Architect:

Kwan Henmi Architecture/Planning  
 456 Montgomery Street  
 Suite 300  
 San Francisco, CA 94104  
 Contact: Faraaz Mirza  
 Tel: 415 901 7215  
 Fax: 415 777 5102  
 Email: Faraaz.Mirza@kwanhenmi.com

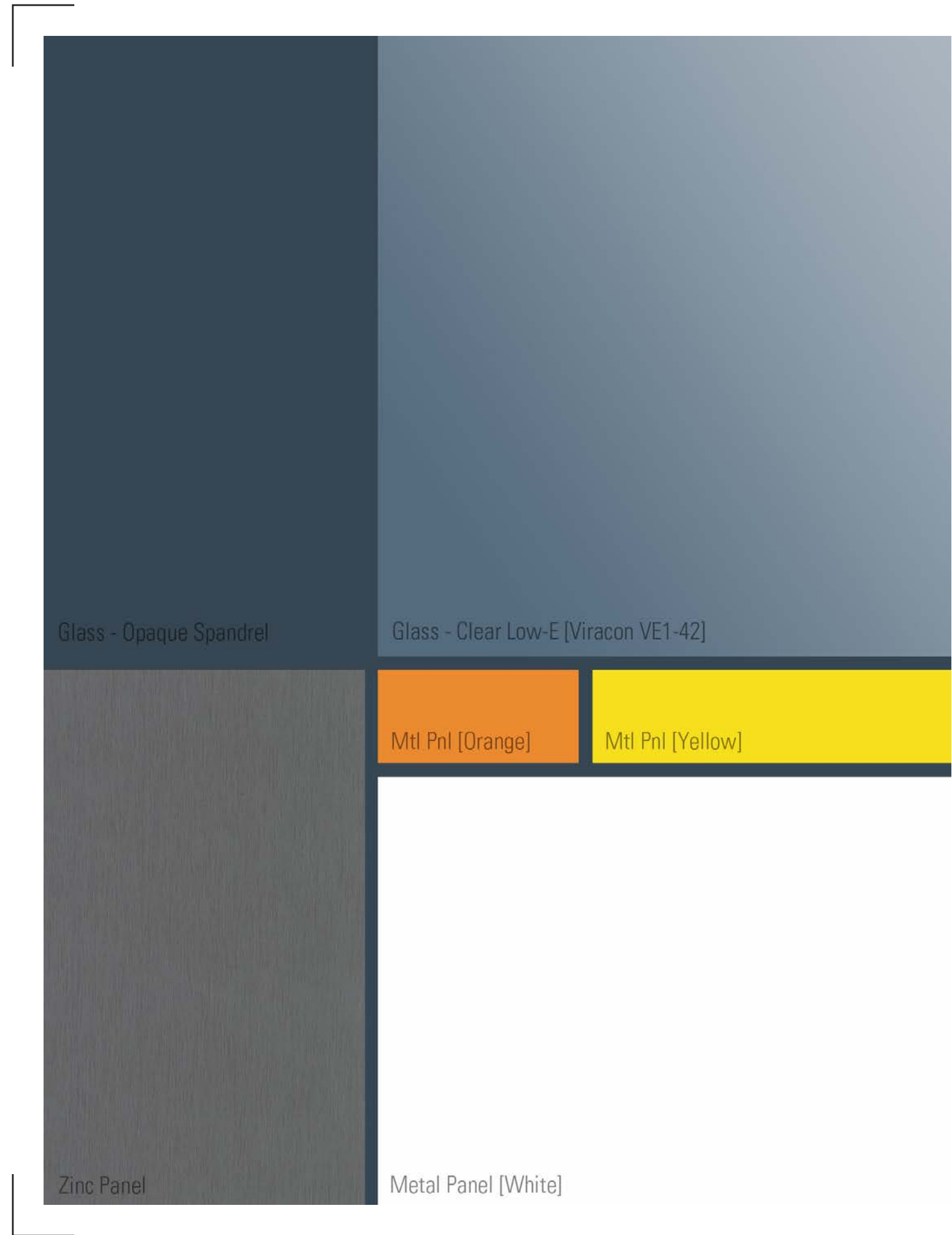
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Location Maps  
and Sheet List

# A1.1





# Material Palette

**Glazing**

- Vision      Clear Low-e Coated  
                  Viracon VE 1-42
- Spandrel    Opaque Dark Blue Fritted

**Metal Panel**

- Dark Zinc    Natural Color
- White        Painted
- Orange       Painted
- Yellow       Painted

**Cement Plaster**

- Light Grey
- Dark Grey

1800

VANNESS

11 OCT 2011



Materials Palette

A1.2

# 1800 VANNESS

## DESCRIPTION

ALL OF THE REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA, AND THE CITY AND COUNTY OF SAN FRANCISCO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF WASHINGTON STREET, DISTANT THEREON 120 FEET EASTERLY FROM THE EASTERLY LINE OF VAN NESS AVENUE; RUNNING THENCE EASTERLY ALONG SAID LINE OF WASHINGTON STREET 91 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 127 FEET AND 8-1/4 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 9 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 127 FEET AND 8-1/4 INCHES TO THE NORTHERLY LINE OF CLAY STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF CLAY STREET 60 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 127 FEET AND 8-1/4 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 11 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 127 FEET AND 8-1/4 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF THE WESTERN ADDITION BLOCK NO. 52.

APN: LOT 009, BLOCK 0619

PARCEL TWO:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF CLAY STREET AND THE EASTERLY LINE OF VAN NESS AVENUE; RUNNING THENCE NORTHERLY AND ALONG SAID LINE OF VAN NESS AVENUE 140 FEET AND 8-1/4 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 120 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 13 FEET; THENCE AT A RIGHT ANGLE WESTERLY 11 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 127 FEET AND 8-1/4 INCHES TO THE NORTHERLY LINE OF CLAY STREET; THENCE AT A RIGHT ANGLE WESTERLY ALONG SAID LINE OF CLAY STREET 109 FEET TO THE EASTERLY LINE OF VAN NESS AVENUE AND THE POINT OF BEGINNING.

BEING A PORTION OF THE WESTERN ADDITION BLOCK NO. 52.

APN: LOT 010, BLOCK 0619

## NOTES

- THE LAND TITLE SURVEY SHOWN AND DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY REPORT NO. NCS-53703SM, DATED APRIL 19, 2010 AND DENOTES THE REAL PROPERTY AND PLOTTABLE ENCUMBRANCES DESCRIBED THEREIN. MATTERS PERTAINING TO TAXES, FINANCING, LEASING, LENS AND OTHER ENCUMBRANCES REFERENCED IN SAID REPORT BUT NOT ORDINARILY PRESENTED IN PLAT FORMAT ARE BEYOND THE SCOPE OF THIS SURVEY AND ARE NOT ADDRESSED HEREON. PERSONS INTERESTED IN SUCH MATTERS ARE REFERRED TO SAID REPORT AND RELATED DOCUMENTS FOR DETAILS.
- ALL PROPERTY LINE ANGLES ARE 90°.
- FOR THE PURPOSE OF CLARITY, DETAILS NEAR PROPERTY LINES ARE NOT NECESSARILY SHOWN TO SCALE.
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 1973 STUDY OF FLOOD PRONE AREAS IN THE SAN FRANCISCO BAY REGION, CALIFORNIA. THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS NO DESIGNATED FLOOD ZONES IN SAN FRANCISCO.
- VERTICAL DATUM: CITY AND COUNTY OF SAN FRANCISCO.
- PURSUANT TO INFORMATION CURRENTLY PUBLISHED ON THE MUNICIPAL CODE CORPORATION WEBSITE, THE ZONING DESIGNATION OF THE SUBJECT PROPERTY IS "RC-4" (RESIDENTIAL-COMMERCIAL-COMBINED, HIGH-DENSITY DISTRICT). NO FRONT SETBACK IS REQUIRED. THE REAR YARD REQUIREMENTS IS 25 PERCENT OF THE LOT DEPTH, BUT NO LESS THAN 15 FEET. THE BASIC FLOOR AREA RATIO IS 4.8 TIMES THE LOT AREA AND THE MAXIMUM ALLOWABLE BUILDING HEIGHT IS 40 FEET AS A RIGHT AND UP TO 60 FEET BY CONDITIONAL USE. THE REQUIRED USABLE OPEN SPACE IS 48 SQUARE FEET PER DWELLING UNIT FOR GROUP HOUSING. THE SUBJECT PROPERTY ALSO LIES WITHIN THE "VAN NESS SPECIAL USE DISTRICT". A DETAILED REVIEW OF ALL OF THE PERTINENT PLANNING AND BUILDING REQUIREMENTS SHOULD BE MADE BY A QUALIFIED CITY PLANNER. ALSO, REFER TO "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED NOVEMBER 15, 2007 IN BOOK 2519 OF AT PAGE 504. THESE RESTRICTIONS CONSIST OF CONDITIONS ATTACHED TO THE CONDITIONAL USE APPLICATION AND THE PLANNING COMMISSION MOTION NO. 17364 TO CONSTRUCT A PLANNED UNIT DEVELOPMENT ON THE SUBJECT PROPERTY.

## SURVEYOR'S CERTIFICATION\*

TO: OYSTER DEVELOPMENT CORP., TRICON IX, LP AND FIRST AMERICAN TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY THE ALTA AND NPS IN 2005, AND INCLUDES ITEMS 2, 3, 4, 5, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11(b), 13 AND 14 OF TABLE "A" THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE ALTA AND NPS IN 2005, AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION AS A PROFESSIONAL LAND SURVEYOR DULY LICENSED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATED: MAY 12, 2010

BRUCE T. TRONOFF, LAND SURVEYOR NO. 6475

(\*THE WORDS "CERTIFICATION" AND "CERTIFY" AS USED HEREON ARE DEFINED AND LIMITED PURSUANT TO THE STATE OF CALIFORNIA, BUSINESS AND PROFESSIONS CODE, PROFESSIONAL LAND SURVEYORS ACT, SECTION 8770.6, AS AMENDED JANUARY 01, 1999).

NOTE: ONLY COPIES OF THIS DOCUMENT BEARING A "NET" SIGNATURE AND SEAL IN BLUE INK ARE TO BE CONSIDERED AS THE ORIGINAL AND UNMODIFIED WORK PRODUCT OF TRONOFF ASSOCIATES.

## ALTA/ACSM LAND TITLE SURVEY

OF  
1800 VAN NESS AVENUE

ASSESSOR'S LOTS 9 AND 10, BLOCK 619  
BEING A PORTION OF WESTERN ADDITION BLOCK NO. 52  
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

PREPARED FOR

OYSTER DEVELOPMENT CORP.

BY

TRONOFF ASSOCIATES - LAND SURVEYORS  
1255 STARBOARD DRIVE, SUITE 'A' WEST SACRAMENTO, CA  
(415) 392-3215

SCALE 1" = 10'

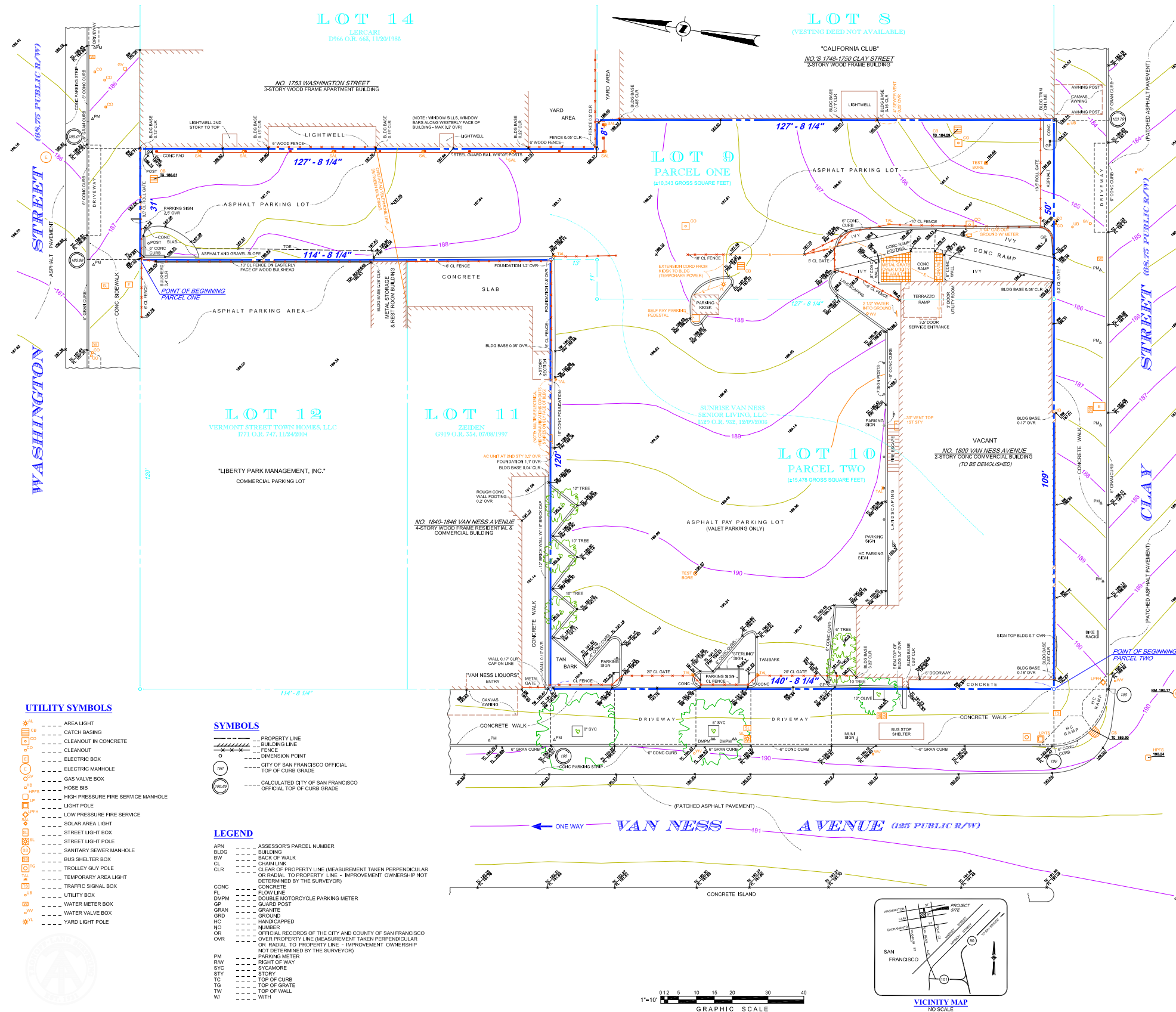
MAY 12, 2010

SURVEY NO. 7464

11 OCT 2011

Survey

A1.3



### UTILITY SYMBOLS

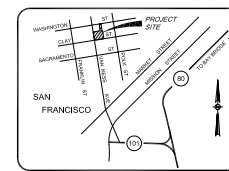
- AREA LIGHT
- CATCH BASIN
- CLEANOUT IN CONCRETE
- CLEANOUT
- ELECTRIC BOX
- ELECTRIC MANHOLE
- GAS VALVE BOX
- HOSE BIB
- HIGH PRESSURE FIRE SERVICE MANHOLE
- LIGHT POLE
- LOW PRESSURE FIRE SERVICE
- SOLAR AREA LIGHT
- STREET LIGHT BOX
- STREET LIGHT POLE
- SANITARY SEWER MANHOLE
- BUS SHELTER BOX
- TROLLEY GUY POLE
- TEMPORARY AREA LIGHT
- TRAFFIC SIGNAL BOX
- UTILITY BOX
- WATER METER BOX
- WATER VALVE BOX
- YARD LIGHT POLE

### SYMBOLS

- PROPERTY LINE
- BUILDING LINE
- FENCE
- DIMENSION POINT
- CITY OF SAN FRANCISCO OFFICIAL TOP OF CURB GRADE
- CALCULATED CITY OF SAN FRANCISCO OFFICIAL TOP OF CURB GRADE

### LEGEND

- APN --- ASSESSOR'S PARCEL NUMBER
- BLDG --- BUILDING
- BW --- BACK OF WALK
- CL --- CHALK LINE
- CLR --- CLEAR OF PROPERTY LINE (MEASUREMENT TAKEN PERPENDICULAR OR RADIAL TO PROPERTY LINE - IMPROVEMENT OWNERSHIP NOT DETERMINED BY THE SURVEYOR)
- CONC --- CONCRETE
- FL --- FLOW LINE
- DMPM --- DOUBLE MOTORCYCLE PARKING METER
- GP --- GUARD POST
- GRAN --- GRANITE
- GRD --- GROUND
- HC --- HANDICAPPED
- NO --- NUMBER
- OR --- OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO
- OVR --- OVER PROPERTY LINE (MEASUREMENT TAKEN PERPENDICULAR OR RADIAL TO PROPERTY LINE - IMPROVEMENT OWNERSHIP NOT DETERMINED BY THE SURVEYOR)
- PM --- PARKING METER
- ROW --- RIGHT OF WAY
- SYC --- SYCAMORE
- STY --- STORY
- TC --- TOP OF CURB
- TG --- TOP OF GATE
- TW --- TOP OF WALL
- WI --- WITH





**1800**

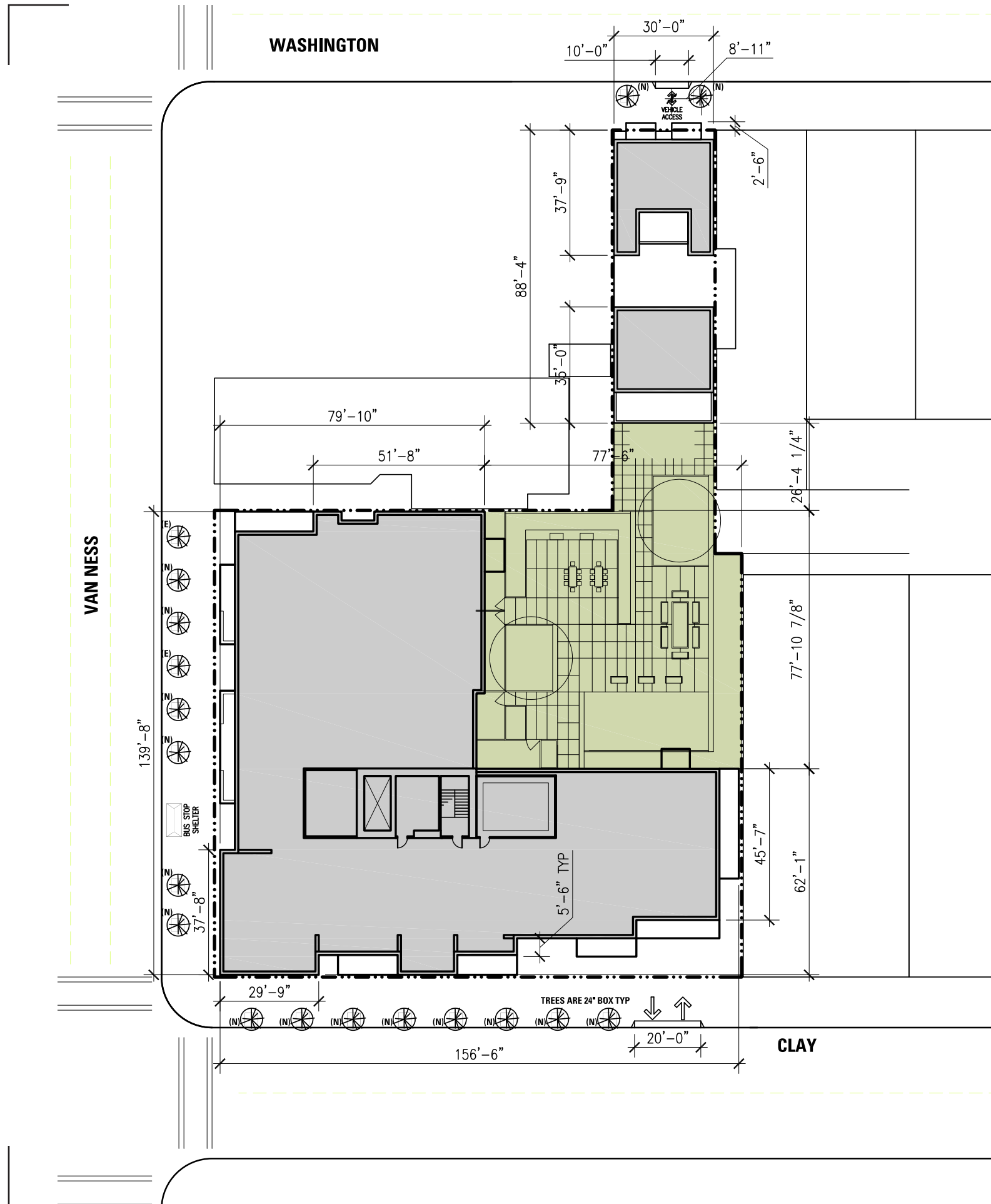
**VANNESS**

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**Landscape Site Plan**

**A1.4**



## Project Data

### FAR Calculations

Floor Areas	Combined	Main Building	Washington Annex
Level P2	490 sf	490 sf	
Level P1	490 sf	490 sf	
Level 01	15,398 sf	12,896 sf	2,502 sf
Level 02	16,910 sf	14,848 sf	2,062 sf
Level 03	16,856 sf	15,089 sf	1,767 sf
Level 04	15,893 sf	14,991 sf	902 sf
Level 05	14,939 sf	14,939 sf	
Level 06	14,695 sf	14,695 sf	
Level 07	14,623 sf	14,623 sf	
Level 08	13,619 sf	13,619 sf	
<b>Total</b>	<b>123,913 sf</b>	Defined "Gross Area" for Total FAR Calculations	
Site Area	25,821 sf		
FAR	4.8 multiplier		
<b>Allowable</b>	<b>123,941 sf</b>		7,261
Delta	28 sf		
Level P1	21,830 sf	21,830 sf	N/A
Level P2	21,830 sf	21,830 sf	N/A
<b>Total</b>	<b>43,660 sf</b>		
	<b>167,573 sf</b>	Overall Building Area	
<b>Parking</b>			
Level P1	53	48 Residential + 4 Designated for Retail + 1 Share	
Level P2	46	46 Residential	
Level 01	4	4 Residential in the "Washington Annex"	
<b>Total</b>	<b>103</b>	98 Residential + 4 Designated for Retail + 1 Share	
<b>Bicycle Parking</b>			
Level P1	19		
Level P2	18		
Level 01	4	4 in "Washington Annex"	
<b>Total</b>	<b>41</b>		
<b>Loading</b>			
Level 01	1 Space	12' x 35'	
<b>Usable Open Space</b>			
Common	5,800 sf	4,692sf required (47.88 sf/unit) w/o private open space	

#### Notes:

1. Level 01 area in main building excludes the loading & ramp breezeway.

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Site Plan and Project Data

## A1.5

# Unit Matrix

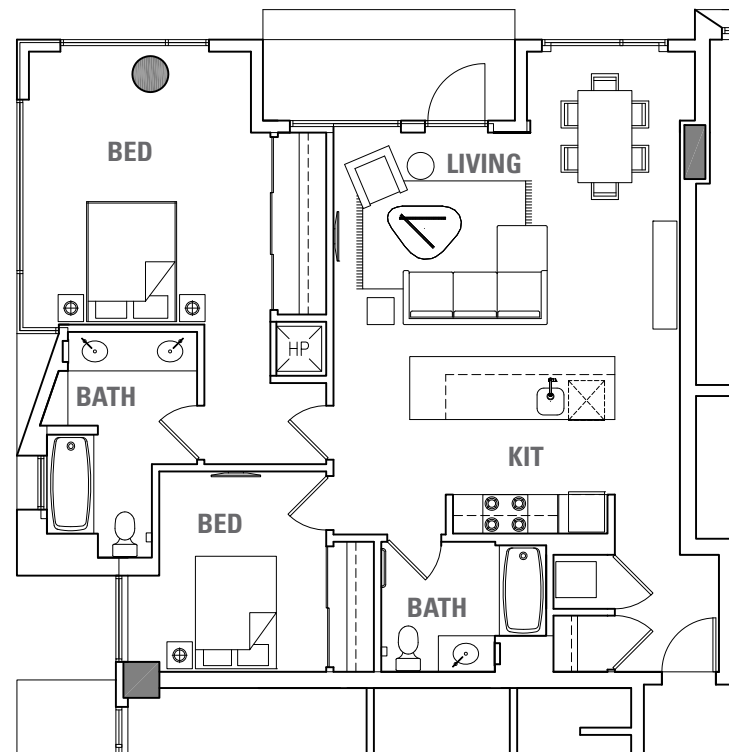
Level	Unit Count																												Total							
	Washington Annex				Ground Level Lofts					Upper Floor Units																										
	TH1	TH2	TH3	TH4	Lo1	Lo2	Lo3	Lo4	Lo5	A	B	C1	C2	D1	D2	D3	E1	E2	E3	E4	F1	F2	F3	G1	G2	G3	G4	K1		K2	K3	K4	L	M	P1	P2
	3	3	2	2	2	1	1	5	1	1+	1	2	2	2	2	2	1+	1	1+	1	2	2	2	2	2	2	2	2	2	2	2	2	1	2	2	
1	1250	1300	1050	1100	980	650	765	450	590	760	700	1010	1250	1010	945	981	785	716	750	677	1135	1205	1044	1015	1015	950	1275	1250	1150	990	930	1030	730	1250	1225	9
2										1	1	1			1		3				1		2				1				1	1			13	
3										1	1	1		1			1	2			1		2				1				1	1			13	
4										1	1	1		1			2	1			1			2			1				1	1			13	
5										1	1	1		1			1	2				1		2				1				1	1			13
6										1	1	1		1		1	2	1			1			2		2			1			1	1			13
7										1	1	1		1			1	2				1		1		1			1	1	1					13
8										1	1		1							2	1			1		1						1	1	1		11
Total	1	1	1	1	1	1	1	1	1	7	7	6	1	3	2	1	7	8	3	2	3	3	1	5	7	1	1	3	1	1	1	6	7	1	1	98

Level	Unit Count				Total
	Stu	1BR	2BR	3BR	
1	1	3	3	2	9
2		6	7		13
3		6	7		13
4		6	7		13
5		6	7		13
6		6	7		13
7		6	7		13
8		5	6		11
Total	1	44	51	2	98

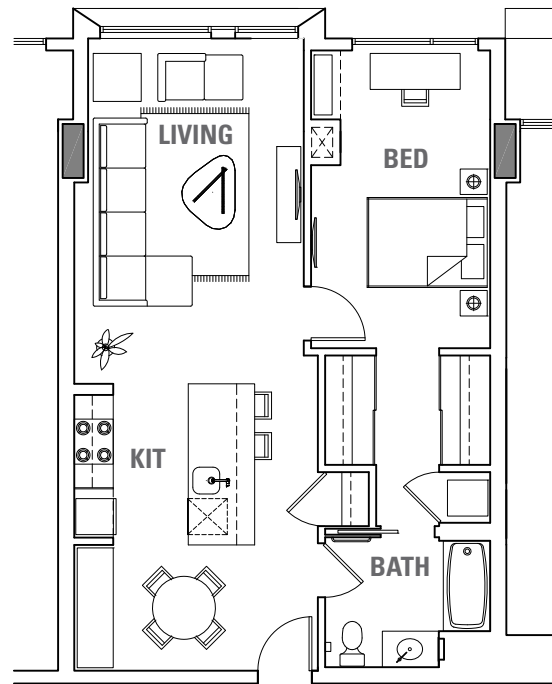
# 1800

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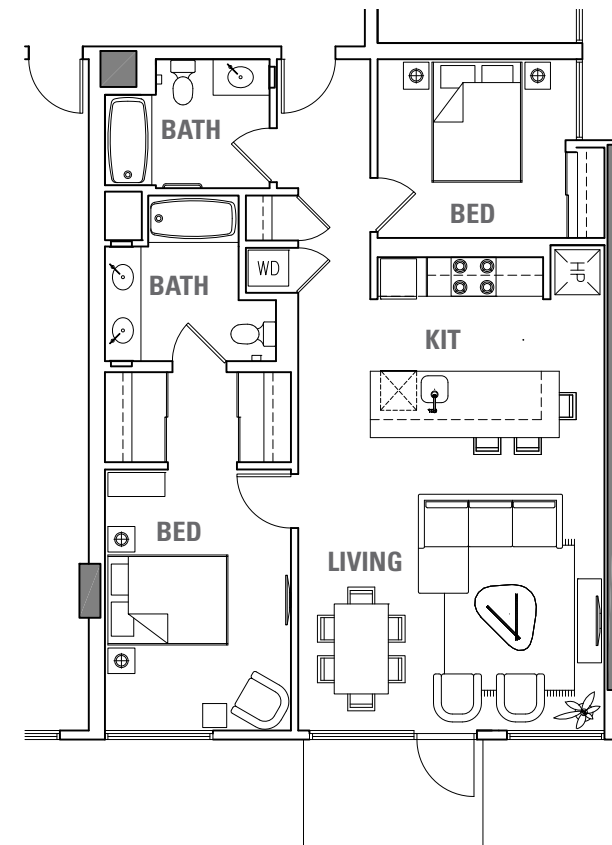
## Typical Units



Unit Type F1



Unit Type E1



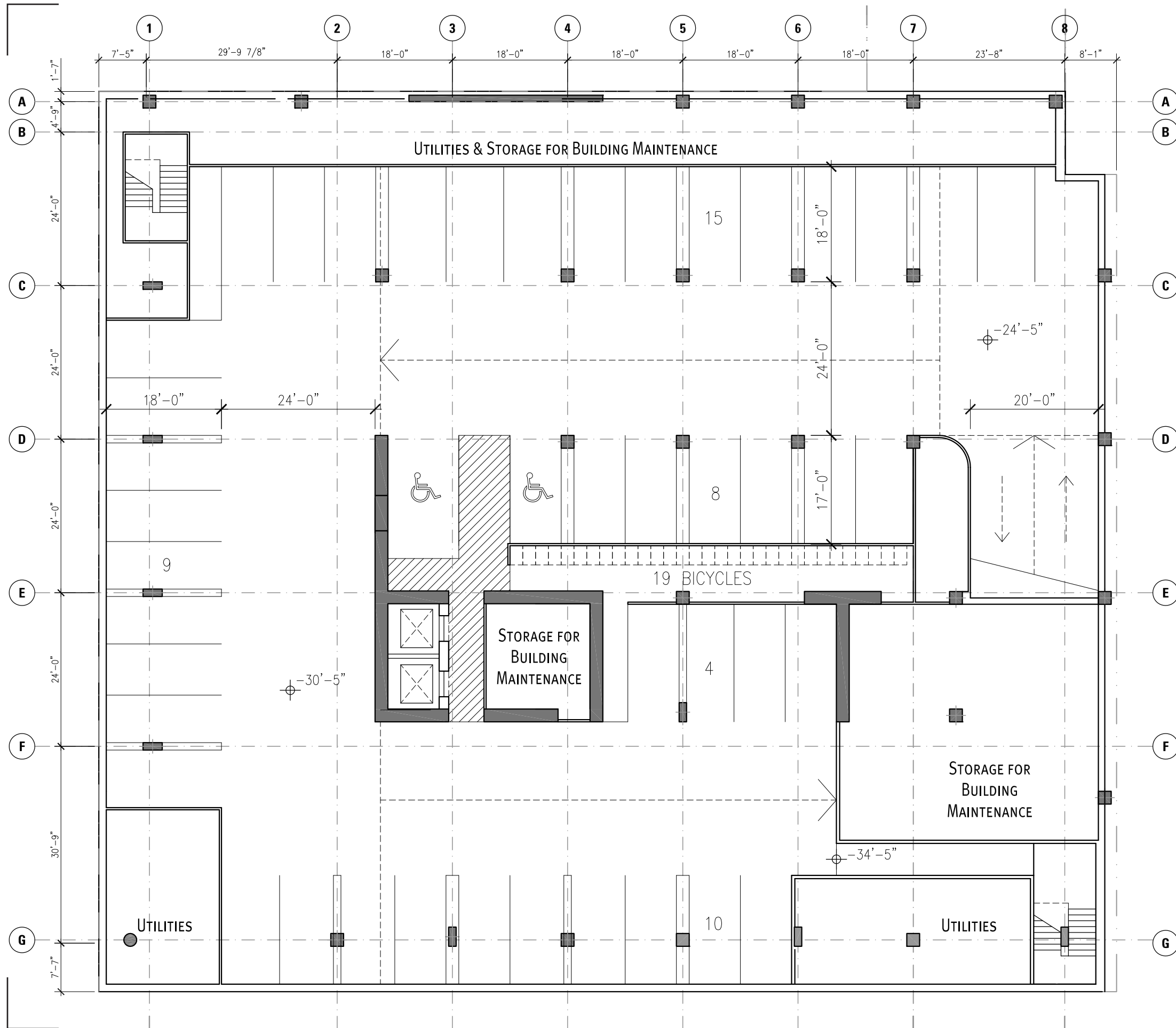
Unit Type C1

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Unit Matrix and  
Typical Units

# A1.6



# 1800

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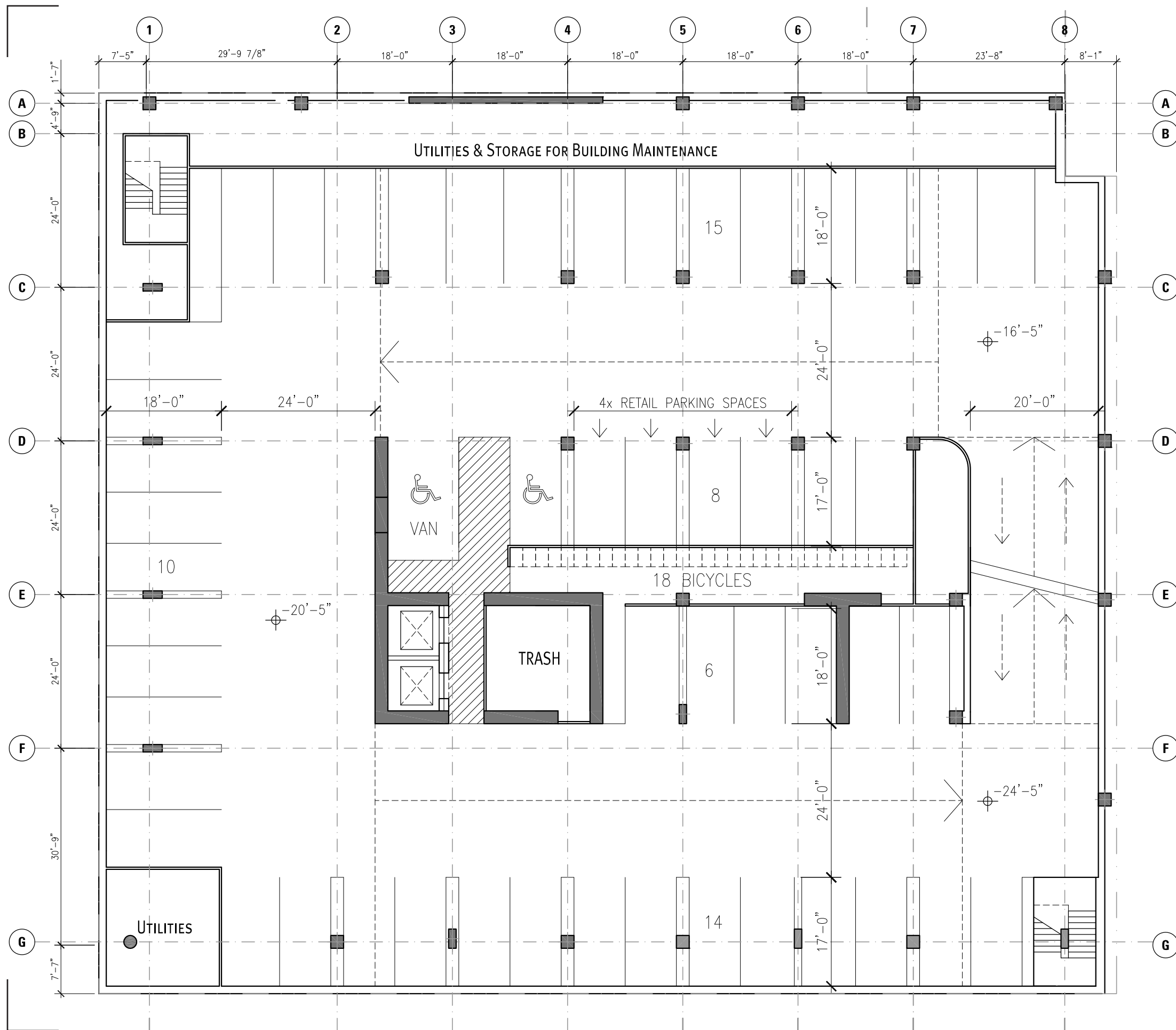


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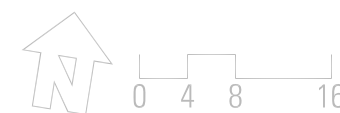
Floor Plan  
Level P2

# A2.0



# 1800

## VANNESS



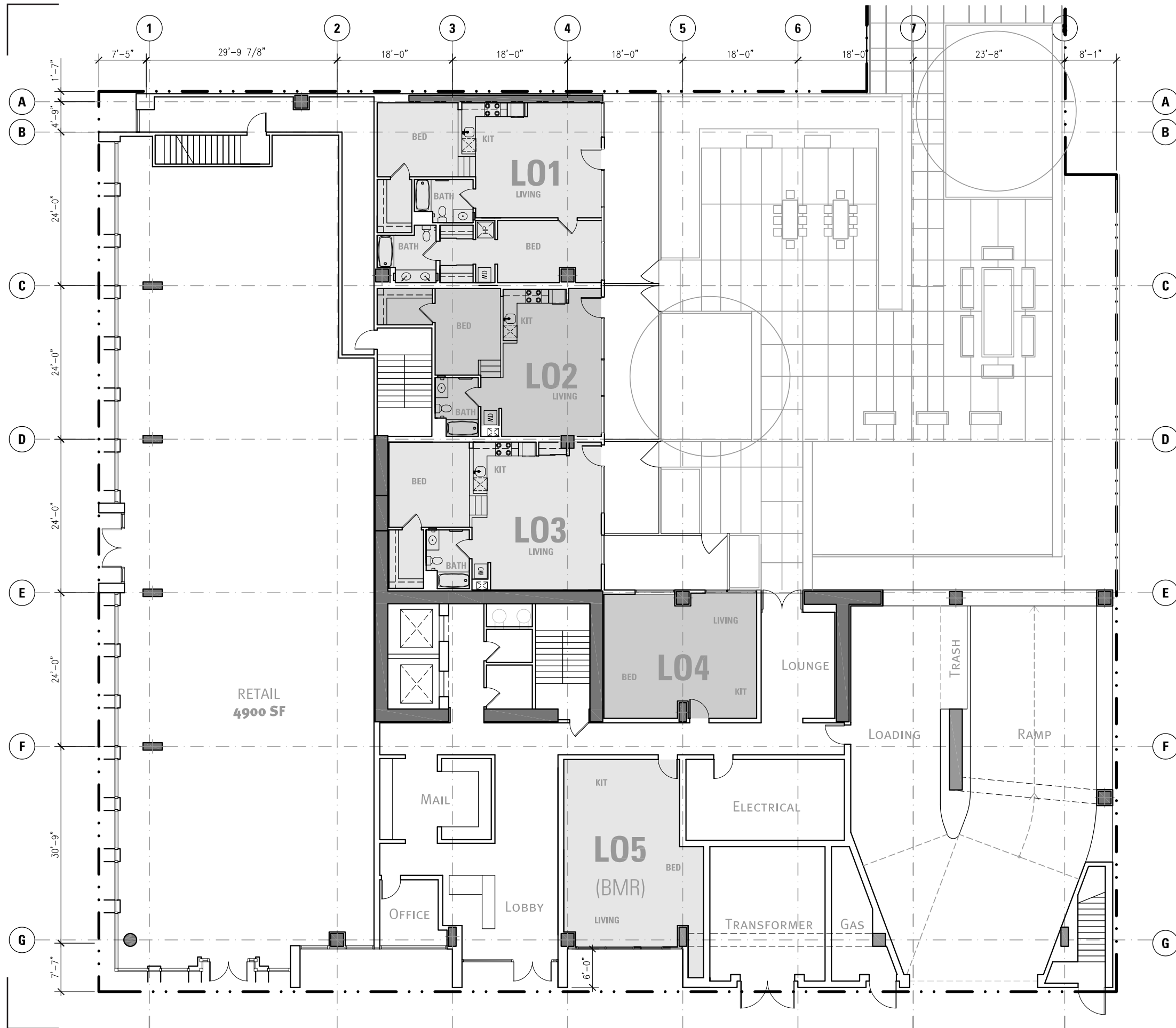
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Floor Plan  
Level P1

# A2.1





**NOTE:**  
No operable windows are provided on this level (<24')

# 1800

## VANNES



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Floor Plan  
Level 1

# A2.2





**NOTE:**  
No operable windows are provided on this level (<24')

# 1800

## VANNESS



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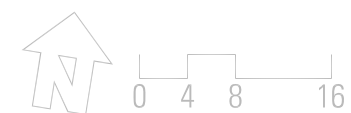
Floor Plan  
Level 2

# A2.3



# 1800

## VANNES



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KH

Floor Plan  
Level 3

# A2.4



# 1800

## VANNESS



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Floor Plan  
Level 4

# A2.5



# 1800

## VANNESS



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Floor Plan  
Level 5

# A2.6

# 1800

## VANNESS



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Floor Plan  
Level 6

# A2.7



# 1800

## VANNESS



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Floor Plan  
Level 7

# A2.8



# 1800

## VANNESS



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Floor Plan  
- Level 8

# A2.9

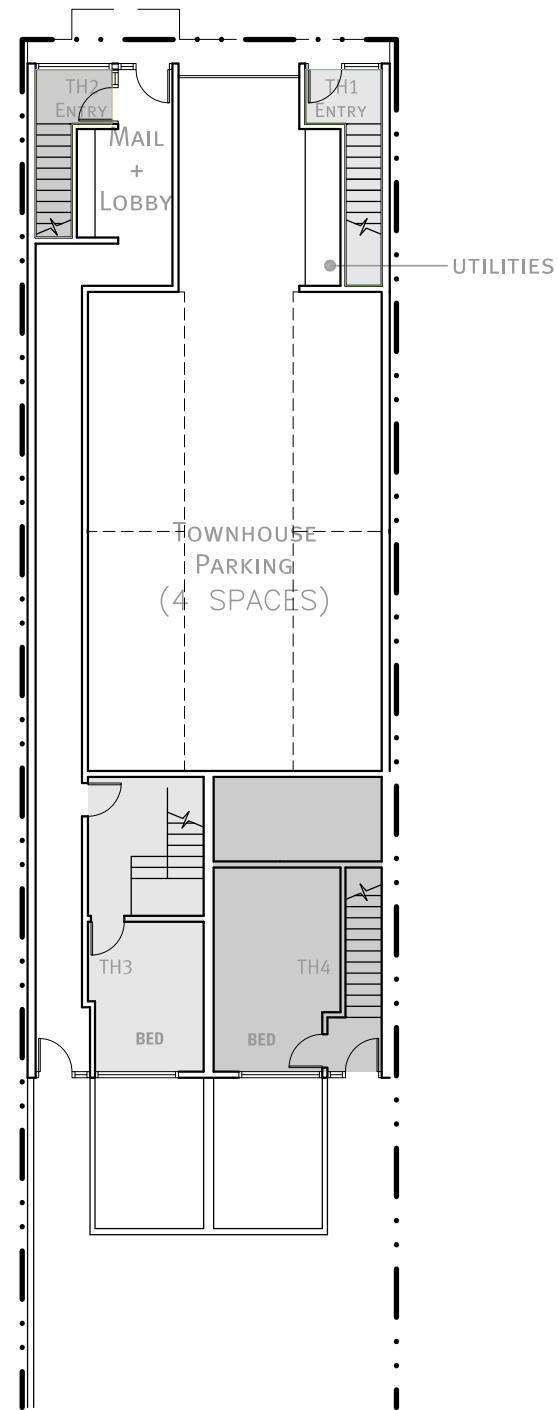




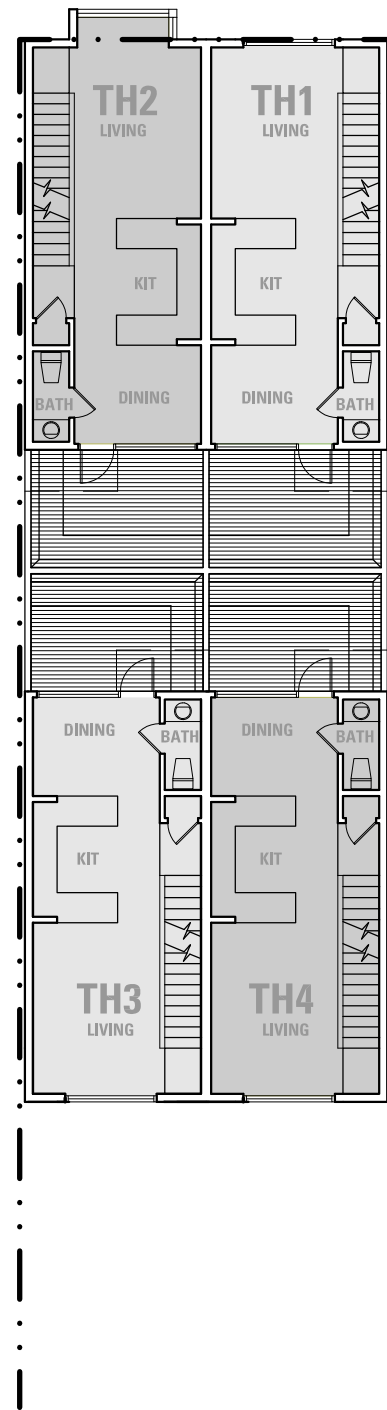


# 1800

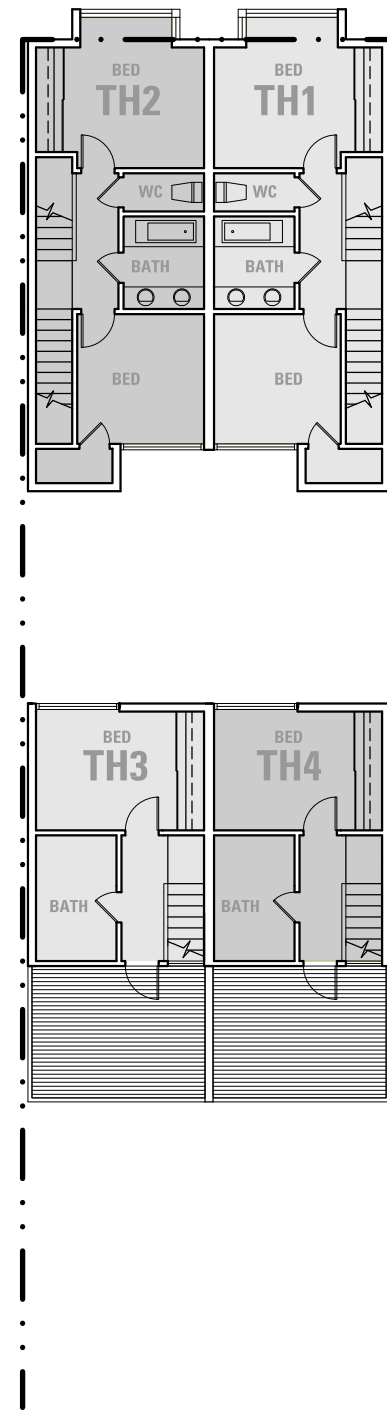
## VANNESS



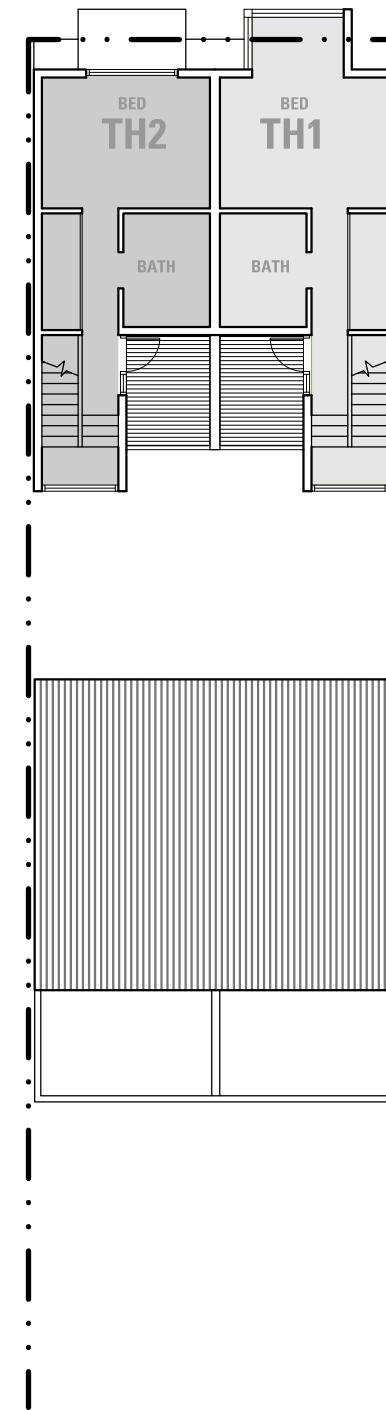
Level 1



Level 2



Level 3



Level 4

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Floor Plan  
- Washington Street Annex

# A2.11

# 1800

# VANNESS



Note:  
No Operable  
Windows Below  
this Elevation  
(<24')

0 4 8 16

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KH

- Zinc Panel [This Elevation]
- White Metal Panel [This Elevation]
- Accent Metal Panel

- Glazing - Clear
- Glazing - Spandrel
- Cement Plaster

Elevation  
- VanNess Street

# A3.0

# 1800

# VANNESS



Note:  
No Operable  
Windows Below  
this Elevation  
(-24')



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Elevation  
- Clay Street

# A3.1

Zinc Panel [This Elevation]

White Metal Panel [This Elevation]

Accent Metal Panel

Glazing - Clear

Glazing - Spandrel

Cement Plaster

Garage Door shall be metal to match  
white metal panels on elevation.

# 1800

# VANNESS



Note:  
No Operable  
Windows Below  
this Elevation  
(<24')









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Elevation  
- Courtyard East

# A3.2

Zinc Panel and Metal Panel ← → Cement Plaster

- |  |  |
|--|--|
|  Cement Plaster/Zinc Panel [See Elevation]        |  Glazing - Clear    |
|  Cement Plaster/White Metal Panel [See Elevation] |  Glazing - Spandrel |
|  Accent Metal Panel                               |  Cement Plaster     |

# 1800

# VANNESS



93'-1" ELEV T.O.C.  
84'-0" HIGH PARAPET  
82'-6" LOW PARAPET  
79'-1" ROOF T.O.C.  
69'-6" LEVEL 8  
59'-11" LEVEL 7  
50'-4" LEVEL 6  
40'-9" LEVEL 5  
31'-2" LEVEL 4  
21'-7" LEVEL 3  
12'-0" LEVEL 2  
0'-0" LEVEL 1

Note:  
No Operable  
Windows Below  
this Elevation  
(-24')



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Cement Plaster ← → Zinc Panel and Metal Panel

- Cement Plaster/Zinc Panel [See Elevation]
- Cement Plaster/White Metal Panel [See Elevation]
- Accent Metal Panel
- Glazing - Clear
- Glazing - Spandrel
- Cement Plaster

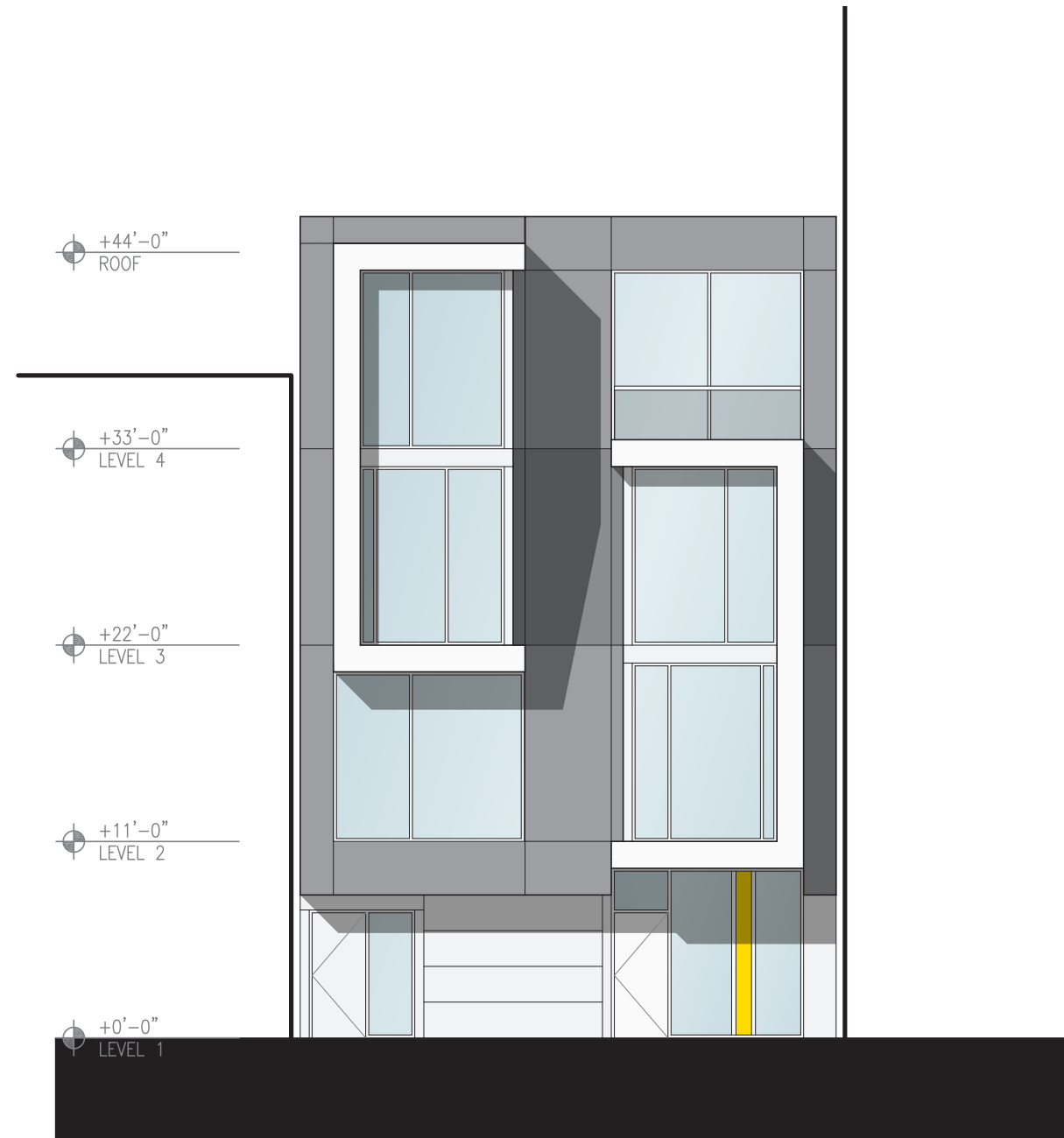


Elevation  
- Courtyard North

# A3.3

1800

VANNESS



- Zinc Panel [This Elevation]
- White Metal Panel [This Elevation]
- Accent Metal Panel

- Glazing - Clear
- Glazing - Spandrel
- Cement Plaster

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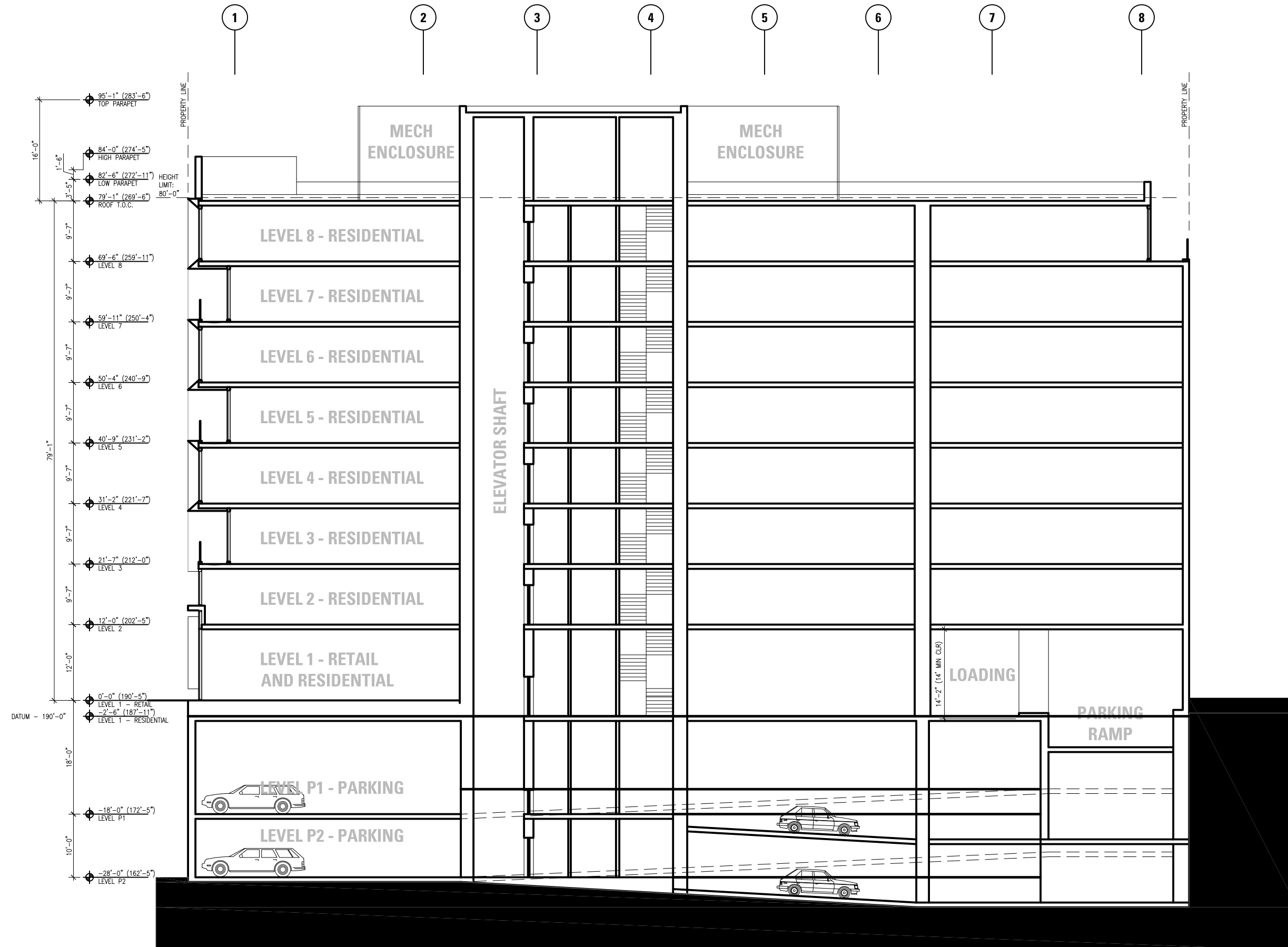


Elevation  
- Washington Street Annex

A3.4

# 1800

# VANNESS



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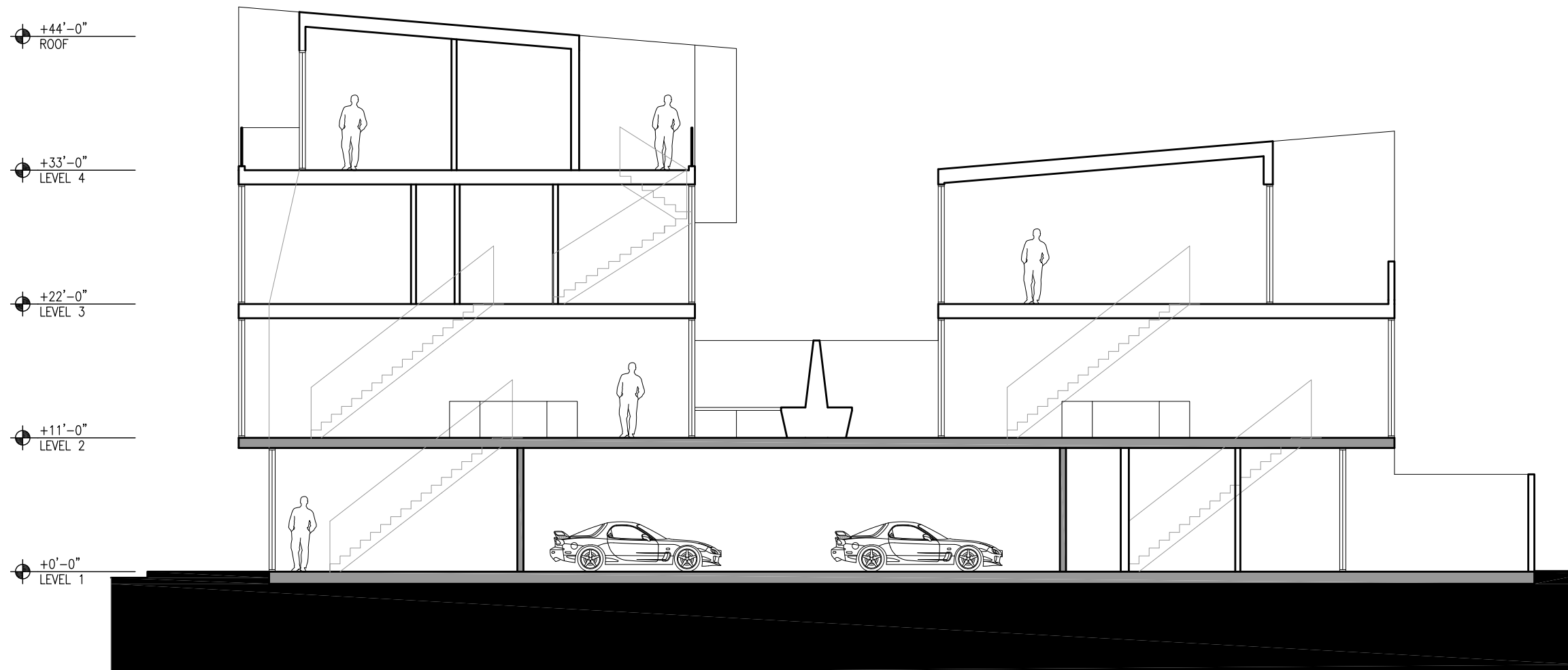


Section

# A4.0

**1800**

**VANNESS**



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Section  
- Washington Street Annex

**A4.1**



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**1800**

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**VANNESS**

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Rendering  
- Corner w/ VanNess

**A5.0**

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**1800**

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**VANNESS**

---

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KH

Rendering  
- Corner w/ Clay

**A5.1**

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**1800**

**VANNESS**

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KH

Rendering  
- Corner Closeup

**A5.2**





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**1800**

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**VANNESS**

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KH

Rendering  
- Birdseye

**A5.3**

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**1800**

**VANNESS**

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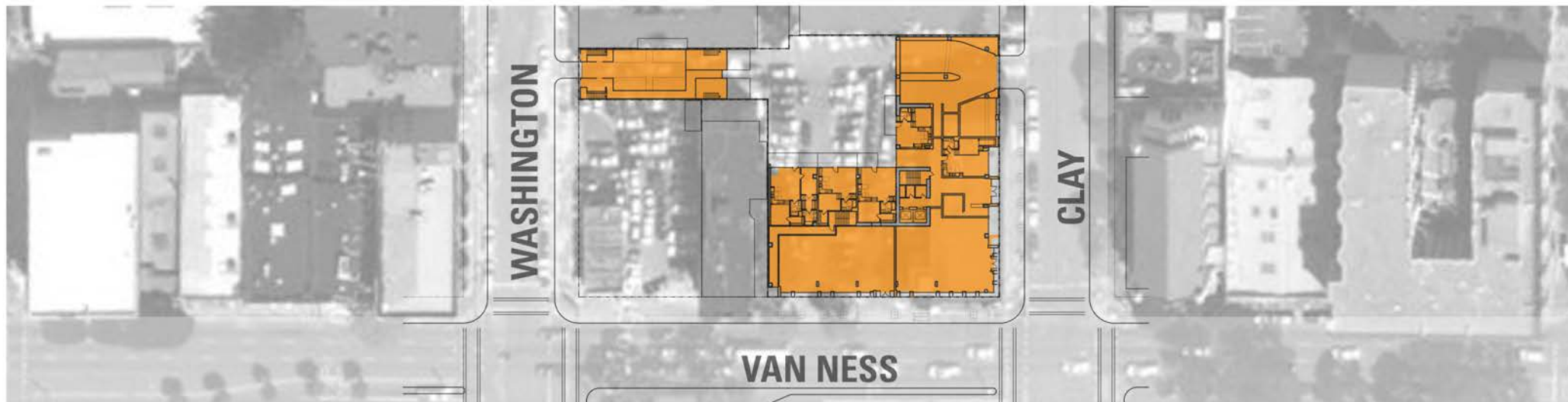


Rendering  
- Washington Street Annex

**A5.4**



# 1800 VANNESS



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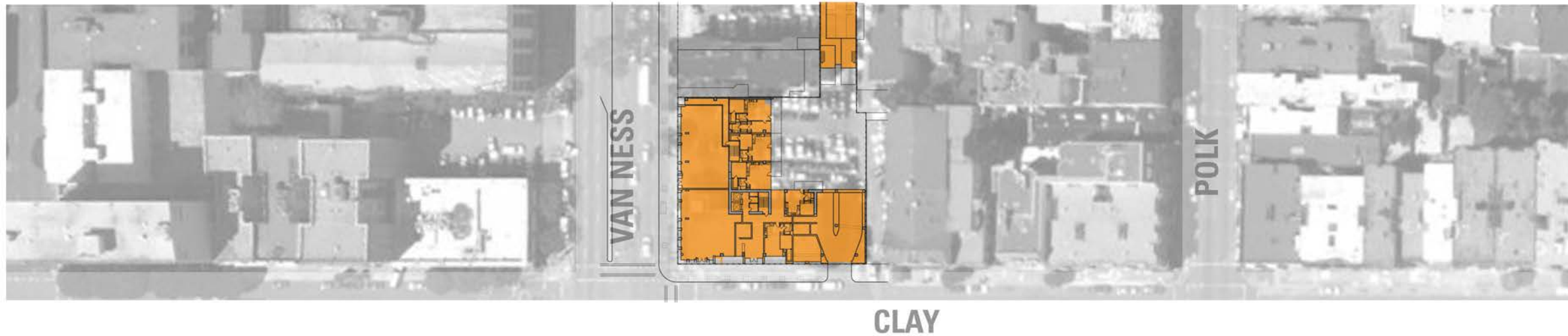
Context Elevations  
- VanNess Street

## A6.0





# 1800 VANNESS



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Context Elevations  
- Clay Street

# A6.1

KH



**1800**

**VANNESS**



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KH

Context Rendering  
- Clay / East

**A6.2**





**1800**

**VANNESS**

11 OCT 2011

KH

Context Rendering  
- Clay / West

**A6.3**





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# 1800

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## VANNESS

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KH

Context Rendering  
- VanNess / North

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# A6.4

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**1800**

**VANNESS**

11 OCT 2011

KH

Context Rendering  
- VanNess / South

**A6.5**





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# 1800

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## VANNESS

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11 OCT 2011



Context Photos

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# A6.6

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# 1800

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# VANNESS

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11 OCT 2011



Context Photos

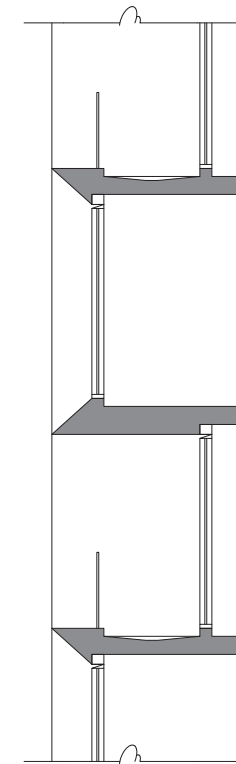
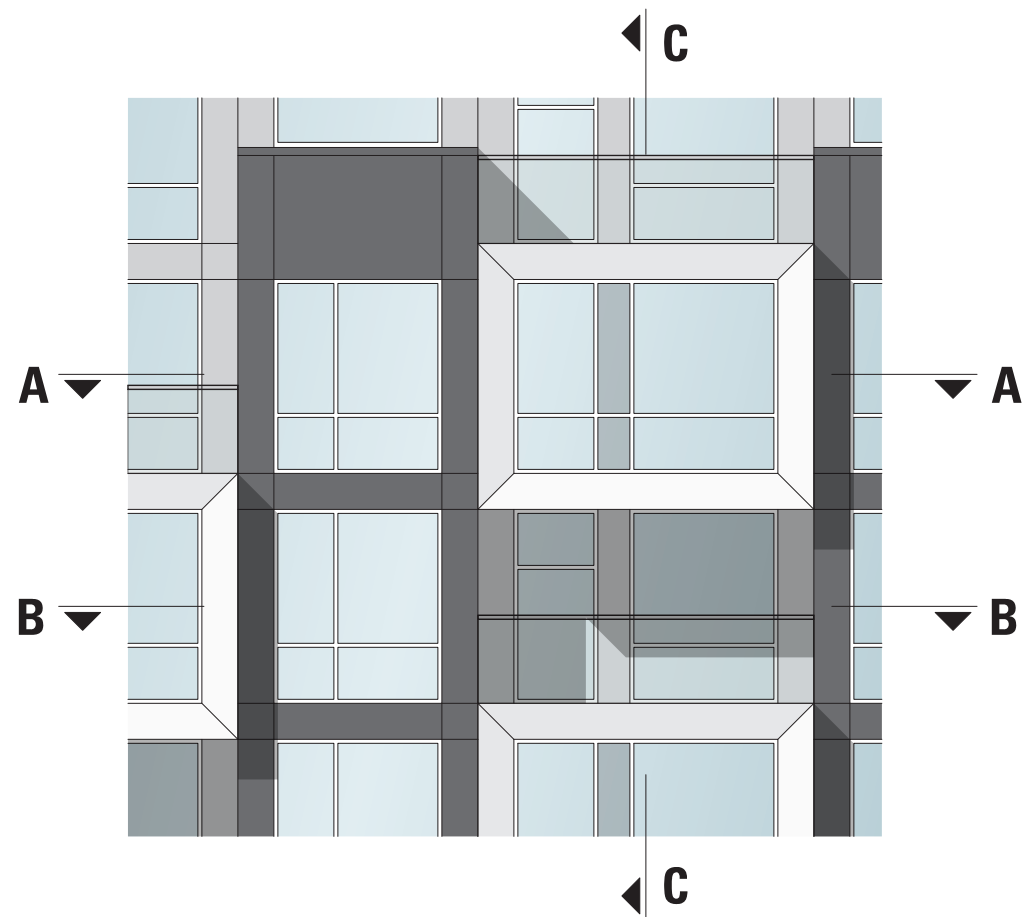
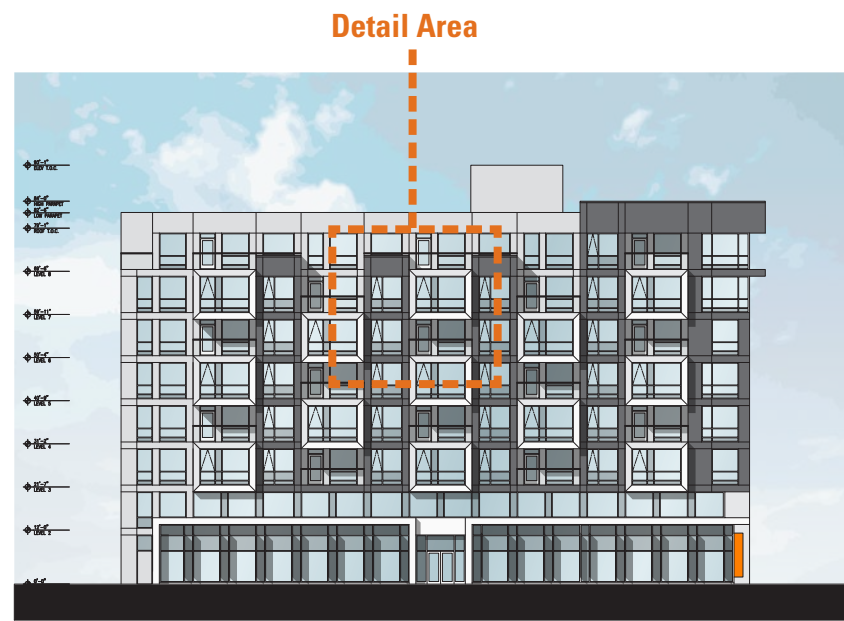
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# A6.7

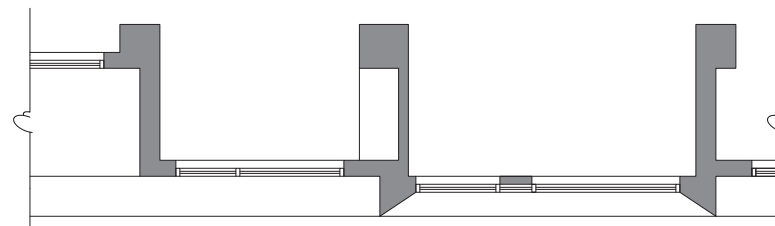
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**1800**

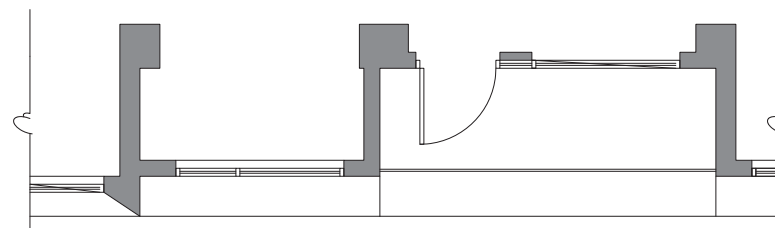
**VANNESS**



**C - SECTION**



**A - PLAN**



**B - PLAN**

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Detail  
- Facade

**A7.0**