



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization & Map Amendment

HEARING DATE: MAY 13, 2010

Date: May 6, 2010
Case No.: **2009.0112CZ**
Project Address: **One Capitol Avenue**
Zoning: P (Public)
Proposed Zoning: RH-1 (Residential, House, One-Family)
Height/Bulk: 40-X
Block/Lot: 7148/040
Project Sponsor: Deny Sepaher
Birch Tree Properties, LLC
4061 East Castro Valley Boulevard, Suite 502
Castro Valley, CA 94552
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 41 off-street parking spaces, and one car share space in an RH-1 Zoning District and 40-X Height and Bulk District.

The proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling units, and 6 three-bedroom dwelling units. Four of the dwelling units would be on-site affordable dwelling units.

This Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

The Project also seeks a Zoning Map Amendment to change the existing zoning from P (Public) to RH-1 (Residential, House; One-Family). Although the property is zoned for public use it has been privately held since 1979, when CalTrans transferred the property to the Project Sponsor's family.

SITE DESCRIPTION AND PRESENT USE

The Project Site is located at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, and Sagamore Street to the north and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District. The site is a relatively flat, irregularly-shaped undeveloped through lot that extends from Alemany Boulevard to Capitol Avenue.

The Subject Property is currently zoned "P", for Public Use, but is undeveloped and privately owned. The Property was surplus Caltrans property, used during the construction of the adjacent Interstate (I-280) freeway and was sold to the Project Sponsor's family in 1979.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the subject property is residential in character, with the exception of the I-280 Freeway, which abuts the property to the south, and the San Francisco Fire Station No. 33, which abuts the property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House; One-Family). To the north of the subject property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The subject property is located in the Ocean View Neighborhood.

ENVIRONMENTAL REVIEW

On March 8, 2010, the Planning Department issued a Final Mitigated Negative Declaration, finding that the proposed project could not have a significant effect on the environment. This finding, pursuant to the California Environmental Quality Act ("CEQA") review procedures, is described in the determination contained in the Planning Department files for this project.

HEARING NOTIFICATION - PUD

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 23, 2010	April 21, 2010	22 days
Posted Notice	20 days	April 23, 2010	April 23, 2010	20 days
Mailed Notice	20 days	April 23, 2010	April 23, 2010	20 days

HEARING NOTIFICATION – MAP AMENDMENT

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 23, 2010	April 21, 2010	22 days
Posted Notice - site	20 days	April 23, 2010	April 23, 2010	20 days

Posted Notice - intersection	10 days	May 3, 2010	May 3, 2010	10 days
Mailed Notice	10 days	May 3, 2010	April 23, 2010	20 days

PUBLIC COMMENT

- The Department received two letters of support for the Project: one from the Housing Action Coalition and from OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic. The Department has also received endorsement for the Project from eight neighbors.

ISSUES AND OTHER CONSIDERATIONS

- This Project is contingent on the Board of Supervisors enacting the Map Amendment to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family). If the Map Amendment is not approved, the Project will not be permitted on the Property.
- Although the Property is zoned P, it is not City-owned surplus property. This property is privately held and has been since it was transferred to the Project Sponsor's family by CalTrans in 1979.
- As part of the PUD, the Project seeks modifications to the lot width, lot area, rear yard configuration, open space configuration, and dwelling-unit exposure.
- In cases of outstanding overall design, complementary to the design and values of the surrounding area, a project – as part of a Planned Unit Development – may merit well-reasoned modifications of certain provisions of the Code.
- The project includes numerous “green” features, and is being designed with long-term environmental sustainability in mind. Some such features include: a pervious paving system along the mews/drive isle; native and drought resistant plantings for all landscaped areas; a controlled drip irrigation system that is tied to weather stations; low VOC finishes; Energy Star rated fixtures; and low flow water closets. The Project is being designed with the intent of exceeding San Francisco's Green Building Ordinance, and with the hope of achieving a GreenPoint Rating.
- The Project includes four on-site ownership affordable dwelling units: three 2-bedroom units and one 3-bedroom unit.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization for the Planned Unit Development per Planning Code Sections 303 and 304. Additionally, the Commission may make a recommendation of approval or denial to the Board of Supervisors for the proposed Zoning Reclassification.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The Project will create 28 “family-sized” dwelling units of two bedrooms or more without displacing any existing housing stock.
- The Project will include four on-site affordable dwelling units that are family-sized, which adds to the overall economic diversity of the neighborhood.
- The Project is of outstanding overall design and of a scale, density, and architectural character compatible with the surrounding low-density residential neighborhood. The exterior facades of the 28 new single-family dwellings that face the I-280 freeway and Alemany Boulevard will also be designed to buffer noise from the I-280 freeway from the interior of the dwellings.
- The Project will provide a sound buffer from the I-280 freeway for the people who live on Sagamore Street; the Project will substantially reduce the noise from the freeway by up to 6 decibels.
- The proposed Project meets all applicable Sections of the Planning Code, Residential Design Guidelines, and General Plan.

RECOMMENDATION (PUD): Approval with Conditions

RECOMMENDATION (REZONING): Recommend Approval to the Board of Supervisors

Attachments:

Draft Motion
Draft Resolution
Draft Ordinance
MMRP
Mitigated Negative Declaration
Noise Study
Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Project Sponsor Submittal
Letter of Support/Opposition
Reduced Plans



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Draft Motion

HEARING DATE: MAY 13, 2010

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Case No.: **2009.0112CZ**
Project Address: **One Capitol Avenue**
Zoning: RH-1 (Residential, House; One-Family) District
Height/Bulk: 40-X
Block/Lot: 7148/040
Project Sponsor: Deny Sepaher
 Birch Tree Properties, LLC
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Staff Contact: Elizabeth Watty – (415) 558-6620
 Elizabeth.Watty@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO PLANNING CODE SECTIONS 303 AND 304, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO LOT SIZE AND WIDTH (SECTION 121), REAR YARD (SECTION 134), OPEN SPACE CONFIGURATION (SECTION 135), AND DWELLING-UNIT EXPOSURE (SECTION 140), WITH RESPECT TO A PROPOSAL THAT WOULD ALLOW THE CONSTRUCTION OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS WITH 4 ON-SITE AFFORDABLE DWELLING-UNITS, WITH 41 OFF-STREET PARKING SPACES AND ONE CAR SHARE PARKING SPACE, LOCATED AT ONE CAPITOL AVENUE, LOT 040 IN ASSESSOR'S BLOCK 7148, WITHIN THE RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT; AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission 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

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project 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.2009.0112E 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.

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House, One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), to the rear yard (Section 134) and usable open space (Section 135) configurations, and to the dwelling-unit exposure (Section 140) (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors.

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0112CZ, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals 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 located at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, and Sagamore Street to the north and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District. The site is an irregularly-shaped undeveloped through lot that extends from Alemany Boulevard to Capitol Avenue, measuring approximately 43,077 square feet in area.
3. **Surrounding Properties and Neighborhood.** The area surrounding the Subject Property is residential in character, with the exception of the I-280 Freeway, which abuts the Property to the south, and the San Francisco Fire Station No. 33, which abuts the Property to the east. The surrounding residential development consists of predominantly low-density, two-story, single-family dwellings, zoned RH-1 (Residential, House: One-Family). To the north of the Subject Property are 32 private lots that front Sagamore Street; they are zoned RH-1 and have an average depth of approximately 85 feet. The Subject Property is located in the Ocean View Neighborhood.
4. **Project Description.** The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District.

The proposed development would total approximately 53,400 square feet and would subdivide the existing vacant 43,077 square foot parcel into 28 parcels with lot sizes ranging from 942 to 3,317 square feet. Each of the resulting 28 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The common drive would be designed in such a way that it would act as common usable open space for occupants of this development. The 28 new two-and-three-story single-family detached dwellings would range in size from approximately 1,450 to 2,330 square feet. The development would include 22 two-bedroom dwelling-units, and six three-bedroom dwelling-units. Four of the dwelling-units would be on-site affordable dwelling-units.

This Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

5. **Public Comment.** The Department received two letters of support for the Project: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic. The Department has also received endorsement for the Project from eight neighbors.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Lot Width and Area.** Planning Code Section 121(d) requires a minimum lot width of 25'-0". Planning Code Section 121(e) requires a minimum lot area of 2,500 square feet.

The Project includes the subdivision of the existing vacant 43,077 square foot parcel into 28 lots, with lot widths varying from 16.00 to 45.38 feet wide. Fifteen of the 28 properties will have lots widths less than the required 25'-0".

The Project proposes to subdivide the 43,077 square foot Property into 28 lots. The lots will range in area from 942 to 3,317 square feet; of the 28 lots, only two will meet the Code minimum of 2,500 square feet in area.

The Project is seeking modifications of the Code provisions governing the width and area of lots through the PUD process. Because the constraints created by a narrow, long and irregularly-shaped lot adjacent to an elevated freeway, the Project requires a modification for both lot width and area. This modification is justified because of the cumulative site constraints. First, the irregular and narrow shape of the site makes it difficult to meet the minimum lot area requirements. The shape does not support 28 rectangular 25x100 foot lots. Second, because the lot lacks street frontage, the means of vehicular and pedestrian access and parking must be provided on the site. While this creates minimal on-street parking demand, it also constrains the size and width of the lots. Third, in order to maximize the number of family-sized units and minimize privacy impacts on the homes on Sagamore Street, the homes are being built near the rear of the lot. This clustering also limits the available lot area and width.

- B. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth, but in no case less than 15'-0", to be provided at grade level and each succeeding level. The rear yard requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

Due to the unique lot shape and location, the Project has been designed to put the 28 new dwellings toward the rear of their own lots, with a mews/landscaped drive isle along the front of the Property that acts as a "rear yard" and buffer to the neighboring properties' rear. The Project's lot coverage is approximately 46%, leaving the remaining 54% of the site dedicated to the 21,000 square foot mews and the 2,285 square feet of open space at the rear of the homes. Each of the 28 lots contains an undeveloped "rear yard" across the mews of at least 25% of the lot depth. The Project is seeking a modification of the Code provision governing the rear yard requirements; although the project satisfies the Code-required distance to the neighbors' rear property lines of 25% of the subject lot depths, the Project requires a rear yard modification for the location and configuration of the rear yards.

An exception from the rear yard configuration requirement is justified for the following reasons. First, the site has more than adequate usable open space for the development's residents. The mews provides 20,978 square feet of common open space along the mews. Private open space is provided by the roof decks and/or balconies for each unit and at the rear of the single-family dwellings. These amounts exceed the Code's yard requirements in terms of total square footage. Second, the proposed configuration respects the established pattern of mid-block open space on this block for rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to comply with the Code's rear yard configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.

- C. **Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RH-1 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6,768 square feet of open space within the individual lots), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space. The Project is seeking a modification of the Code provision governing the location of the open space requirements since the majority of the open space is provided on the mews that also functions as a drive aisle.

An exception from the common open space configuration requirement is justified for the following reasons. First, the irregularly shaped and narrow parcel limits open space opportunities. Nonetheless, the site design provides substantial open space in the form of private decks and balconies and in common open space along the mews. Second, the proposed configuration respects the established pattern of mid-block open space on this block for the rear yards because the mews will be adjacent to the rear yards of the homes on Sagamore Street. Third, even through the hardscaped portion of the drive aisle of the mews does not count toward open space calculations, it will be designed as a primarily pedestrian mews with traffic calming design features that will allow it to function as usable open space. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common open space configuration requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.

- D. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The 28 new single-family dwellings are arranged in a linear pattern, fronting the open space mews. The mews is not a public street, Code-compliant rear yard, or qualifying open space, nor does it meet the minimum horizontal dimensions required to satisfy the dwelling-unit exposure Code-requirement. As

part of this PUD, the Project is seeking a modification to the Code-requirement for dwelling-unit exposure.

An exception from the dwelling-unit exposure requirement is justified for the following reasons. First, each dwelling-unit will face the large open mews area on the Subject Property, which will remain free and clear of any permanent obstructions. This area does not meet the 25'-0" minimum dimension for all dwelling-units; some of the units will face a portion of the mews with a minimum horizontal dimension of 21'-0". Second, all of the dwelling-units will face the tree-lined adjacent property to the south that is owned by Caltrans and abuts the I-280 Freeway. Although this view may not be a desirable one, it does provide exposure and access to light for every dwelling-unit in the development. Finally, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed. If the Project had to strictly comply with the Code's common dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.

- E. **Street Trees.** Planning Code Section 143 requires installation of one 24-inch box street tree in the case of new construction for every 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The Project includes the installation of 3 street trees along Alemany and 4 street trees along Capitol Avenue, in compliance with Planning Code Section 143. The project also includes substantial landscaping and tree plantings along the north, east, and west property lines.

- F. **Off-Street Parking.** Planning Code Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this Section, one parking space is required for each dwelling and up to three off-street parking spaces are permitted as an accessory use.

The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the two-bedroom units would have one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all of the three-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the siting and configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.

The Project complies with the off-street parking provisions of Planning Code Section 151 in that the proposed 41 off-street and one car share parking spaces comply with the minimum parking requirements and with the permitted amount of accessory parking.

- G. **Bicycle Parking.** Planning Code Section 155.5 establishes bicycle parking requirements for new construction of four or more residential dwelling units. For projects up to 50 dwelling units, one Class 1 space is required for every 2 dwelling units.

Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.

- H. **Car Share Parking.** Section 166 establishes car share parking requirements for newly constructed buildings containing residential uses, where parking is provided.

The Project includes the construction of 28 new single-family dwellings, which is below the 50 dwelling-unit threshold that requires car share parking spaces. Nonetheless, the Project Sponsor has voluntarily included one car share parking space within the new development.

- I. **Use and Density.** Section 209.1(b) permits residential uses within the RH-1 District, and permits residential densities up to one dwelling unit per lot.

The Project proposes a total of 28 dwelling units for the Subject Property. As part of this Project, the Project Sponsor is seeking to rezone the Subject Property from P (Public) to RH-1 (Residential, House: One-Family per Lot), and to subdivide the Subject Property into 28 individual lots. The lots would vary in size from 942 to 3,317 square feet. Accordingly, the residential density of the Project conforms to the maximum density allowed by the Planning Code for the RH-1 District, as there will be one single-family dwelling on each of the 28 new lots.

- J. **Height/Bulk.** The Subject Property is located in the 40-X Height and Bulk District. Planning Code Section 261 further limits the height of a dwelling in an RH-1 District to 35 feet when located on a relatively flat lot.

The proposed Project would comply with the height and bulk limits of the 40-X District and Planning Code Section 261. The height of the buildings would be as follows:

Type A (2 bedroom)	Type B (2 Bedroom)	Type C (3 Bedroom)
29'-0" (plus stair penthouse)	29'-0"	29'-0"

- K. **Residential Inclusionary Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Planning Code Section 315.3, 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 315.4, the Project is required to provide 15% of the proposed dwelling units as affordable.

The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Residential Inclusionary Housing Ordinance by providing the affordable housing on-site. The EE application was submitted on February 12, 2009. Four units (3 two-bedroom, and 1 three-bedroom) of the 28 units provided will be affordable units.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. Projects that propose a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition

to the criteria in Section 304, discussed under item 8 below. On balance, the Project 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, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Subject Property is a vacant lot, measuring approximately one acre in size (43,077 square feet), comprising of a long, narrow strip of land situated between 26 existing single family homes that front Sagamore Street to the north and the elevated I-280 Freeway to the south. The site is located within the block bounded by Sagamore Street, Capitol Avenue, I-280 Freeway, and Alemany Boulevard.

The Project includes the construction of 28 new two-and three-story single-family dwellings, each approximately 29'-0" tall, ranging in size from approximately 1,450 to 2,330 square feet in size. All 28 units are family-sized ownership units, including 22 two-bedroom units and 6 three-bedroom units. There will be four on-site affordable dwellings units: three 2-bedroom units and one 3-bedroom unit. There will be a total of 41 off-street parking spaces and one car share space. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces.

The proposed development would total approximately 53,400 gross square feet, with approximately 43,400 square feet of residential space and approximately 10,000 square feet of garage space. The Project would subdivide the lot into 28 new lots – each with one single-family dwelling – ranging in size from 942 to 3,317 square feet. The Project would include an approximately 21,000 square foot mews that runs along the front of every property, with easements granted across all parcels to allow vehicular and pedestrian access along the mews.

The Project's use, size, density, height, and architecture are compatible with the surrounding RH-1 zoning and single-family character of the neighborhood. Most of surrounding single-family dwellings are under 40 feet in height and are modest in size, similar to the Project. The Project maximizes the use of the irregular-shaped parcel by developing single-family homes closer to the freeway while minimizing negative impacts on the Project's residents and on the neighboring properties on Sagamore Street. To further buffer the new homes from those on Sagamore Street, a solid 8-foot high fence will also be built along the northern boundary. The distance from the front of the proposed new homes to the back of the existing homes on Sagamore ranges from 53 to 70 feet, which is equal to the width of a typical City street. The exterior facades of the 28 new single-family dwellings that face the I-280 Freeway and Alemany Boulevard will be designed to buffer noise from the I-280 Freeway from the interior of the dwellings

- B. The 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:

- (i) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The currently vacant site is a long narrow, irregularly shaped parcel that has limited street frontage due to its location next to the elevated I-280 Freeway. Given this constraint, the Project is designed to be both compact and to provide noise buffering for the new homes from the adjacent freeway traffic and visual buffering from the existing homes on Sagamore Street to mitigate privacy concerns. The Project achieves this by clustering the homes along the southern portion of the site, reserving the northern portion of the mews for landscaped common open space.

The proposed configuration also maintains a height, density and development pattern that match that of the surrounding neighborhood. The new buildings will have features similar to the single-family homes on the block and elsewhere in the neighborhood. They will have an at-grade entrance and garage door at the front of each dwelling, with living space on the upper floor(s). The design utilizes sustainable practices including windows and materials that exceed current energy efficiency standards by 15%. The massing and scale of the Project is further broken down with the use of materials, colors, and architectural features, including setbacks, bay windows, and building articulation. These building elements are consistent with the prevailing residential pattern of nearby streets.

- (ii) 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.

Currently the site is vacant, and Capitol Avenue dead-ends at the end of the Subject Property. Residents of the development will gain vehicular and pedestrian access to their individual homes and garages via a one-way, 20-foot wide, 675-foot long 13,500s square foot private pedestrian/vehicular headspace in the mews. This feature will significantly limit on-street parking demand from the project. Moreover the proposed access would be used almost exclusively by residents of the development because it provides direct access only to their homes. The San Francisco Fire Department, which has a station across Capitol Avenue, has approved of this vehicular access strategy.

The Project will include 41 off-street parking spaces and a total of 56 secure bicycle parking spaces. The off-street parking will be provided in private garages, with fifteen of the two-bedroom units having one off-street parking space, seven of the two-bedroom units would have two off-street parking spaces, and all six of the three-bedroom units will have two off-street parking spaces. Each garage has room for two secure bicycle parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of on-street parking, the 1.5:1 parking ratio is appropriate for and consistent with the low density residential neighborhood.

The Project will enhance the pedestrian experience in the neighborhood by marking the mews welcoming for use by pedestrians as open space. Although not required pursuant to the Planning Code, the Project would also include one car-share parking space for use by the developments residents and near by car share members. The Project site is well served by public transportation; it

is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station.

- (iii) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.

The Project includes residential uses that are typical of the surrounding context, and would not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, the noise from the I-280 Freeway is expected to be reduced by “up to ... six decibels, which is considered to be a ‘noticeable’ reduction in noise by people of normal sensitivity”.¹ Construction related noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. Excavation and grading will result in a minimal amount of dust generation, as there are no below-grade uses as part of this Project. Furthermore, the building will not exhibit an excessive amount of glazing or other reflective materials. Therefore, the Project is not expected to cause offensive amounts of glare.

- (iv) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs.

The Project provides both common and private open space, including 27,746 square feet of open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the individual lots’), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space.

The northern property line, which abuts the rear yards of the dwellings that front Sagamore Street, will be landscaped, as well as the development’s access points on Alemany Boulevard and Capitol Avenue. Seven new street trees will also be added along the street frontages. A landscape architect was hired to ensure that the appropriate plants are incorporated into the development’s design.

All 41 off-street parking spaces will be provided in private garages, with one car-share parking space unenclosed and accessible to the public. No loading space is proposed, and signage would be minimal and comply with the requirements of Article 6 of the Planning Code.

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The Project generally complies with the applicable sections of the Code, with certain modifications. The residential density is permitted within the RH-1 Zoning District, and the height and bulk of the Project are consistent with the 40-X Height and Bulk District. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the

Attachment D – Salter, Charles M. “Ocean View Villas, San Francisco, California: Environmental Noise Study.” 13 May 2009: 6.

Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.

Considered as a whole, the Project would add affordable housing and relatively affordable market-rate family housing in the Ocean View neighborhood. The Project Site is well-served by transit and in close proximity to commercial services, which allows residents to commute, shop, and reach amenities by transit and bicycling, rather than being solely dependant on private automobile usage. The Project includes a mix of units in a range of sizes. This mix of units with the inclusion of on-site affordable housing will ensure that the Project will serve a diversity of household sizes and people with varied housing needs.

8. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

A. **Modifications.** The Project Sponsor requests five modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

(i) Lot Area: Item #6C

(ii) Lot Width: Item #6C

(iii) Rear Yard Configuration: Item #6D

(iv) Open Space Configuration: Item #6E

(v) Dwelling Unit Exposure: Item #6F

These modifications are justified because, as a whole, the Project has outstanding overall design, and will promote harmony by visually relating to the single-family dwellings in the neighborhood. The Project's density, height, dimensions, and character are designed to be respectful to and compatible with the surrounding buildings. The efficient use and quality design of the mews allows for shared use of a necessary drive aisle that can function both as a rear yard that increases the feel of a midblock open space, as well as common usable open space accessible to all residents of the development. Although 26 of the new lots will not meet the minimum lot area and 15 of the lots will not meet the minimum lot width required by Section 121, the uniquely shaped lot and outstanding design of the Project creates a development that is articulated well and compatible with the surrounding context. Along approximately the same distance on Sagamore Street, there are 26 single-family dwellings compared to the 28 dwellings within the Project Site. If this Project had to strictly comply with the Code's lot width, lot area, rear yard, open space, and dwelling-unit exposure requirements, the trade-off would be the loss of moderately-priced, family-sized homeownership units in the Ocean View Neighborhood.

B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

- (i) Affirmatively promotes applicable objectives and policies of the General Plan;

See discussion under item #9.

- (ii) Provides off-street parking adequate for the occupancy proposed.

Pursuant to the requirements of Section 151, one off-street parking space is required per dwelling in an RH-1 District, for a total of 28 spaces. The Project will include 41 off-street parking spaces. The off-street parking will be provided in private garages, with fifteen of the 2-bedroom units having one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all six of the 3-bedroom units will have two off-street parking spaces. The Project's parking ratio is 1.5:1, which exceeds the minimum parking requirement of 1:1 by 50%, but is under the maximum parking requirement by 150% (3:1). Due to the lack of any adjacent on-street parking and the number of family-sized units, the 1.5:1 parking ratio is appropriate for and consistent with the parking pattern found throughout the surrounding low density residential neighborhood.

- (iii) Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space, which is in excess of what is required by Code.

- (iv) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

The Project proposes a total of 28 dwelling-units on the Subject Property. Based on the allowable density specified by Section 209.1(b) for the RH-1 District, up to 28 dwelling-units would be allowed on the 28 lots, and thus will not be substantially equivalent to a reclassification of the Subject Property. As part of this Project, the Subject Property will be rezoned from P (Public) to RH-1 (Residential, House, One-Family), and will be subdivided to created 28 individual lots.

- (v) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code.

There are no commercial uses proposed as part of this Project.

- (vi) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

As measured by the provisions of Planning Code Sections 102.12 and 260, the Project would not exceed the height limits of the 40-X Height and Bulk District. All dwellings are approximately 29'-0" tall (Type A has a stair penthouse that extends above 29'-0" but remains under the 40'-0" height limit). All of the buildings within the Project would comply with the 40-X Height and Bulk District.

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

HOUSING ELEMENT:

Objectives and Policies

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

Policy 1.4:

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

Policy 1.5:

Support development of affordable housing on surplus public lands.

The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this project is being rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus Property to the Project Sponsor's family.

OBJECTIVE 4

SUPPORT AFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1:

Actively identify and pursue opportunity sites for permanently affordable housing.

Policy 4.2:

Include affordable units in larger housing projects.

Policy 4.6:

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.

OBJECTIVE 8

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

Policy 8.7:

Eliminate discrimination against households with children

Policy 8.9:

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

The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.

Policy 11.10

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.

Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle/mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.

For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.

The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.

To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.

Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.

TRANSPORTATION ELEMENT:

Objectives and Policies

OBJECTIVE 2

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

Policy 2.2

Reduce pollution, noise and energy consumption.

The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in Freeway noise as a result of this Project.

The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located in proximity to existing transit service and will provide a car share parking space on-site.

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2

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

Policy 24.5

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or "living streets", especially in neighborhoods deficient in open space.

The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.

OBJECTIVE 26

CONSIDER THE SIDEWALK AREA AS AN IMPROTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

Policy 26.1

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.

OBJECTIVE 27

ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.

Policy 27.5

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.

OBJECTIVE 34

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

Policy 34.1:

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

The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.

URBAN DESIGN ELEMENT:

Objectives and Policies

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.

OBJECTIVE 4

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

Policy 4.1:

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

Policy 4.10:

Encourage or require the provision of recreation space in private development.

Policy 4.11:

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Policy 4.15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.

The proposed Project includes an abundance of landscaping throughout the Property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.

The new buildings are compatible in scale, density, and materiality with the established neighborhood character.

RECREATION AND OPEN SPACE ELEMENT:

Objectives and Policies

OBJECTIVE 4

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

Policy 4.2:

Maximize joint use of other properties and facilities.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.

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

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

No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses

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

The proposed Project would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.

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

The proposed Project would enhance the City's supply of affordable housing by including four on-site affordable dwelling-units within the Project.

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

The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.

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

The Project does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

The Subject Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.

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

The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.

- I. 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.

- J. 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 Project Sponsor, 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. 2009.0112CZ** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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. XXXXX. 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.

The Planning Commission has reviewed and considered the IS/MND 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 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 13, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 13, 2010

Exhibit A

Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This Conditional Use Authorization is for a proposed Planned Unit Development, at One Capitol Avenue, between Capitol Avenue to the east and Alemany Boulevard to the west, Sagamore Street to the north, and parallel to Interstate 280 Freeway to the south; Block 7148, Lot 040, within the RH-1 (Residential, House: One-Family) District and 40-X Height and Bulk District, in general conformance with the plans dated April 19, 2010, and marked "Exhibit B." The proposed Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on a vacant lot measuring approximately one acre in size, that includes the creation of 28 lots with a total of 28 single-family dwellings and 42 parking spaces (including one car share space) in an RH-1 Zoning District and 40-X Height and Bulk District. The Project includes modifications to the lot size and width (Section 121), rear yard (Section 134), usable open space (Section 135), and dwelling-unit exposure (Section 140).

Compliance with Other Requirements

1. The approved density of 28 affordable dwelling units is contingent on the Board of Supervisors enacting the ordinance to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family). If the Map Amendment is not approved, the Project will not be permitted on the Property.
2. This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

Mitigation Measures

1. 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.

General Conditions

1. **Recordation.** Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

2. **Performance.** The Commission may consider revocation of this Conditional Use Authorization if a permit for the Project has been issued, but is allowed to expire and more than three years have passed since this Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.
3. **Severability.** 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
4. **First Source Hiring Program.** The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
5. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Section 176.
6. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).
7. An enclosed garbage area shall be provided within each of the 28 dwelling-units of the Project. All garbage containers shall be kept within the dwellings until pick-up by the disposal company.

Conditions to be met prior to the issuance of an architectural addendum to a Building (or Site) Permit

1. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated April 19, 2010, labeled "Exhibit B".
2. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative materials, glazing, color and texture of exterior finishes, and details of construction.

Conditions to be met prior to Issuance of Any Certificates of Occupancy for the Project

1. All usable open spaces shall be completed and available for use.
2. All street trees and landscaping shall be installed.

Below Market Rate Units (BMR Units)

1. **Number of Required Units.** Pursuant to Planning Code Section 315.4, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 28 units; therefore, 4 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 4 BMR units on-site.

2. **Unit Mix.** The Project contains 22 two-bedroom and 6 three-bedroom units; therefore, the required BMR unit mix is 3 two-bedroom and 1 three-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.
3. **Unit Location.** The BMR 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 site or building permit.
4. **Phasing.** If any building permit is issued for any partial phase 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 BMR units.
5. **Duration.** Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.4 must remain affordable to qualifying households for the life of the project.
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "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 315 (collectively the "Inclusionary Housing Ordinance"). 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 Mayor's Office of Housing 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 Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
 - a. The BMR units shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI). The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
 - b. If the units in the building are offered for sale, the BMR units 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 Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing; (ii) renting; (iii) recouping capital improvements; and (iv) procedures for inheritance apply and are set forth in the Inclusionary Housing Ordinance and the Procedures Manual.
 - c. If the units in the building are offered for rent, the BMR unit(s) shall be rented to a household of low income, as defined in the Inclusionary Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing

Ordinance, Section 315.1. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (MOH.)

- d. The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.
- e. Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.
- f. Prior to the issuance of the first site or building 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 BMR 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).
- g. If project applicant fails to comply with the Inclusionary Housing requirement, the Director of Building Inspection 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 applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.
- h. **Future Applicable Controls:** If the Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. (collectively "applicable future controls") are approved by the Board of Supervisors prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current provisions of Planning Code Section 315 et seq. Specifically, the Project shall pay the affordable housing fee as provided in the applicable future controls unless it is eligible to meet the requirements of Section 315 et seq. through an alternative method. The affordable housing fee currently designated in the draft applicable future controls is set at the same amount as the current in lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate, except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: MAY 13 2010

Date: May 6, 2010
Case No.: **2009.0112CZ**
Project Address: **One Capitol Avenue**
Zoning: P (Public)
Proposed Zoning: RH-1 (Residential, House: One-Family)
Height/Bulk: 40-X
Block/Lot: 7148/040
Project Sponsor: Deny Sepaher, Birch Tree Properties, LLC
4061 East Castro Valley Boulevard, Suite 502
Castro Valley, CA 94552
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org

1650 Mission St.
Suite 400
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RESOLUTION OF THE PLANNING COMMISSION TO ADOPT FINDINGS RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND SHEET ZN12 OF THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY ONE CAPITOL AVENUE, BEING ALL OF LOT 040 IN ASSESSOR'S BLOCK 7148, FROM P (PUBLIC) TO RH-1 (RESIDENTIAL, HOUSE: ONE-FAMILY), TO FACILITATE THE DEVELOPMENT OF 28 SINGLE-FAMILY DWELLINGS ON 28 NEW LOTS INCLUDING 4 AFFORDABLE DWELLING UNITS, 41 OFF-STREET PARKING SPACES, AND 1 CAR SHARE PARKING SPACE; AND TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, On February 12, 2009, Deny Sepaher of Birch Tree Properties, LLC (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2009.0112E.

On January 27, 2010 the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 16, 2010; and

On May 13, 2010, the Planning Commission 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

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project 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.2009.0112E 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.

On January 28, 2010, the Project Sponsor submitted a letter to the Planning Director requesting to rezone the Subject Property from P (Public) to RH-1 (Residential House: One-Family), in order to create 28 lots with 28 single-family dwellings and 42 parking spaces as part of a Planned Unit Development (hereinafter "PUD") on an approximately 43,077 square-foot site (Lot 040 in Assessor's Block 7148) at One Capitol Avenue (hereinafter "Subject Property").

On January 28, 2010, the Project Sponsor filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on the Subject Property, that includes the creation of 28 lots with a total of 28 single-family dwellings – including four on-site affordable dwelling-units – and 42 parking spaces (including one car share space) in an RH-1 (Residential, House – One Family) District and 40-X Height and Bulk District. The PUD includes modifications to the lot size and width (Section 121), and to the rear yard (Section 134) and usable open space (Section 135) configurations (Case No. 2009.0112CZ; collectively, hereinafter "Project").

The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No2009.0112CZ on May 13, 2010. At that hearing, after hearing and considering the testimony presented to it and after further considering written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties, the Planning Commission recommended approval of the Zoning Map Amendment to the Board of Supervisors to enable the development of the lot with 28 single-family dwellings as part of a Planned Unit Development.

At that same hearing, the Planning Commission authorized a Planned Unit Development for the Project.

The Map Amendment and the Project will affirmatively promote the Objectives and Policies of the General Plan for the reasons set forth in Section 9 of Planning Commission Motion No. _____, which authorized the Project as a Planned Unit Development.

The Department received two letters of support for the Project: one from the Housing Action Coalition and from the OMI Neighbors in Action. The Department has received opposition from one person. Her concerns include, but are not limited to the size of the development and traffic.

The proposal will promote the following relevant objectives and policies of the General Plan:

HOUSING ELEMENT:

Objectives and Policies

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

Policy 1.4:

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

Policy 1.5:

Support development of affordable housing on surplus public lands.

The Project is an in-fill development with four on-site affordable dwelling-units on a vacant parcel of land in an established residential neighborhood. The Project Site is zoned P (Public), but as part of this Project will be rezoned to RH-1 (Residential, House: One-Family). The Property was previously owned and used by CalTrans during the construction of the I-280 Freeway, and in 1979, CalTrans sold this surplus property to the Project Sponsor's family.

OBJECTIVE 4
SUPPORT AFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.1:

Actively identify and pursue opportunity sites for permanently affordable housing.

Policy 4.2:

Include affordable units in larger housing projects.

Policy 4.6:

Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

The Subject Property is an underutilized, vacant site that is suitable for an in-fill housing development, including four permanently-affordable on-site dwelling-units. The nature and configuration of the Planned Unit Development results in 28 single-family homes that are "affordable by design" in that they are relatively small in size with efficient floor plans.

OBJECTIVE 8
ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES

Policy 8.4:

Encourage greater economic integration within housing projects and throughout San Francisco.

Policy 8.7:

Eliminate discrimination against households with children

Policy 8.9:

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

The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 28 new single-family homes suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on an unutilized vacant parcel of land.

Policy 11.10

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

According to the Project Sponsor, the proposed new residences are being designed with long-term environmental sustainability in mind. The techniques being adopted to support this goal will augment the new homes' energy efficiency, water efficiency, and community benefits, while lowering the overall carbon footprint as compared to standard construction methods.

Since water consumption is one of the key environmental issues, the design of these homes will incorporate the "Best Management Practices" and "Storm Water Design Guidelines" as recommended by the San Francisco PUC. In accordance with these recommendations, a signature design feature will be the landscaped drive aisle or mews. This mews will be designed to function as a space for gathering and recreation for the residents that will feature pavers that reduce the impervious surfaces as compared to standard asphalt paving. This will allow more rainfall to soak into the ground, and reduce the volume and intensity of storm water runoff, ultimately reducing flows that end up in the receiving waters. Also using permeable surfaces will reduce the heat island effect caused by usage of surface materials that are effective heat retainers like an asphalt or pored concrete.

For the landscaping, sustainable design techniques will be incorporated into the planning of the open spaces. The vegetated component of this mews will incorporate native plants, low water and drought resistant species. To further reduce water consumption, the Project Sponsor intends to introduce drip system irrigation on an irrigation controller that is tied to the weather stations to make the irrigation as efficient as possible.

The 28 new single-family dwellings are being designed with the intent to exceed San Francisco's Green Building Ordinance. For 2009, the minimum GreenPoints for new residential projects over 5 units is 25. Currently the project qualifies for 70 points as defined by the GreenPoint Rating System and will attempt to meet the criteria for a GreenPoint Rating. The Project is also expected to exceed CA Title 24 energy criteria by 15%.

To create a healthier indoor environment and reduce overall resource consumption, the Project will include low VOC (Volatile Organic Compound) finishes, ENERGY STAR rated fixtures, and low flow water closets. Whenever possible, recycled content material will be utilized in lieu of virgin materials.

Lastly, although not required by Code, one parking space has been incorporated into the site plan for car share use, which will reduce the need for parking on site and contribute to a lesser traffic overall.

TRANSPORTATION ELEMENT:

Objectives and Policies

OBJECTIVE 2

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

Policy 2.2

Reduce pollution, noise and energy consumption.

The Project is designed to help buffer and reduce the noise generated by the I-280 Freeway that currently impacts the residences on Sagamore Street. The reduction provided by the Project would be up to an additional six decibels, which is considered to be a "noticeable" reduction in noise by people of normal sensitivity. Exhibit A includes a diagram that indicates a reduction in freeway noise as a result of this Project.

The Project also serves the City's "Transit First" policy because the site is well-served by public transportation options and is thus a good location for new development. The site is located in close proximity to the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M light rail line, and the Daly City BART Station. Additionally, the Project includes one car share parking space that will be accessible to the surrounding community.

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project's is located in proximity to existing transit service and will provide a car share parking space on-site.

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2

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

Policy 24.5

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open space or “living streets”, especially in neighborhoods deficient in open space.

The Project includes the addition of seven new street trees, including street trees along Sagamore Street that are not required as part of this Project. The proposed mews will act as a living street, in that it will include pervious pavers and landscaping to act as a drive aisle as well as common usable open space for the occupants of the development.

OBJECTIVE 26

CONSIDER THE SIDEWALK AREA AS AN IMPROTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.

Policy 26.1

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

The proposed mews is designed to act as pedestrian open space and will allow for quality pedestrian circulation when not being used for vehicular access.

OBJECTIVE 27

ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.

Policy 27.5

Make available bicycle route and commuter information and encourage increased use of bicycle transportation.

The inclusion of private bicycle parking within each new single-family dwelling aids in the convenient use of bicycling as a means of transportation and for recreational use.

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITEIS FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

Two dedicated bicycle parking spaces are provided within the garages of each of the 28 new single-family dwellings, for a total of 56 secure bicycle parking spaces. This Project exceeds the Code-requirement of 14 bicycle parking spaces by a multiplier of four.

OBJECTIVE 34

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

Policy 34.1:

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

The required parking for the RH-1 District is one parking space per unit, with an allowance to have up to three parking spaces as an accessory use (i.e. a 3:1 ratio). The Project includes a total of 41 off-street parking spaces and one unenclosed car share parking space. Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces, and all of the 3-bedroom units would have two off-street parking spaces, for an overall Project parking ratio of 1.5:1. This parking layout is consistent with the City's efforts to relate parking to unit size as well as density. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the configuration of this Project, there will be no immediately adjacent street parking available to any of the occupants of the Project.

URBAN DESIGN ELEMENT:

Objectives and Policies

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from two-to-three-stories in height and are single-family dwellings. There are 28 proposed dwellings that span the full block width from Capitol to Alemany; this is compatible with the 26 dwellings that span the same width as the Project Site and front Sagamore Street.

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

The Project will promote harmony by visually relating the 28 two-and-three-story single-family dwellings to the buildings in the neighborhood, which are predominantly two-story single family dwellings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The mews provides a rear yard-like functionality to the adjacent properties' rear yards, adding greater distance and privacy between the new dwellings and the existing dwellings that front Sagamore Street. The new construction will greatly enhance the character of the existing site and neighborhood.

OBJECTIVE 4

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

Policy 4.1:

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

Policy 4.10:

Encourage or require the provision of recreation space in private development.

Policy 4.11:

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Policy 4.15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

Due to the Project Site's undeveloped nature, there is currently no buffer to the noise produced by the I-280 Freeway. The Project will permanently reduce the noise by up to six decibels, which will be a noticeable reduction in noise for the existing residents along Sagamore Street. The construction of the

Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.

The proposed Project includes an abundance of landscaping throughout the property, along with seven new trees on public property (four on Capitol Avenue and three on Alemany). The mews will be designed to provide to allow for its shared use by pedestrians and vehicles, by incorporating landscaping and distinctive pervious paving. The mews will function as a drive aisle for vehicular access as well as a shared open space for the recreational use of development's residents.

The new buildings are compatible in scale, density, and materiality with the established neighborhood character.

RECREATION AND OPEN SPACE ELEMENT:

Objectives and Policies

OBJECTIVE 4

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

Policy 4.2:

Maximize joint use of other properties and facilities.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The use of the mews as open space allows for a large outdoor recreation space that is directly accessible to the occupants of the Project. This open space is of a size that enables greater flexibility in how it is used than the standard private open space requirement of 300 square feet per unit. It also adds to the development's sense of community.

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses

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

The proposed Project would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood. By providing on-site affordable dwelling-units, along with

modestly-sized family housing, the Project would preserve and foster the cultural and economic diversity of the neighborhood.

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

The proposed Project would enhance the City's supply of affordable housing by including 4 on-site affordable dwelling-units within the Project.

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

The Project would provide 41 off-street parking spaces within private garages for a 1.5:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs of future residents, as the larger units all have two off-street parking spaces, while some of the two-bedroom units only have one off-street parking space. The second parking space in the three-bedroom units should help to mitigate the lack of on-street parking available for this Project. The Project site is also well served by public transportation—it is within close proximity of the 14, 14L, 14X, and 54 bus lines, the 88 BART Shuttle, the M-light rail line, and the Daly City BART Station. Overall, the construction of 28 new single-family dwellings with 41 off-street parking spaces will not impede MUNI transit service or overburden the streets or neighborhood parking.

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

The Project does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Ocean View Neighborhood.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

The Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.

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

The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.

- I. 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.

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

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on May 13, 2010.

Linda D. Avery

Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 13, 2010

1 [Ordinance Approving a Zoning Map Amendment in Connection with One Capitol Avenue.]

2

3 **Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of**
4 **San Francisco for the real property at One Capitol Avenue (Assessor's Block 7148/Lot**
5 **040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential,**
6 **House, One-Family) Zoning District; and adopting General Plan, Planning Code Section**
7 **101.1, and environmental findings.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strikethrough italics Times New Roman*~~.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings. The Board of Supervisors of the City and County of San
14 Francisco hereby finds and determines that:

15 (a) On January 28, 2010, the Project Sponsor filed an application for an amendment
16 of Sectional Map 12 of the Zoning Map of the City and County of San Francisco to change the
17 zoning classification of the property located at One Capitol Avenue (Assessor's Block 7148;
18 Lot 040) ("Project Site") from P (Public) to RH-1 (Residential, House: One-Family) (the
19 "Proposed Zoning Map Amendment").

20 (b) The Proposed Zoning Map Amendment is part of a project proposed by the
21 Project Sponsor to construct 28 single-family dwellings as part of a Planned Unit
22 Development. The dwelling-units range in size from approximately 1,450 to 2,330 square feet,
23 with a total of 41 off-street parking spaces and one car share parking space. Each of the 28
24 parcels would grant an easement from a common 20-foot-wide one-way westbound driveway
25 connecting Capitol Avenue to Alemany Boulevard that would provide vehicular and pedestrian

1 access to each unit. Currently, the property at One Capitol Avenue is an undeveloped parcel
2 zoned P (Public), under private ownership. The property, which is located north of, and runs
3 parallel to, the Interstate 280 Freeway, was previously owned by Caltrans, and transferred to
4 the current owner in 1979. The owner of the site proposes to subdivide the existing 43,077
5 square-foot parcel into 28 parcels, with lot sizes ranging from 942 to 3,317 square feet
6 (“Project”).

7 (c) The Project Sponsor has also filed an application for a Conditional Use
8 authorization pursuant to Planning Code Section 303 and 304 to construct a Planned Unit
9 Development with modifications to the lot size and width (Section 121), to the location and
10 configuration of the rear yard (Section 134) and open space (Section 135), and to the
11 dwelling-unit exposure (Section 140).

12 (d) On May 13, 2010, the Planning Commission reviewed and considered the Final
13 Mitigated Negative Declaration (FMND) and found that the contents of said report and the
14 procedures through which the FMND was prepared, publicized, and reviewed complied with
15 the California Environmental Quality Act (California Public Resources Code Sections 21000 et
16 seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the “CEQA
17 Guidelines”) and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”). The
18 Planning Commission found that the FMND was adequate, accurate and objective, reflected
19 the independent analysis and judgment of the Planning Department and the Planning
20 Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA
21 Guidelines and Chapter 31. Documentation of that review is on file with the Clerk of the Board
22 of Supervisors in File No. _____.

23 (e) At the same hearing during which the Planning Commission reviewed and
24 considered the Final Mitigated Negative Declaration, the Planning Commission adopted
25

1 CEQA Findings with respect to the approval of the proposed Project, including the Proposed
2 Zoning Map Amendment, in Motion No. _____ and adopted the Proposed Zoning Map
3 Amendment in Resolution No. _____.

4 (f) The letter from the Planning Department transmitting the Proposed Zoning Map
5 Amendment to the Board of Supervisors, the Final Mitigated Negative Declaration, the CEQA
6 Findings adopted by the Planning Commission with respect to the approval of the Project,
7 including a mitigation monitoring and reporting program, the Proposed Zoning Map
8 Amendments and the Resolution approving the Proposed Zoning Map Amendments are on
9 file with the Clerk of the Board in File No. _____. These and any and all other documents
10 reference in this Ordinance have been made available to, and have been reviewed by, the
11 Board of Supervisors, and may be found in either the files of the Planning Department or the
12 custodian of records, at 1650 Mission Street in San Francisco, or in File No. _____ with
13 the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and
14 are incorporated herein by reference thereto.

15 (g) The Board of Supervisors has reviewed and considered the Final Mitigated
16 Negative Declaration, the environmental documents on file referred to herein, and the CEQA
17 Findings adopted by the Planning Commission in support of the approval of the proposed
18 Project, including the mitigation monitoring and reporting program. The Board of Supervisors
19 has adopted the Planning Commission's CEQA findings as its own and hereby incorporates
20 them by reference as though fully set forth herein.

21 (h) The Board of Supervisors finds, pursuant to Planning Code Section 302, that the
22 Proposed Zoning Map Amendment will serve the public necessity, convenience and general
23 welfare for the reasons set forth in Planning Commission Resolution No. _____ and
24 incorporates those reasons herein by reference.

25

1 (i) The Board of Supervisors finds that the Proposed Zoning Map Amendment is in
 2 conformity with the General Plan, as amended, and the eight priority policies of Planning
 3 Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. _____.
 4 The Board hereby adopts the findings set forth in Planning Commission Resolution No.
 5 _____ and incorporates those findings herein by reference.

6 Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following
 7 change in use classifications is hereby adopted as an amendment to Sectional Map 12 of the
 8 Zoning Map of the City and County of San Francisco:
 9

Description of Property	Zoning District to be Superseded	Zoning District Approved
1 Capitol Avenue (Assessor's Block 7148, Lot 040) (as shown in the drawings on file with the Clerk of the Board of Supervisors in File No. _____)	P (Public)	RH-1 (Residential, House: One-Family)

17 APPROVED AS TO FORM:
 18 DENNIS J. HERRERA, City Attorney

19 By: _____
 20 Deputy City Attorney

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

Case File No.: 2009.0112E
Project Title: One Capitol Ave.

Motion No.:
Page 1

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Monitoring Schedule	Status / Date Completed
MITIGATION MEASURE 1 Archeological Resources (Accidental Discovery)					
<p>The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	<p>Project Sponsor.</p>	<p>Prior to any soil-disturbing activities.</p>	<p>Project Sponsor to provide affidavit to the ERO confirming that all field personnel have received copies of the "ALERT" Sheet.</p>	<p>Considered complete upon ERO receipt of affidavit.</p>	
<p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified</p>	<p>Project Sponsor, Contractor(s), and Archeologist.</p>	<p>During soil-disturbing activities.</p>	<p>Consultant to prepare memorandum to file indicating results of consultation with archeologist.</p>	<p>Considered complete upon later of ERO's drafting of memo or ERO's direction to implement further measures.</p>	

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

Case File No.: 2009.0112E
Project Title: One Capitol Ave.

Motion No.:
Page 2

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Monitoring Schedule	Status / Date Completed
<p>Archeological Resources (cont'd.)</p> <p>archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p>					
<p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	(see above)	(see above)	(see above)	(see above)	
<p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.</p>	Project sponsor and Archeological Consultant.	Following completion of any archeological field program.	ERO to review Draft FARR.	Considered complete upon ERO approval of Draft FARR.	

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

Case File No.: 2009.0112E
Project Title: One Capitol Ave.

Motion No.:
Page 3

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Monitoring Schedule	Status / Date Completed
<p>Archeological Resources (cont'd.) Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project Sponsor.	Upon ERO approval of Draft FARR.	Project Sponsor to provide ERO with copies of transmittals of FARR distribution.	Considered complete upon receipt by ERO of evidence of distribution.	
<p>MITIGATION MEASURE 2</p> <p>Preconstruction Surveys for Nesting Birds</p>					
<p>The project sponsor shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent feasible, the project sponsor and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for project construction between September 1 and December 31. Should construction activities or vegetation removal commence between January 1 and August 31, pre-construction surveys for nesting birds shall be conducted for the trees located within the Caltrans right of way to the south of the project site by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project</p>	Project sponsor and contractor	Prior to construction activities.	Should vegetation removal or construction activities commence during the breeding season, the project sponsor's qualified biologist/ ornithologist shall conduct a pre-construction survey for nesting birds in accordance with	Prior to construction activities.	<p>Date of vegetation removal: _____</p> <p>Pre-construction bird survey required? Y or N</p> <p>Consultation with CDFG required?</p>

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

Case File No.: 2009.0112E
Project Title: One Capitol Ave.

Motion No.:
Page 4

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Monitoring Schedule	Status / Date Completed
<p>Biological Resources (cont'd.)</p> <p>implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect the trees located within Caltrans right of way south of the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game (CDFG), shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.</p>			<p>this mitigation measure. Results of preconstruction survey shall be submitted to the ERO.</p>		<p>Y or N</p>



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: January 27, 2010
 Case No.: 2009.0112E
 Project Address: One Capitol Avenue
 BPA Nos.: none yet filed
 Zoning: P (Public) District
 40-X Height and Bulk District
 Block/Lot: Block 7148, Lot 040
 Lot Size: 43,077 square feet
 Project Sponsor: Steve Vettel, Farella Braun + Martell LLP, 415-954-4902
 Representing Deny Sepaher, BTP Capitol Ave, LLC, 310-607-9244
 Lead Agency: San Francisco Planning Department
 Staff Contact: Jeremy D. Battis – 415 575-9022
 jeremy.battis@sfgov.org

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

Reception:
 415.558.6378

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 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The proposed project is the construction of 28 single-family dwellings, each approximately 30-feet-high and ranging in size from approximately 1,450 to 2,330 square feet (sq ft). The proposed project would consist of 22 two-bedroom units and 6 three-bedroom units with 41 surface-level garage parking spaces and one unenclosed car share parking space within a Planned Unit Development (PUD). Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces; all 3-bedroom units would have two off-street parking spaces. The proposed development would total approximately 53,400 sq ft and would subdivide the existing vacant 43,077-sq ft parcel into 28 parcels with lot sizes ranging from 942 sq ft to 3,317 sq ft. Each of the resulting 28 parcels would grant an easement for a common 20-foot-wide one-way westbound driveway connecting Capitol Avenue and Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The vacant project site is located within the block bounded by Sagamore Street to the north, Capitol Avenue to the east, Palmetto Avenue (paper street) to the south, and Orizaba Avenue to the west in the Ocean View neighborhood. Alemany Boulevard bisects the block and borders the parcel to the southwest and Interstate 280 borders the parcel to the south. The proposed project would require a conditional use authorization for approval of a PUD and a rezoning of the project site from P (Public Use) to RH-2 (Residential, House – Two-Family).

FINDING:

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. Mitigation measures are included in this project to avoid potentially significant effects. See Section F., Mitigation Measures, page 83 of the attached Initial Study.


 BILL WYCKO
 Environmental Review Officer


 Date of Adoption of Final Mitigated
 Negative Declaration

2009.0112E

**INITIAL STUDY
ONE CAPITOL AVENUE
PLANNING DEPARTMENT CASE NO. 2009.0112E**

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INITIAL STUDY
ONE CAPITOL AVENUE
PLANNING DEPARTMENT CASE NO. 2009.0112E

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INITIAL STUDY

2009.0112E – One Capitol Avenue

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The project site (Assessor's Block 7148, Lot 040) is a 43,077-square foot (sq ft) (0.99 acre) lot located on the west side of Capitol Avenue between Sagamore Street and Interstate 280 (I-280), in San Francisco's Ocean View neighborhood (see Figure 1, Site Location, p. 10).

The vacant, undeveloped site is within a P (Public Use) zoning district and a 40-X height and bulk district. The privately-owned parcel, acquired from Caltrans as a surplus right-of-way purchase, would necessitate rezoning to a district that would allow for residential use. The proposed project would, as a proposed PUD, reapportion the existing parcel into 28 new lots. Under the proposed new RH-2 (Residential, House – Two-Family) zoning, up to two dwelling units would be allowed per lot. The proposed project would result in one dwelling unit per lot, for a total of 28 single-family dwellings.

Capitol Avenue terminates at the end of the project block at Caltrans right of way that buffers the neighborhood to the north from the Interstate (I-280) freeway, which with the right of way, forms the southern boundary to the subject parcel. The subject parcel exists as a relatively level grassy field which extends from Capitol Avenue to the east to Alemany Boulevard to the west. Alemany Boulevard, as it abuts the project site, exists as a six-lane divided arterial. To the north of the project site are 32 private lots zoned RH-1, having an average depth of approximately 85 feet and fronting onto Sagamore Street.

Proposed Project

The proposed project is the construction of 28 single-family dwellings, each approximately 30-feet-high and ranging in size from approximately 1,450 to 2,330 sq ft. The proposed project would consist of 22 two-bedroom units and 6 three-bedroom units with 41 surface-level garage parking spaces and one unenclosed car share parking space within a Planned Unit Development (PUD). Fifteen of the 2-bedroom units would have one off-street parking space, seven of the 2-bedroom units would have two off-street parking spaces; all 3-bedroom units would have two off-street parking spaces. The proposed development would total approximately 53,400 sq ft and would subdivide the existing vacant 43,077-sq

ft parcel into 28 parcels with lot sizes ranging from 942 sq ft to 3,317 sq ft. Each of the resulting 28 parcels would grant an easement for a shared private 20-foot-wide one-way westbound driveway connecting Capitol Avenue and Alemany Boulevard that would provide vehicular and pedestrian access to each unit. The vacant project site is located within the block bounded by Sagamore Street to the north, Capitol Avenue to the east, Palmetto Avenue (paper street) to the south, and Orizaba Avenue to the west in the Ocean View neighborhood. Alemany Boulevard bisects the block and borders the parcel to the southwest and Interstate 280 borders the parcel to the south. The proposed project would require a conditional use authorization for approval of a PUD and a rezoning of the project site from P (Public Use) to RH-2 (Residential, House – Two-Family). The proposed project's compliance with Planning Code requirements is discussed further in Section C. Compatibility with Existing Zoning and Plans. Project construction is estimated to take 24 months to complete.

B. PROJECT SETTING

The project site is located less than a third of a mile north of the San Mateo County line in the southwestern San Francisco neighborhood of Ocean View, which is generally bounded by Ocean and Geneva Avenues to the northeast, San Jose Avenue to the southeast, the San Mateo County line to the south, and Junipero Serra Boulevard to the west. The project site is located less than one-third mile from San Jose Avenue and is in the southeastern portion of the Ocean View neighborhood. The project site is approximately 2¾ miles to the Pacific Ocean and an approximately 1¼-mile walk to Lake Merced city park, both to the west. The site is in a P (Public Use) zoning district and 40-X height and bulk district. The Ocean View neighborhood is one of the more uniformly zoned areas of the city and the surrounding area is predominately zoned RH-1 (Residential, House – One-Family) and RH-2 (Residential, House – Two-Family). Ingleside Terrace, a large “master-planned” portion of the neighborhood's northeastern section, which has a curvilinear street pattern rather than a gridded one, is zoned RH-1 (D), which denotes that structures must be detached, thereby requiring side yard setbacks. Occasional cluster and small-scale neighborhood commercial (NC-1 and NC-2) district zoning districts appear primarily at intersections and along major arterials. While RH-1 zoning is most predominant, RH-2 zoning districts appear on both sides of the street along limited city blocks of Randolph Street to the northwest of the project site, Hallway Avenue to the north and northeast, and Broad Street to the north and northeast.

On the subject block, Capitol Avenue terminates at a chain link fence, behind which to the south are a few tall trees with large canopies that provide a limited screen of the I-280 freeway. The subject parcel's

Capitol Avenue frontage, existing as a grassy field, is enclosed by a chain link fence. Also on the subject property side of the block, one parcel to the north, a corner-lot two-story residential building with its front façade facing Sagamore Street, has a blank stucco wall and property line fence along Capitol Avenue that define the street edge. Across Capitol Avenue, opposite the subject parcel, sits Fire Department Station No. 33, a relatively small fire house of contemporary-design and concrete construction. One parcel to the north is sited a modified Victorian-era detached two-story home with gable roof. The final parcel on the east side of Capitol Avenue opposite the project site is a corner-lot two-story residential building with front façade facing Sagamore Street and blank stucco along Capitol Avenue.

The subject parcel's Alemany Boulevard frontage faces a retaining wall that supports a small earthen hillside over which rises an I-280 overpass as the freeway crosses. This portion of Alemany Boulevard exists as a six-lane divided arterial. The subject block viewed from the Alemany Boulevard perspective is dominated by the rear façades and wooden rear yard fences of the two-story homes fronting on Sagamore Street and abutting the subject parcel, including a few that are thorough-lots onto Alemany. Moving south, the subject parcel from the Alemany Boulevard perspective appears as a grassy field. Tall weeds front the subject parcel along Alemany Boulevard where, moving southerly, they give way to tall shrubs on the abutting Caltrans right of way parcel, followed by tall trees as the parcel nears the I-280 freeway and Alemany Boulevard underpass.

The immediate surrounding area is typified by a predominance of modest two-story and one-story over garage, approximately 20-foot-high attached one-family residential buildings from the 1940s. Interspersed within the nearby housing stock are early one- and two-story 20th century residential buildings and several one-story over garage post-war-era single-family homes. Less abundant are the occasional approximately 30-foot-high, gable roof, pre-1900 single-family home, one- or two-story commercial property, or vacant parcel, which is typically enclosed with wood fencing. The immediate surrounding area is primarily dense residential development occurring on long city blocks (generally approximately 800 feet long east to west, and 250 feet long north to south) with automotive-oriented thoroughfares with limited commercial services bounding residential neighborhood streets.

Summary of Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on September 25, 2009, to the owners of properties within 300 feet of the project site and to interested neighborhood groups. The Planning Department received two telephone calls in response to the notice. The responses expressed

concern about perceived resulting additional shadow on adjacent private property, an increase in traffic, and accompanying parking and air quality issues. These issues are addressed in the discussion in Section E, Evaluation of Environmental Effects.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the <i>Planning code</i> or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Planning Code and Approvals Required

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

The project proposes a rezoning of the project site from P (Public) to an RH-2 zoning district. The site was formerly zoned residential (and at one time contained several residential buildings), but is currently zoned P because it was acquired by Caltrans in the past and used for construction of the I-280 freeway, during which the then-existing residential buildings were demolished. Caltrans declared the parcel surplus property and the project sponsor's family acquired the site from Caltrans in 1979; however, the zoning has remained P despite the site's private ownership for approximately 30 years. According to Section 234 of the Planning Code, a P (Public) zoning district is to apply to land that is owned by a governmental agency and in some form of public use, including open space. Pursuant to Sections 234.1 and 234.2, only public structures and uses and certain limited institutional and open space uses are permitted or conditional uses in the P zoning district. Accordingly, any private residential development of the project site would require rezoning from P to another zoning district designation.

The proposed project is a 28-unit residential PUD, which would be a conditional use in the proposed RH-2 zoning district. The RH-2 district permits residential development with a maximum density of two units per parcel, or, with a conditional use, a density ratio up to one dwelling unit for each 1,500 square feet of lot area. The proposed project, with 28 units on 28 parcels, would be developed at a density of one unit per 1,500 square feet of lot area, and thus would not exceed the allowable density limit with conditional use authorization.

The site is in a 40-X height and bulk district, which would permit construction to a height of 40 feet. The proposed project, at a maximum height of 30 feet would be within the height limits and would therefore be in conformance with the requirements of the height and bulk district.

Under Section 151 of the *Planning Code*, the parking requirement in the proposed RH-2 zoning district is one space for each residential unit. Up to 150 percent of the required residential parking may be provided as an accessory use, pursuant to Planning Code Section 204.5. A minimum of twenty-eight parking spaces would be required for the proposed project, with up to 42 allowed. Forty-two parking spaces are proposed as part of the project, in compliance with Sections 151 and 204.5.

Section 135 of the *Planning Code* requires that each proposed dwelling unit provide 125 square feet of private usable open space within an RH-2 district. The proposed project would comply with this requirement and the total open space that would be provided within the proposed project would be 3,731 square feet in the form of 28 private roof decks ranging in area from 127 to 141 sq ft per unit.

Section 134 of the *Planning Code* requires that a minimum of 45 percent of lot area be reserved for open rear yard space. Because the proposed project's PUD shared driveway configuration would not provide for a rear yard, the project applicant would request a modification from Section 134 of the *Planning Code*.

Section 143 requires the planting of one street tree per 20 feet of project site frontage. The proposed project would provide four street trees on each street frontage, complying with code requirements.

Section 315 of the *Planning Code*, On-Site Housing Requirement and Benefits, sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Section 315.4(a)(1)(B), the proposed project, having five or more units, would be required to dedicate 15 percent of the total proposed units, or four units, to below-market-rate (BMR) housing on the project site. The project sponsor has confirmed that the BMR requirement will be fulfilled on-site. The

proposed project would comply with all other applicable *Planning Code* requirements upon rezoning of the project site from P to RH-2.

San Francisco General Plan and Priority Planning Policies

The San Francisco *General Plan* provides general policies and objectives to guide land use decisions. Policy 1.4 of the *General Plan* Housing Element provides: “*Locate in-fill housing on appropriate sites in established residential neighborhoods. In established residential neighborhoods, new in-fill housing construction should be located: on vacant sites that are not designated for open space; where buildings cannot feasibly be rehabilitated or brought to acceptable levels of seismic safety; and where non-conforming uses have been terminated.*” Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision as to whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13a-d, Geology and Soils); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which 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 which 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. As noted above, the consistency of the proposed project with the environmental topics

associated with the Priority Policies is discussed in the Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

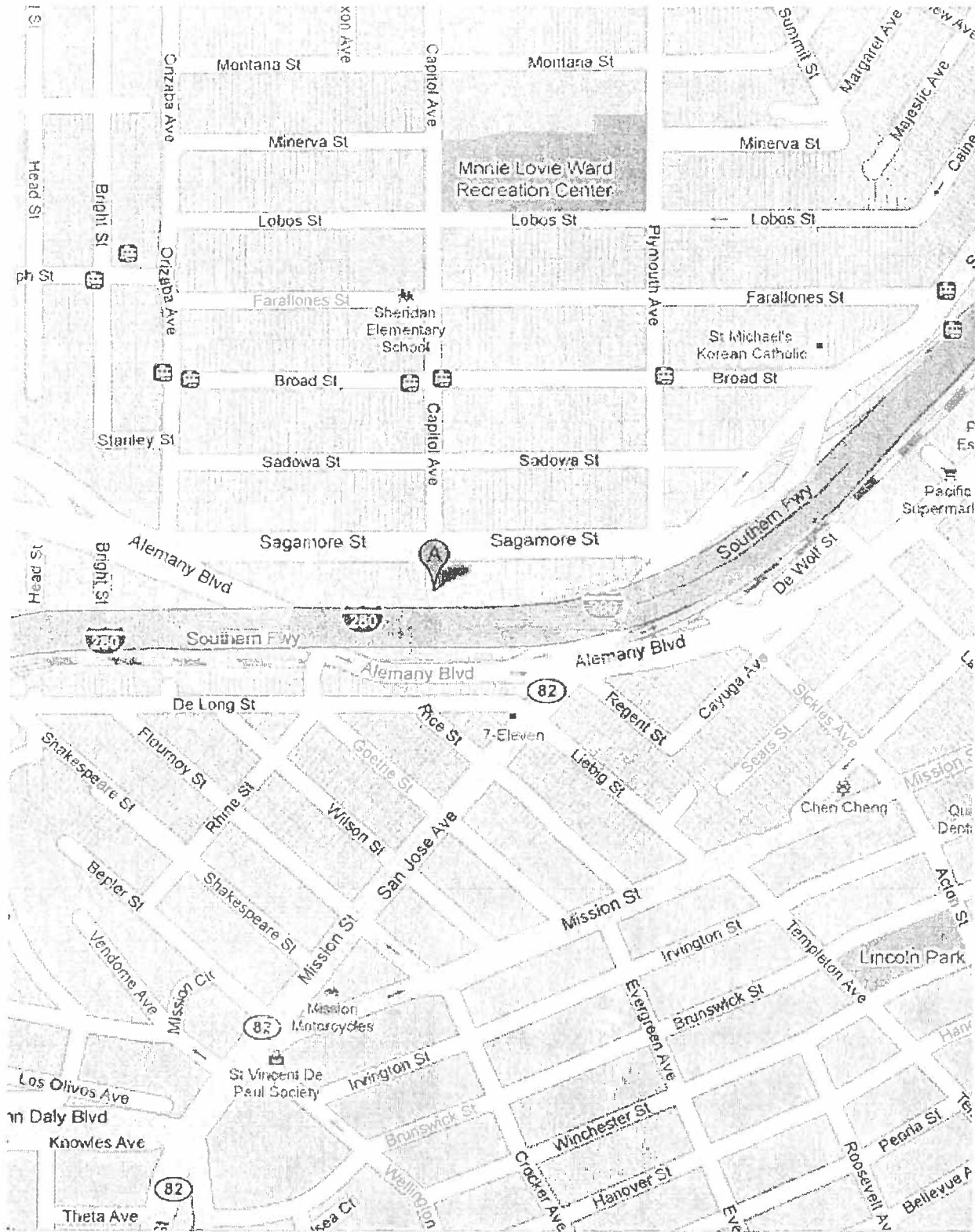


Figure 1 – Project Location Map
 One Capitol Avenue
 Source: MacDonald Architects, December 2009
 (not to scale)

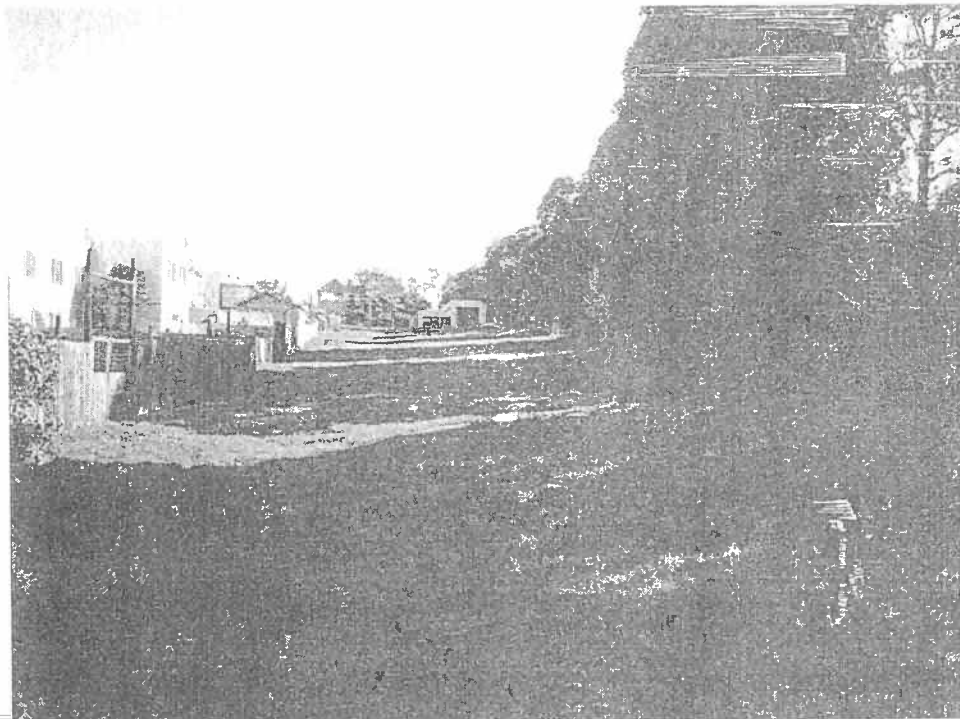
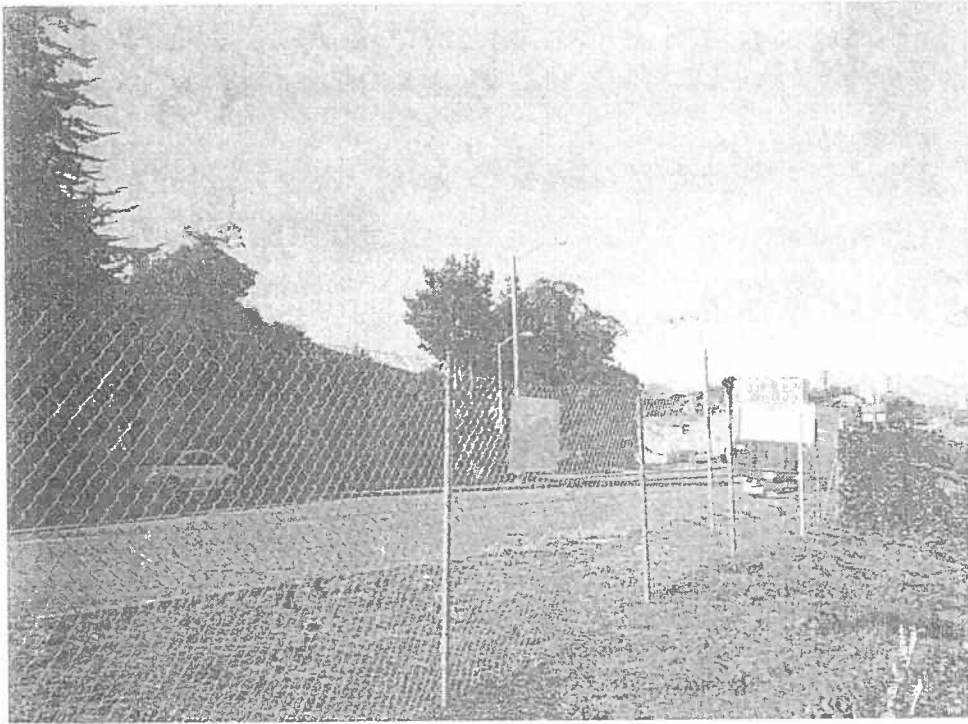
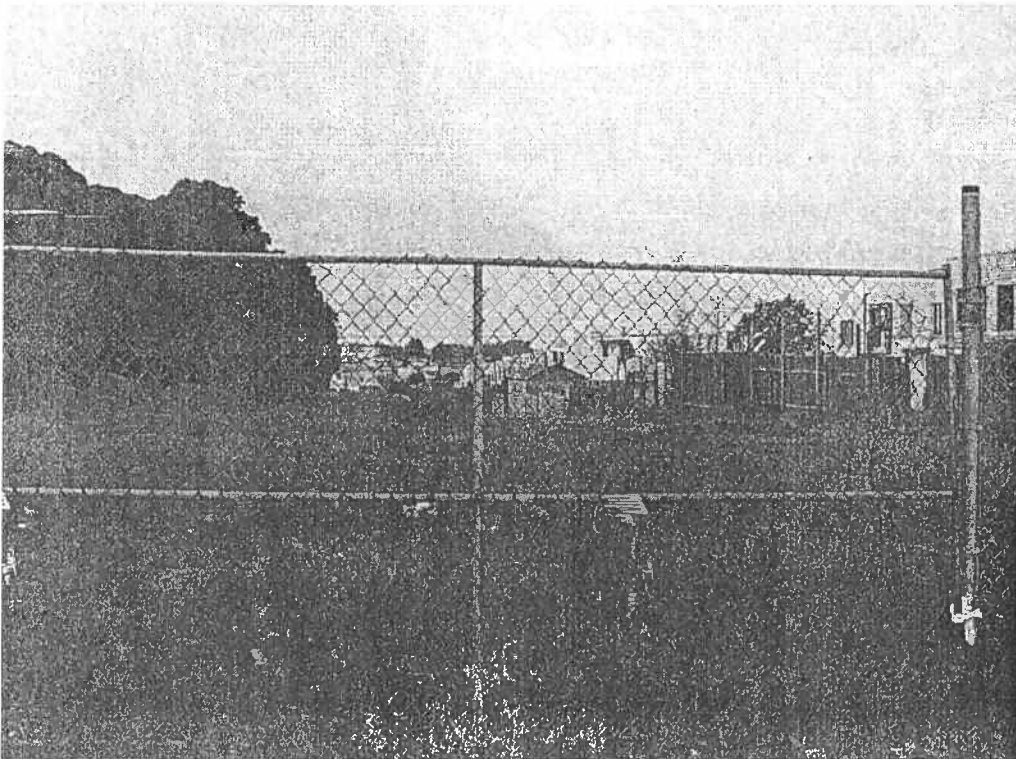
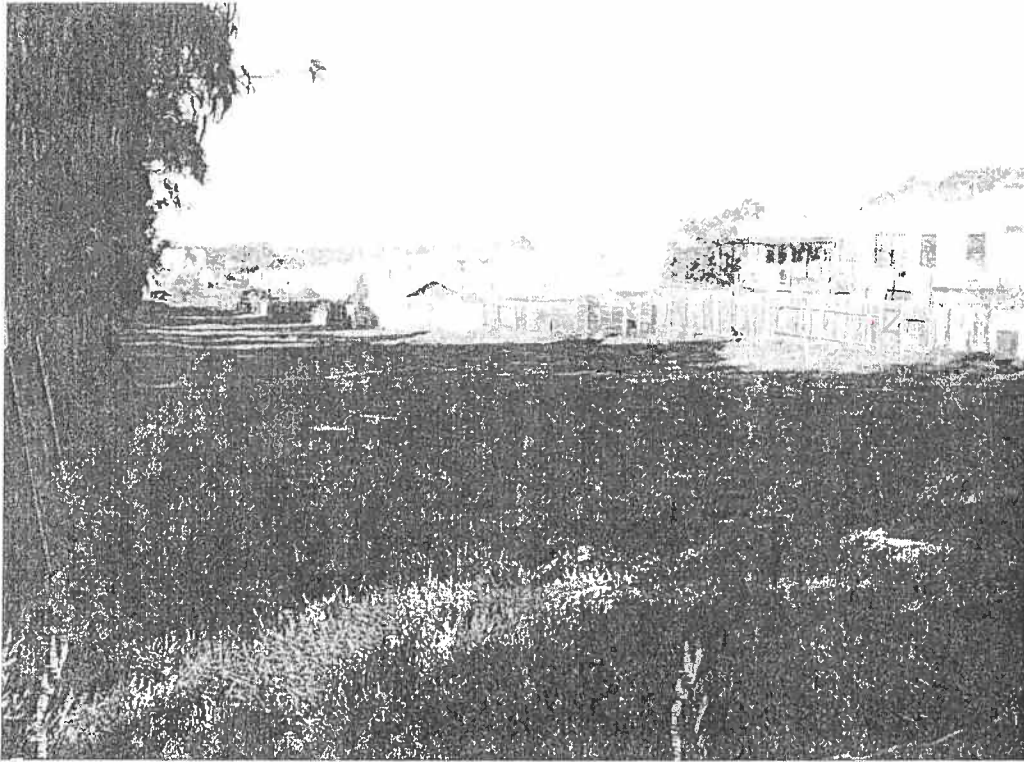


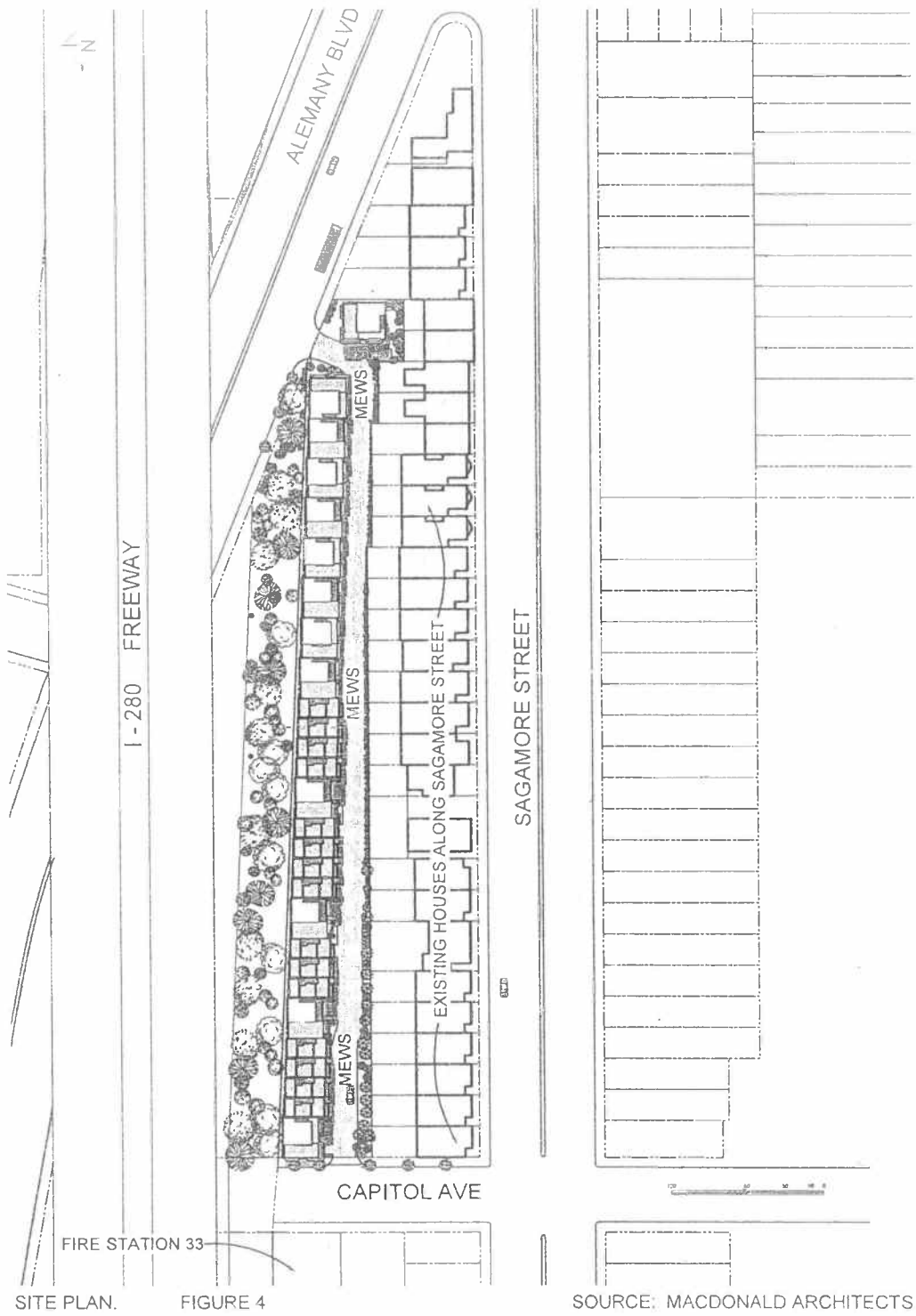
Figure 2 – Site Photos
View from Alemany Blvd
One Capitol Avenue

Source: MacDonald Architects, December 2009



**Figure 3 – Site Photos
View from Capitol Avenue
One Capitol Avenue**

Source: MacDonald Architects, December 2009



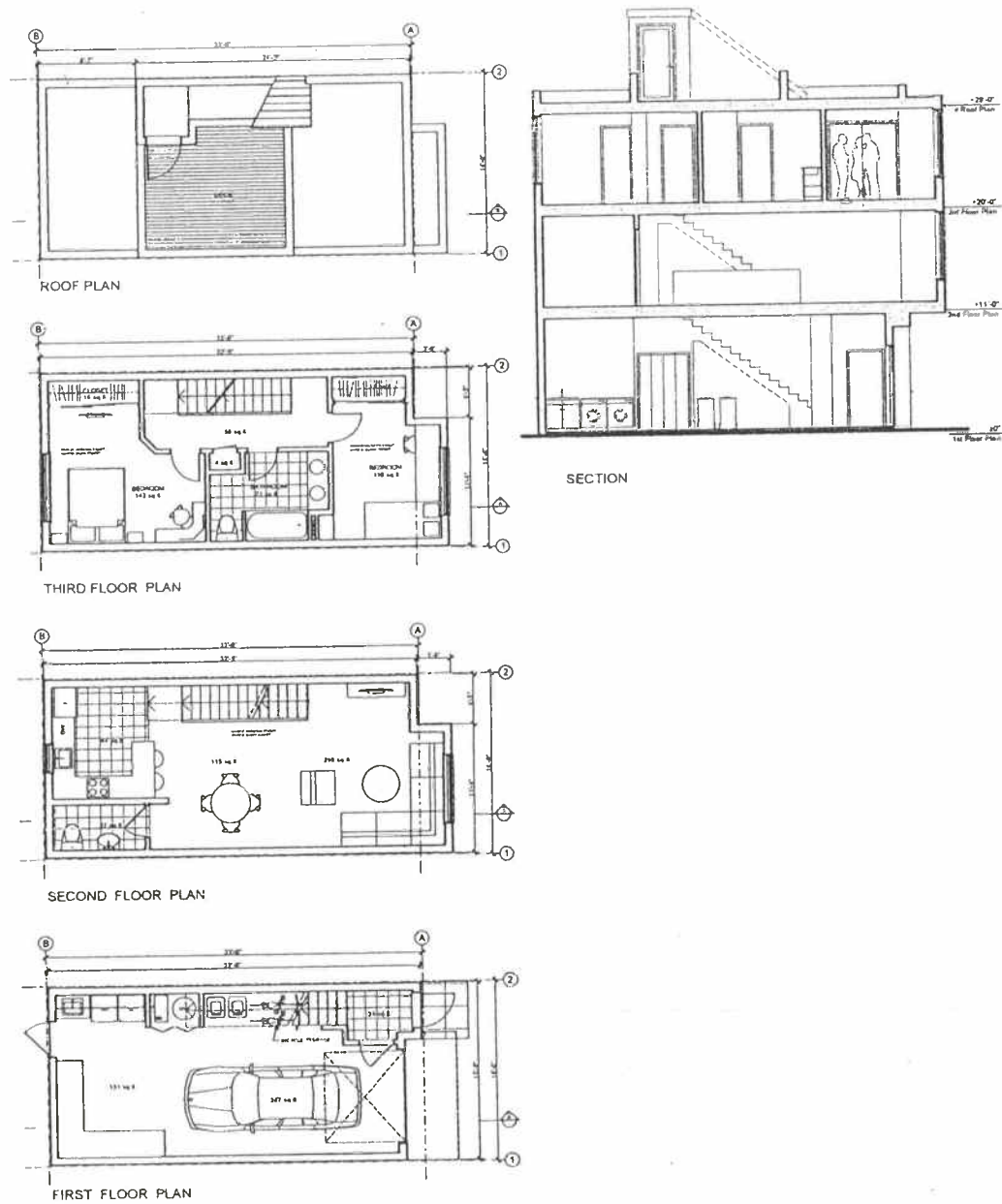
SITE PLAN.

FIGURE 4

SOURCE: MACDONALD ARCHITECTS

**Figure 4 – Site Plan
One Capitol Avenue**

Source: MacDonal Architects, December 2009
(not to scale)



TWO BEDROOM, TYPE A. FIGURE 5

SOURCE: MACDONALD ARCHITECTS

**Figure 5 – Floor Plans
Two Bedroom, Type A
One Capitol Avenue**

Source: MacDonald Architects, December 2009
(not to scale)



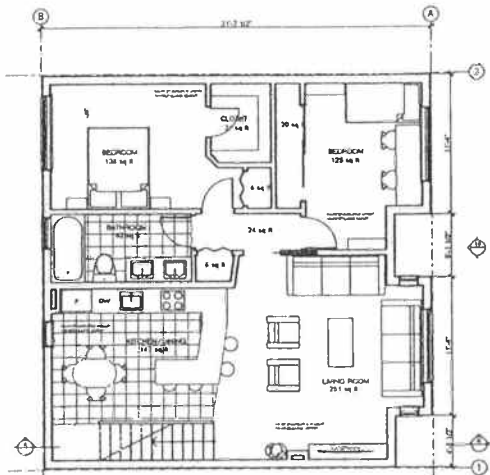
TWO BEDROOM, TYPE B.

FIGURE 6

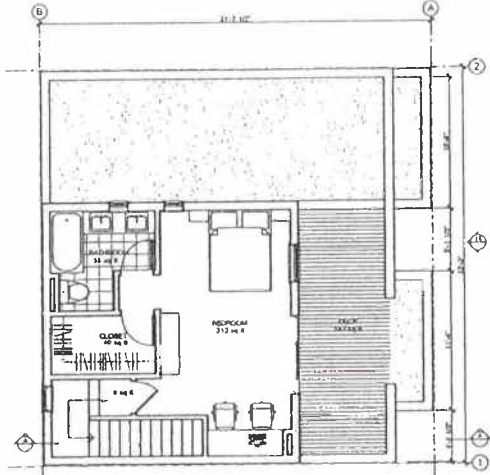
SOURCE: MACDONALD ARCHITECTS

**Figure 6 – Floor Plans
Two Bedroom, Type B
One Capitol Avenue**

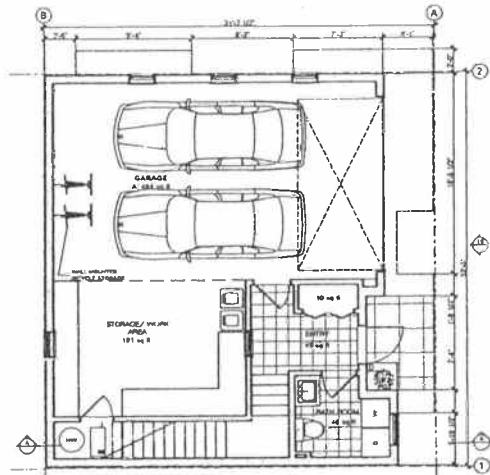
Source: MacDonald Architects, December 2009
(not to scale)



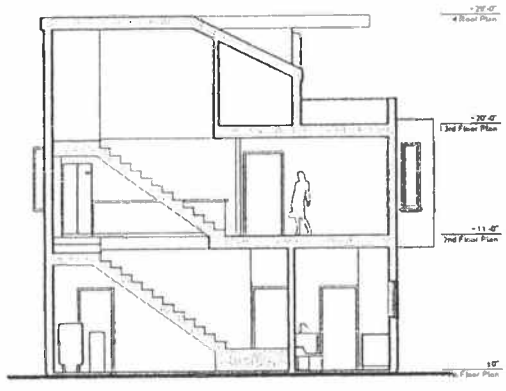
SECOND FLOOR PLAN



ROOF PLAN



FIRST FLOOR PLAN

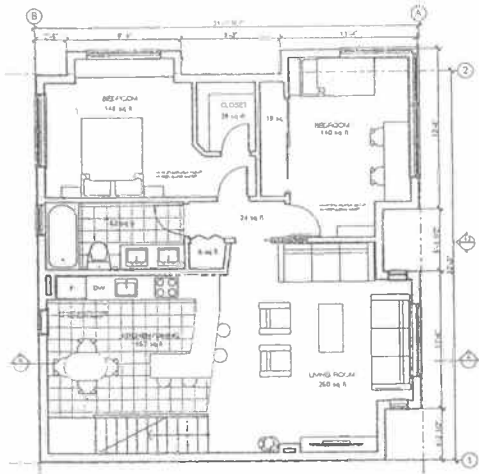


SECTION

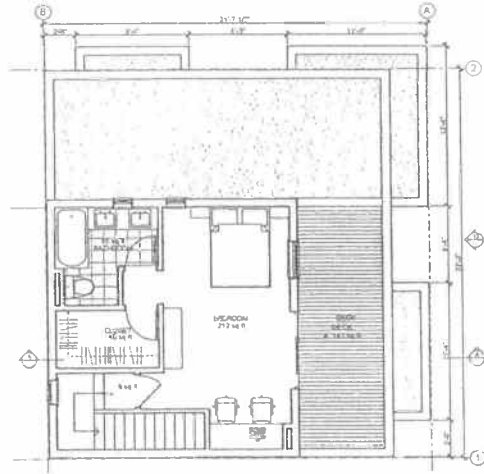
THREE BEDROOM, TYPE C. FIGURE 7

SOURCE: MACDONALD ARCHITECTS

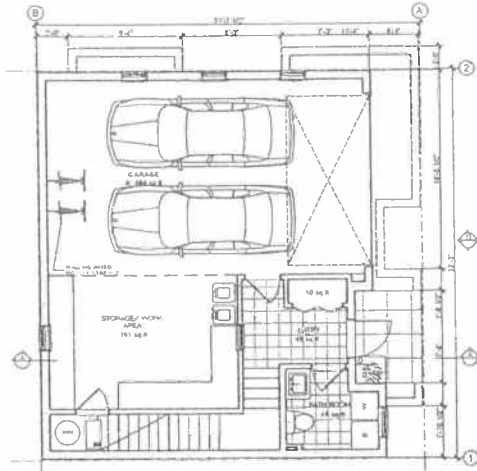
Figure 7 – Floor Plans
 Three Bedroom, Type C
 One Capitol Avenue
 Source: MacDonald Architects, December 2009
 (not to scale)



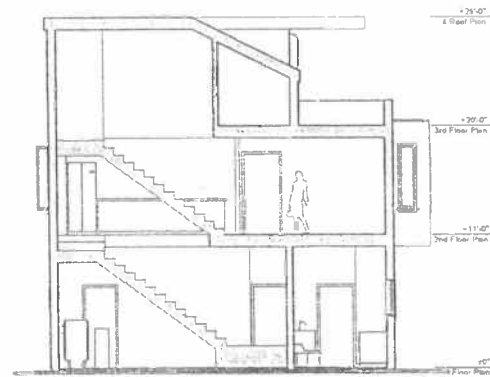
SECOND FLOOR PLAN



ROOF PLAN



FIRST FLOOR PLAN



SECTION

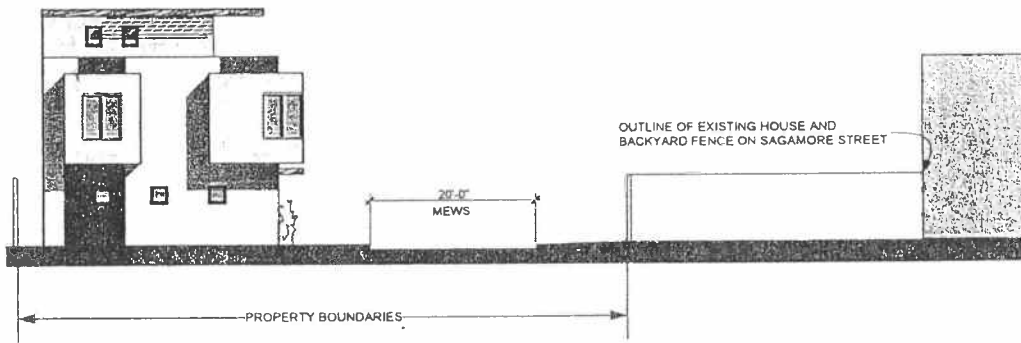
THREE BEDROOM, TYPE C (CORNER)

FIGURE 8

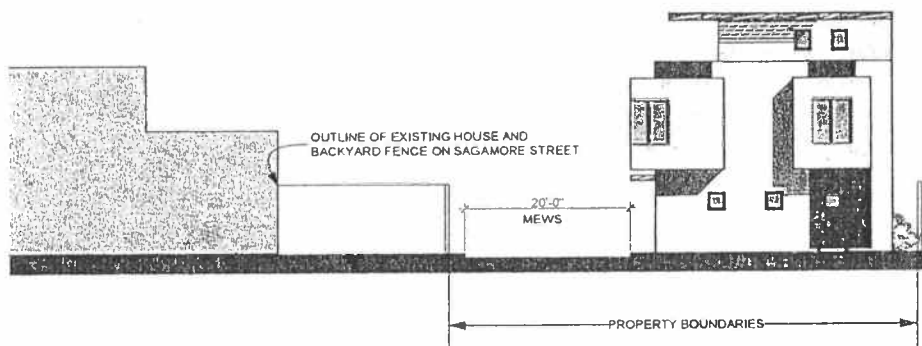
SOURCE: MACDONALD ARCHITECTS

**Figure 8 – Floor Plans
Three Bedroom, Type C (corner)
One Capitol Avenue**

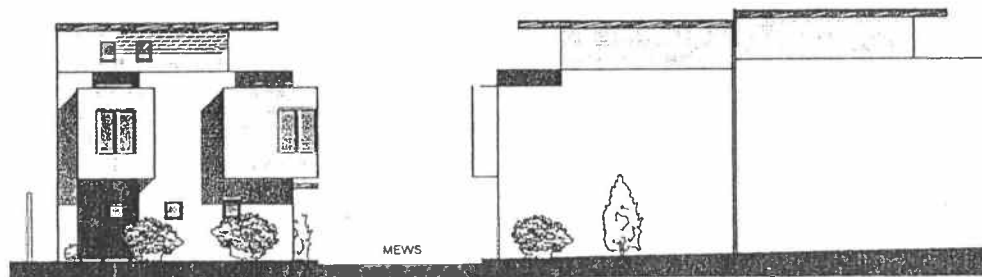
Source: MacDonald Architects, December 2009
(not to scale)



CAPITOL AVENUE ELEVATION



ALEMANY BOULEVARD ELEVATION LOOKING EAST



ALEMANY BOULEVARD ELEVATION LOOKING NORTH

ELEVATIONS

FIGURE 9

SOURCE: MACDONALD ARCHITECTS

**Figure 9 – Elevations
One Capitol Avenue**
Source: MacDonald Architects, December 2009
(not to scale)



MEWS ELEVATION



MEWS ELEVATION, WEST END



MEWS ELEVATION, EAST END

ELEVATIONS

FIGURE 10

SOURCE: MACDONALD ARCHITECTS

**Figure 10 – Elevations
One Capitol Avenue**

Source: MacDonald Architects, December 2009
(not to scale)

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The topic areas that are checked are those for which potentially significant environmental impacts are identified in Section E, Evaluation of Environmental Effects.

- | | | |
|---|--|---|
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Air Quality | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Wind and Shadow | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Recreation | <input type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mineral/Energy Resources |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Mandatory Findings of Signif. |

Section E contains a detailed discussion of all environmental topic areas.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the <i>General Plan</i> , specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. **Established Community.** The subject property is a 43,077-sq ft vacant, unpaved parcel in San Francisco’s Ocean View neighborhood which is characterized by a grassy field bordered by high-speed, high-volume roads to the south and west, residential development abutting the parcel to the north, and a mix of residential and public safety (fire protection) uses to the east. The surrounding area is residential in nature, with single-family homes the most common building type. The predominant building form in the surrounding area is a modest attached pre-war stucco single-family home. Building heights in the surrounding area are generally two to three stories, with the predominant scale being one-story over garage, at a height of approximately 20 feet.

Surrounding buildings on Capitol Avenue as viewed from the project site are as follows moving clockwise from the parcel north of and adjacent to the project site: a corner-lot two-story (one story over garage when viewed at the front or Sagamore Street façade) one-unit residential building has a blank stucco wall and property line fence along Capitol Avenue that define the street edge. Across Capitol Avenue to the east, and also at the intersection of Sagamore Street, is a two-story (one story over garage when viewed at the front or Sagamore Street façade) one-unit residential building with a blank stucco along Capitol Avenue. Continuing clockwise and southerly, there is a modified Victorian-era detached two-story home with gable roof that represents the largest building massing in the immediate project site vicinity. To its south is sited Fire Department Station No. 33, a relatively small fire house of contemporary-design and concrete construction. Capitol Avenue terminates immediately to the south of the fire house parcel where the land becomes Caltrans right of way for the I-280 freeway. Opposite the firehouse is the project site.

The subject parcel's Alemany Boulevard frontage has a view to the west of a retaining wall that supports a small landscaped hillside over which rises an I-280 overpass for the freeway crossing above. This portion of Alemany Boulevard, which runs northwest-southeast, exists as a six-lane divided arterial. The combined arterial and freeway infrastructure create a feeling of enclosure and a physical barrier to westbound travel.

The immediate surrounding area is typified by a predominance of modest two-story and one-story over garage, approximately 20-foot-high attached one-family residential buildings from the 1940s. Interspersed within the nearby housing stock are some early 20th century residential buildings of various scale and architectural style, late 20th century post-war-era architecture (particularly ranch style) and one- or two-story commercial properties of various vintage. There are also some pre-1900 single-family homes, typically approximately 30-foot-high with gable roof. The immediate surrounding area is compact, moderate density residential development occurring on long city blocks with automotive-oriented thoroughfares surrounding residential neighborhood streets.

The project sponsor proposes to construct 28 single-family homes within a PUD. Land use impacts are considered significant if they disrupt or divide the physical arrangement of an established community or if they have substantial impacts on the existing character of the vicinity. While the proposed project would create a new use on the subject property where no building currently exists, the project would not cause a significant land use impact. The proposed project is located within a compact, primarily single-family attached-residential building area with limited commercial and public safety uses. Those

surrounding uses would be expected to continue in operation and to relate to each other as they do presently, without disruption from the proposed project. As described above, the subject parcel is enclosed by freeway and arterial network infrastructure to the south and west. Therefore, the subject block as it exists, is physically segregated from nearby properties to the south and west. The proposed residential PUD would be incorporated within the established street network, and it would not disrupt or divide the physical arrangement of existing uses on or adjacent to the project site or impede the passage of persons or vehicles.

The subject property is currently undeveloped and vacant. The proposed change in land use on the site would necessitate a change in zoning district from P (Public) to RH-2 (two-family residential), which allows up to two dwelling units per parcel or one unit per 1,500 square feet of lot area with conditional use authorization. The proposed project, which would develop the subject property at a density of one unit per 1,500 square feet of lot area would be allowed within the proposed RH-2 zoning district with conditional use authorization. The proposed RH-2 zoning district would permit the proposed uses, the use and density would be compatible with the surrounding RH-1 zoning, and would be generally compatible with existing uses on adjacent and surrounding properties.

As a result of the proposed project, the existing undeveloped lot would be subdivided into 28 new parcels that would be developed with 28 single-family homes. At 30 feet in height, the proposed development would be higher than some surrounding buildings but would not be out of character or represent the immediate area's largest structures. Overall, the project would not physically divide an established community and would have a less-than-significant impact.

b. Consistency with Plans and Zoning. The proposed project's physical development and zoning district change would not obviously conflict with applicable plans, policies, and regulations such that an adverse physical change would result (see Section C. Compatibility with Existing Zoning and Plans, p. 6).

In addition, environmental plans and policies are those, like the *Bay Area Air Quality Plan*, that directly address 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 current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy. Therefore, the proposed project would have no impact on existing plans and zoning.

c. **Character.** Although the project site is presently undeveloped and the proposed project would result in the subdivision of the existing parcel, a change in use, and a change in the character of the site, the project as proposed would not result in a significant land use impact because low-density residential use is a predominant use in the area. The proposed project would not be substantially or demonstrably incompatible with the predominately single-family residential uses in the project area.

The residential use project would be consistent with the area's residential character, would be physically compatible, and would not introduce a physical barrier to movement throughout the community. The project would add 28 residential units to the project vicinity. Therefore, land use impacts on the existing community would be less than significant.

Cumulative Land Use Impacts. In the context of the broader Ocean View neighborhood's development trend, the proposed project would result in than less-than-significant direct and cumulative land use impacts because it would not physically divide an established community; conflict with applicable land-use plans, policy, or regulation; nor contribute to a substantial impact on the existing character of the of the vicinity.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. **Effects on Scenic Vista.** There is no existing public scenic view or vista available from the project site or its vicinity; therefore, the proposed project would not block or degrade any existing public scenic views or vistas. The proposed project would alter the appearance of the project site, but because of its limited frontage along the public streets of Alemany Boulevard and Capitol Avenue, the proposed

project's internal, midblock layout would be largely screened from view by existing development or mature landscaping, and therefore would not introduce a significant visual change to the surrounding area. Physical environmental effects associated with the proposed building height are discussed in the applicable sections of this document.

The proposed development would potentially increase shade to buildings directly adjacent to the project site. Since the project site is currently vacant, light and views for adjacent residential buildings on the block, namely dwellings on the south side of Sagamore Street, could be affected by the proposed project. Such changes for some nearby residents would be an unavoidable result of the proposed project and could be undesirable for those individuals affected by the proposed building. While this loss or change of views might be of concern to those property owners or tenants, it would not affect a substantial number of people and would not be considered significant pursuant to CEQA.

b. **Scenic Resources.** The project site would not be considered a scenic resource, as it exists as a vacant grassy field.

c. **Visual Character.** The proposed size, scale, and density of the new buildings would fit within the existing height limit and the prevailing density of the area. The proposed project would not have a substantial, demonstrable negative aesthetic effect within its urban setting. The design of the proposed buildings would be of contemporary design with flat roofs, and would not be incompatible with the many modern design buildings with flat roofs in the project area. The proposed project would not adversely affect the existing visual character of the neighborhood, nor would it have a substantial, demonstrable negative aesthetic effect within its urban setting because of the large diversity of styles of the nearby structures. The proposed project's final architectural design and facade work would undergo evaluation during the Planning Department's design review process, separate from the environmental review.

d. **Substantial light and glare.** The proposed building would not generate obtrusive light or glare because the proposed uses would not generate substantially more light or glare than the existing uses in the neighborhood. Furthermore, the project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. In view of the above, the proposed project would not result in a significant effect with regard to aesthetics.

Cumulative Aesthetic Impacts. The project would intensify land uses on the subject property and project block by replacing an existing vacant unpaved parcel with residential use. This change to the

neighborhood would combine with any existing or planned nearby development projects. The cumulative effect would be an intensification of residential development, with the construction of buildings replacing a vacant, fenced property. For the reasons discussed above, the proposed project's impacts related to aesthetics, both individually and cumulatively, would be less than significant.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
3. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

At present, the project site exists as a vacant unpaved field. There are no residents on the site. The proposed development of 28 dwelling units would result in an on-site population increase of approximately 103 residents if the 28 future households adhere to established census tract residential-unit density levels of 3.68-person-household size for owner-occupied units.¹

a. **Population Growth.** In general, a project would be considered growth inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not implemented. The 2000 U.S. Census indicates that the population of the project's census tract, census tract 314 (bounded roughly by I-280 to the southeast, Alemany Boulevard to the southwest, Orizaba Avenue to the west, and Lakeview Avenue to the north), is approximately 6,112 persons. Due to some new residential development in this area, the local population has likely increased since 2000. The proposed project would increase the population in

¹ US Census 2000 data. Available for download at http://factfinder.census.gov/servlet/AdvGeoSearchByListServlet?_command=getResults&_programYear=50&_geoAreaType=140&_treeId=420&_disp_order=1007&_currentGeoAreaType=140&_geoIdsHierarchy=60279822|60724965|50|Y&_placename=14000US06075031400&_geoBucketId=50&_lang=en2007-2014. Accessed on October 21, 2009.

census tract 314 by approximately 103 residents, or less than two percent, and would increase the overall citywide population by less than 0.1 percent based on year 2000 population totals.²

Overall, the increase in housing would be less-than-significant relative to the expected increases in the population of San Francisco. The project would not directly or indirectly result in a significant increase in population. Project-related impacts with respect to population growth would be less than significant.

b. and c. Population and Housing Displacement. As noted above, the project site exists as a vacant grassy field and includes no residents. Hence, there would be no residents or employment would be displaced as a result of the project. Overall, the proposed project would result in less-than-significant impacts related to displacement of people.

Cumulative Population and Housing Impacts. As described above, the proposed project's estimated resulting new 103 residents would add less than two percent population to subject census tract 314, based on year 2000 population counts.

Cumulative development in the project vicinity would add residents to the project vicinity. The cumulative increase in population for census tract 314 would be the sum of the proposed project plus future proposed in-fill development. As such, cumulative population and housing impacts would be less than significant. For the reasons discussed above, the proposed project's impacts related to population and housing, both individually and cumulatively, are considered less than significant.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
4. CULTURAL RESOURCES— Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an Archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

² The calculation is based on the estimated Census 2000 population of 776,733 persons in the City and County of San Francisco (and population generated by household size factor).

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. **Historical Resources.** The project site is currently undeveloped and exists as an unpaved parcel. The nearest historic resource is located directly across Capitol Avenue from the project site. The building at 14 Capitol Avenue is identified by the Planning Department's Historic Resources Inventory as a Stick-style, circa 1890 residence originally in use as a farmhouse. The Victorian-era detached two-story home with gable roof is a Category A historical resource as it is listed in the *Here Today* register. It also is listed in Department's 1976 architectural survey. The proposed project's residential use would not conflict with the use of the 1890 one-family home. Moreover, while close to the project site and accessible from Capitol Avenue, the proposed project's 28 units would generally not face the historic building, but would instead front onto a mid-block driveway.

Flanking either side of the 1890 residence are adjacent flat-roofed 20th century structures that contrast and differ in context, scale, and massing. Although the neighborhood has a few buildings of similar character to the 1890 residence, there are no clusters of such buildings that would qualify as a historic district. Therefore, because the 1890 historic resource is already surrounded by newer buildings with designs that do not relate to its form and because the surrounding area does not have a concentration of similar structures that would qualify as a historic district, the proposed development would not have a significant adverse effect on the circa 1890 historic resource and would not have the potential to impact a historic district.

Further, there are no buildings on the project site 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)). The project would not conflict with any established recreational, educational, religious, or scientific uses in the area, which would continue and would not be substantially affected by the proposed project. For the reasons discussed above, the proposed project's development of the project site would not result in a significant adverse effect to a historic resource under CEQA.

b. Archeological Resources. Factors considered in determining the potential for encountering archeological resources include the location, depth, and the amount of soils disturbance proposed, as well as any existing information about known resources in the area.

The geotechnical report conducted for the proposed project reviewed test boring logs of previous samples taken in the immediate area of the Caltrans ROW. Based on these soil samples, it is known that within a limited area of the project site, soil conditions are characterized by surface fill from grade to as deep as 27 feet below grade surface (bgs) present above several feet of even deeper gravel fill, most likely attributable to I-280 freeway construction and/or a former creek bed on the site.³ The geotechnical report estimates ground water levels at 10 feet bgs. The geotechnical report estimates that bedrock occurs at a depth of 30 to 250 feet bgs from east to west. The geotechnical report notes that the site is suitable for the proposed project and recommends a shallow foundation of about five feet with, possibly, footings extending to to-be-determined depth below a slab-on-grade foundation.

Also, the proposed project has not settled on an expected depth of site grading. In addition, due to uncertainty surrounding the source and extent of known fill on the site (presumed to be covering a former creek bed), it may be necessary, within a limited area of the site (affecting 3,600 sq ft of area or four homes), to employ deep foundations to a to-be-determined depth of no greater than 30 feet bgs, using drilled concrete piers or auger-cast displacement piles.^{4 5}

A preliminary archeological assessment was conducted for the proposed project, which determined that, owing to the depth of excavation and the lack of known archeological resources in the surrounding area, the proposed project would have a low potential to affect archeological deposits.⁶

However, the project would have the potential to impact archeological resources. Therefore, to reduce the proposed project's potential impact to archeological resources to less significant, the project

³ *Geotechnical Feasibility Assessment for 1 Capitol Avenue*, February 2, 2009 by John Gouchon and Richard Rodgers of Treadwell & Rollo. This document is on file and available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

⁴ *Ibid.*

⁵ *Geotechnical Consultation Capitol Avenue Housing Project*, December 11, 2009 by Richard Rodgers, GE, of Treadwell & Rollo. This document is on file and available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

⁶ Memorandum from Randall Dean/Don Lewis, Planning Department, to Jeremy Battis, Environmental Planner, Archeological Review for 1 Capitol Avenue Project, November 18, 2009. This document is on file and available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

sponsor has agreed to incorporate Mitigation Measure ARCHEO-1 outlined below at the end of this section.

c. **Paleontological and Geologic Resources.** The project site does not contain any unique geologic features. As described above, the project is not expected to result in significant ground disturbance beyond a depth of five feet bgs. Given that the project would not require excavation to bedrock (anticipated at a minimum depth of 30 feet bgs) and the upper surfaces consist of fill, it is highly unlikely that significant paleontological resources would be found in the material brought to the surface. Therefore, the proposed project would not have a significant effect on paleontological resources or unique geologic features.

Human Remains. Impacts on Native American burials are considered under Public Resources Code (PRC) Section 15064.5(d)(1). The preliminary archeological review conducted for the proposed project did not identify the project site as a site of potential Native American burials. As such the project is not anticipated to disturb any human remains.

Cumulative Cultural Resources Impacts. As described above, the proposed project would not impact historic resources or unique geologic features. Therefore, the proposed project would not result in a cumulative impact on historic architectural or geologic resources. However, the project would have the potential to impact archeological resources. Therefore, the project could result in cumulative impacts with respect to archeological resources. As prescribed below, **Mitigation Measure ARCHEO-1** would reduce the proposed project's potential impact to archeological resources to less than cumulatively considerable. As such, the proposed project would not contribute to any cumulative impact to archeological resources.

Mitigation Measure ARCHEO-1: Accidental Discovery

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The

project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.

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

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
5. TRANSPORTATION AND CIRCULATION—					
Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area, within two miles of a public airport or in the vicinity of a private airstrip. Therefore, significance criterion 5c would not apply to the project site.

The project includes a proposed new 20-foot-wide, privately-maintained but publicly-accessible, one-way, westbound driveway connecting the interior of the parcel with Alemany Boulevard and Capitol Avenue. The project site's Capitol Avenue entrance to the east would have unrestricted ingress, but as a terminal street on this block, cars would typically approach from the north and enter the project site with a right-turn maneuver. The project site's Alemany exit to the west would require egress through a northbound right-turn-only merge maneuver

Project Area. The project site has two frontages along city streets. Forming the project site's eastern boundary with 75 feet of frontage is Capitol Avenue, a two-lane, 60-foot right of way (ROW) street,

which on the subject block terminates to the south at the Caltrans ROW buffering I-280. Capitol Avenue offers unrestricted on-street parking on both sides of the street. To the west of the project site is Alemany Boulevard, a six-lane arterial designated a major arterial in the San Francisco *General Plan*.⁷ Alemany Boulevard, with 74 feet of project site frontage, has 100-feet of ROW with unrestricted on-street parking on the east side of the street which shares a travel lane. The west side of Alemany does not allow parking. The portion of Alemany along the project site block is designated a bicycle route (Route #198) under the *General Plan*.⁸ There is a sidewalk on the south side of Alemany and a partial sidewalk along the north side, west of the project site. Where Sagamore Street again intersects with Alemany Boulevard to the west, Alemany proceeds northwesterly from the subject block before arching and proceeding southwesterly into Daly City, merging into John Daly Boulevard, before terminating at Thornton Beach State Park approximately 2-1/3 mile from Sagamore Street. Also at Sagamore Street and Alemany at the northwest part of the subject block Alemany forks to form the beginning of Brotherwood Way, an east-west secondary arterial, which terminates approximately 1-1/3 miles to the west at Lake Merced Boulevard.

The project site's northern boundary is defined by the rear southerly property lines of the parcels fronting Sagamore Street. Sagamore Street exists as a 100-foot ROW street with three west-bound lanes and two east-bound lanes, bike lanes, and on-street parking on both sides of the street. It is a designated bicycle route (Route #98) under the *General Plan*.⁹ The project site's southern boundary is I-280. I-280 is the regional freeway connecting San Francisco to the South Bay and I-80, which includes the San Francisco-Oakland Bay Bridge connecting the city to the East Bay. A northbound I-280 freeway on-ramp, approximately a 200-foot drive from the proposed project's Alemany gate is located at Alemany Boulevard and San Jose Avenue. A southbound off-ramp is located at San Jose Avenue and Sadowa Street, approximately a 1/5-mile drive from the project site's Capitol Avenue entrance.

Transit Service. The public transit route nearest the project site is the San Francisco Municipal Railway (MUNI) bus line 88-BART (Bay Area Rapid Transit) Shuttle, which runs along the Alemany Boulevard frontage of the project site and offers weekday morning peak inbound service to Balboa Park Station and evening peak outbound service to Lake Merced with headways of between 10 and 20 minutes.

⁷ San Francisco General Plan, Transportation Element- Map 6, Adopted July 1995. Available on line at http://www.sfgov.org/site/planning_page.asp?id=41415. Accessed on October 27, 2009.

⁸ San Francisco General Plan, Transportation Element- Map 13, Adopted July 1995. Available on line at http://www.sfgov.org/site/planning_page.asp?id=41415. Accessed on October 27, 2009. And *San Francisco Bike Map & Walking Guide*, 8th Edition by Rufus Graphics, 2004.

⁹ Ibid.

The nearest regular Muni bus service, at Sagamore and Capitol Avenue, is the 54-Felton line, with weekday and weekend inbound service to Hunters Point and outbound service to Daly City BART station, generally with 20 minute headways.

The 14-Mission line's nearest stop to the project site is at Mission and Goethe Streets in Daly City. Accounting for crossing Alemany at the crosswalk at Sagamore Street entrance, the nearest 14-Mission transit stop is approximately a half-mile walk from the project site's Alemany frontage and would necessitate crossing I-280 through an underpass. The 14-Mission route provides 24-hour weekday and weekend transit service to the Mission District and Financial District neighborhoods with headways of between 2 and 60 minutes. The 14-Mission L (Limited) route offers transit service with limited stops weekdays and Saturdays, generally from the late morning hours until the late afternoon hours. The 14-Mission X (Express) route utilizes the city's freeway network to provide faster, more direct transit service from the southeastern portion of the city to downtown weekdays inbound in the morning and outbound in the afternoon.

The project site is located approximately two blocks (1/10 mile) from the M-Ocean View light rail line which provides rapid underground service beneath Twin Peaks and Market Street to San Francisco's downtown and connects to BART rail stations (outbound at Balboa Park Station and inbound at Civic Center Station), with service onto destinations such as the San Francisco Airport, Millbrae, and the cities of the East Bay. The nearest BART station at Daly City is approximately an 8/10 mile walk from the project site. Daly City station is also nearest station in the BART system with a park-and-ride lot and has over 2,000-vehicle capacity.¹⁰

a. and b. **Traffic and Level of Service.** As set forth in the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review (Guidelines) (October 2002), the Planning Department evaluates traffic conditions in the weekday p.m.-peak period to determine the significance of an adverse environmental impact. These weekday p.m. peak hour conditions typically represent the worst conditions of the local transportation network. The proposed project would develop the vacant site with 28 residential units totaling approximately 53,400 sq ft with at-grade parking for 42 vehicles and secured bicycle parking for 58 bicycles.

Based on the trip rate for residential use in the *Guidelines*, the proposed project would generate an estimated 280 average daily person-trips (10 trips per two or more bedroom unit), of which there

¹⁰ Source: <http://www.bart.gov/stations/daly/index.aspx#parking> . Accessed on October 30, 2009.

would be about 48 p.m. peak hour person-trips (4:30 to 5:30 p.m.).¹¹ These peak hour person-trips would be distributed among various modes of transportation, including 21 automobile person-trips, 24 transit trips, three walking trips, and one trip by other means, which would include bicycles and motorcycles. Mode split data for the uses were obtained from the *Guidelines* for Census Tract 314 and Superdistrict 3, in which the project site is located.

An average vehicle occupancy rate of 1.14 persons per vehicle (obtained from the *Guidelines*) was applied to the number of auto person-trips to determine the number of vehicle trips generated by the proposed project. The proposed project would generate approximately 18 p.m.-peak hour vehicle trips. Residents of Alemany, Sagamore Street, and Capitol Avenue could experience an increase in vehicular activity as a result of the proposed project; however, it would not be above levels that are common and generally accepted in urban areas. The change in traffic in the project area as a result of the proposed project would be undetectable to most drivers, particularly given the relatively high volume of traffic on Alemany Boulevard and Sagamore Street. The proposed project would add a small increment to the cumulative long-term traffic increase on the local roadway network in the neighborhood and to other land use and development changes in the region. However, the volume of additional trips would not result in considerable contributions to any intersection service levels.

d. and e. Traffic Hazards and Emergency Access. There are no unusual design features or uses proposed as part of the project that would substantially increase traffic hazards or interfere with existing traffic circulation. Emergency access to the project site would be either from the north and into the Capitol Avenue entrance or from the south and into the Alemany access point. Proposed buildings are required to meet the standards contained in the *Building and Fire Codes* and the San Francisco Building and Fire Departments would review the final building plans to ensure sufficient access and safety. In light of the above, the proposed project would not have a significant effect on emergency access or traffic operations access by emergency vehicles.

f. Parking. Currently, the project site area does not have a residential permit parking zone enforcement program in effect. Parking is generally available on both sides of nearby streets without hourly restrictions. *Planning Code* Section 151 requires one parking space for each dwelling unit within a RH-2 zoning district. Therefore, 28 off-street parking spaces would be required. Up to 150 percent of required off-street parking spaces may be permitted as accessory parking. In the case of the proposed

¹¹ The transportation impact analysis for One Capitol Avenue is available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

project, 42 parking spaces would be allowed as accessory parking, and 42 are proposed. All but one of the parking spaces would be located in at-grade garages accessed from the proposed mid-block one-way westbound street extending from Capitol Avenue to Alemany Boulevard. The remaining one parking space would be reserved for publicly-available car-share purposes and would not be garaged. It should be noted that parking demand is different than the *Planning Code* parking requirement. Parking demand is the amount of daily parking need generated by a proposed project. Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, the proposed residential use would create a parking demand of about 42 daily spaces. The proposed project, with 42 off-street parking spaces, would therefore fully satisfy this parking demand

Loading. Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, the proposed project would generate no daily loading demand. Because the proposed project would not exceed 100,000 square feet of residential development, it would not be subject to the freight loading requirements prescribed by *Planning Code* Sec. 152.

Construction Impacts. During the proposed project's projected 24-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 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. The project sponsor and construction contractors would confer with the Traffic Engineering Division of the Department of Parking and Traffic (DPT), the Fire Department, MUNI, and the Planning Department to determine feasible measures to reduce traffic congestion, including effects on the transit system and pedestrian circulation impacts during construction of the proposed project.

Temporary parking demand from construction workers' vehicles and impacts on local intersections from construction worker traffic would occur in proportion to the number of construction workers who would use automobiles. The estimated maximum 20 construction workers would park on the vacant site for all but the final stages of project construction. In addition, Alemany Boulevard has excess on-street parking. Although construction workers may have to navigate streets in the vicinity of the project site to arrive at available parking, any resulting parking deficit would not substantially change the capacity of the existing street system or alter the existing parking conditions in the area.

g. Transit and Alternative Travel Modes. Applying the *Guidelines*, it is estimated that approximately 24 p.m. peak-hour project trips would utilize public transit. These trips would be distributed among the many transit lines (described above) providing service to and within the vicinity of the project site. The addition of 24 p.m.-peak hour transit trips to the transit system would not have a substantial or noticeable impact on transit services in the project area or affect transit operations. Similarly, the proposed project would not significantly contribute to cumulative transit conditions.

Pedestrian and Bicycle Conditions. The proposed project would generate approximately 48 p.m. peak-hour person trips distributed among various modes of transportation, including three p.m. peak hour pedestrian trips and one by “other” transportation modes including motorcycles, taxis, and walking.

The sidewalk network along the east side of Alemany Boulevard and fronting the project site is incomplete owing to the existing vacant parcels (including the Caltrans ROW parcel to the south). The proposed project would install a new eight-foot wide sidewalk along the 74 feet of Alemany frontage (and an additional equally-wide sidewalk along its 75-foot-wide Capitol Avenue frontage). The addition of the new sidewalks would more fully complete the existing sidewalk network. The west side of Alemany has an existing sidewalk that would connect to the project site via a crosswalk at the end of the project block at Alemany and Sagamore Street, less than 1/10 mile from the project site. The remaining surrounding pedestrian network has sufficient capacity to accommodate the proposed project’s expected increased demand. This new associated demand would be expected to marginally increase pedestrian activity on nearby streets, but not to a degree that could not be accommodated on local sidewalks or that would result in new safety concerns.

As discussed above, Alemany is city bike Route #198 and Sagamore Street is Route #98. Bicycle parking is required to be provided for the proposed project at a ratio of one secured bicycle storage area per two dwelling units, pursuant to Section 155.5 of the *Planning Code*, and the proposed project would provide each dwelling unit a bicycle storage area in its private garage able to accommodate two bicycles, thereby satisfying this requirement. Although the proposed project would increase the number of vehicles in the vicinity of the project site, this increase would not substantially affect bicycle travel in the area.

The proposed development would not create substantial conflicts between pedestrian or bicycle operations and vehicle traffic, or exceed pedestrian or bicycle capacity on adjacent streets in the project vicinity. Therefore, the proposed project would not have a significant impact on pedestrian and bicycle

conditions. In summary, the proposed project would not have a significant impact individually or cumulatively on transportation and circulation.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local <i>General Plan</i> or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, topics 6e and 6f are not applicable.

a. – d. and g. **Construction Noise.** Grading, excavation, and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 20 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and facade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, hoerammers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works or the Director of Building Inspection. 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 or the Director of Building Inspection. The project must comply with regulations set forth in the Noise Ordinance.

Construction activities other than pile driving, which would not be employed in project construction, typically generate noise levels no greater than 90 dBA (for instance, for excavation) at 50 feet from the activity, while other activities, such as concrete work, are much less noisy. Closed windows typically can reduce daytime interior noise levels to an acceptable level. Therefore, for any nearby sensitive receptors, although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in an urban environment, and would not be considered significant. Moreover, no other construction projects are proposed in close enough proximity to the project site such that cumulative effects related to construction noise would be anticipated.

Noise Compatibility. The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.¹² These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly-developed land uses. For residential uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 60 dBA (Ldn), while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA (Ldn).^{13 14} Where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval,

¹² City and County of San Francisco, Planning Department, *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

¹³ Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

¹⁴ The guidelines are based on maintaining an interior noise level of interior noise standard of 45 dBA, Ldn, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

and new construction or development of residential uses will require that noise insulation features be included in the design. In addition, Title 24 of the *California Code of Regulations* establishes uniform noise insulation standards for residential projects. Based on modeling of traffic noise volumes conducted by the San Francisco Department of Public Health (DPH),¹⁵ the traffic noise level in the project area vicinity is generally between 70 dBA and 75 dBA. Therefore, the proposed project would locate new residential units—considered to be “sensitive receptors”—in an environment with noise levels above those considered normally acceptable for residential uses, and the project sponsor would be required by the *San Francisco General Plan* and by Title 24 to incorporate noise insulation features in the project to maintain an interior noise level of 45 dBA. It is anticipated that, at a minimum, sound-rated windows and/or doors would be installed as part of the proposed project. The Department of Building Inspection would review project plans for compliance with Title 24 noise standards.

Compliance with Title 24 standards and with the *General Plan* would ensure that effects from exposure to ambient noise would not result in significant impacts, either individually or cumulatively.

Traffic Noise. Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project (see Section 5, above), traffic volumes would not double on area streets as a result of the proposed project or expected cumulative traffic growth; therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

Operational Noise. The project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient and for noise on public property, including streets, the limit is 10 dBA in excess of ambient.¹⁶ In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, noise effects

¹⁵ Traffic noise map presented on DPH website: <http://www.sfdph.org/dph/EH/Noise/default.asp>.

¹⁶ Entertainment venues are also subject to a separate criterion for low-frequency (bass) noise.

related to building operation would not be significant, nor would the building contribute a considerable increment to any cumulative noise impacts from mechanical equipment. In light of the above, noise effects related would be less than significant.

Cumulative Noise Impacts. Project construction activities would be temporary and intermittent in nature; project construction-related noise would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site; and as stated above, required construction noise reduction measures would be implemented as required by the City's Noise Ordinance. The proposed project has not begun construction. However, construction related to this project would be governed by the same code requirements and factors discussed above. The contribution of the project's construction noise in the project site vicinity would not be considerable.

Localized traffic noise would increase as a result of the cumulative growth in the project vicinity, such as the proposed project. However, the increase under the project would not be a cumulatively considerable traffic noise increase. Therefore, the proposed project would not have significant cumulative noise impacts.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
7. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Federal Clean Air Act (CAA), as amended, and the California Clean Air Act (CCAA) legislate ambient air quality standards and related air quality reporting systems for regional regulatory agencies to then develop mobile and stationary source control measures to meet these standards. The Bay Area Air Quality Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for planning, implementing and enforcing the federal and state ambient standards for criteria pollutants.¹⁷ Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}) and lead. The San Francisco Bay Area Air Basin encompasses the following counties: San Francisco, Alameda, Contra Costa, Marin, San Mateo, Napa and parts of Solano and Sonoma counties. The basin has a history of air quality violations for ozone, carbon monoxide and particulate matter and currently does not meet the state ambient air quality standards for ozone, PM₁₀ and PM_{2.5}. The BAAQMD has adopted air quality management plans over the years to address control methods and strategies for meeting air quality standards, the latest plans being the *Bay Area 2000 Clean Air Plan* and the *2001 Ozone Attainment Plan*.

a. – d. **Construction Air Quality Emissions.** The proposed development would require grading and excavation of the vacant project site and construction of 28 residential units. During site grading, excavation, and construction, soil movement would create the potential for wind-blown dust and could add particulate matter to the local atmosphere while the soil is exposed or moved. Heavy equipment could also create fugitive dust with truck movement and emissions related to diesel fuel combustion. Construction dust is composed primarily of larger particles that settle out of the atmosphere more rapidly with increased distance from the source and are generally filtered by human breathing passages. Overall, construction dust would result in more of a nuisance than a health hazard in the vicinity of construction activities. However, about one-third of the dust generated by construction activities consist of smaller size particles in the range that can be inhaled by humans (i.e., particulates 10 microns or smaller in diameter), known as PM₁₀, although these particulates are generally inert. However, the proposed project's construction activities could expose sensitive receptors to fugitive dust.¹⁸ The closest sensitive receptors are those directly abutting the project site. Additionally, persons with respiratory diseases immediately downwind of the site, as well as any unprotected electronic equipment, could be sensitive to this dust.

¹⁷ State and Federal air quality standards for the Bay Area's attainment status can be viewed on the BAAQMD website at: <http://www.baaqmd.gov>.

¹⁸ Sensitive receptors are people or institutions with people that are particularly susceptible to illness from environmental pollution, such as the elderly, very young children, people already weakened by illness (e.g., asthmatics), and persons engaged in strenuous exercise.

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

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet, sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

For project having a site of greater than one-half acre, the Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Health Department. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement.

Site-specific Dust Control Plans shall require the project sponsor to: submit a map to the Director of Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 miles per hour (mph) speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and to sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

These regulations and procedures set forth by the San Francisco Building Code would ensure that potential dust-related air quality impacts would be reduced to a level of insignificance.

Operational Emissions. The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts and conflicts with adopted air quality plans. These thresholds are based on the minimum size projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. The District does not typically recommend a detailed air quality analysis for project generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting. The BAAQMD considers residential projects greater than 510 dwelling units, office project greater than 280,000 gross square feet (gsf), and retail development greater than 87,000 gsf to result in potentially significant vehicular emission effects and therefore require additional analysis. The proposed project, with 28 dwelling units would clearly not exceed these minimum standards. Therefore, no significant air quality impact would be generated by project operations.

Toxic Air Contaminants. The California Air Resources Board (CARB) established its statewide comprehensive air toxics program in the early 1980s. CARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. CARB identifies 244 substances as Toxic Air Contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research

consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadways. Human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to TACs. In 2005, CARB issued guidance on preventing roadway related air quality conflicts, suggesting localities “avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day.”¹⁹ However, there are no existing federal or state regulations to protect sensitive land uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.²⁰ Consistent with CARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 25, 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthy levels of PM_{2.5}. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM_{2.5} from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).²¹ If this standard is exceeded, the project sponsor must install a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM_{2.5} from habitable areas of residential units.

¹⁹ California Air Resources Board, *2005 Air Quality and Land Use Handbook: A Community Health Perspective*, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

²⁰ San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 6, 2008, http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2009.

²¹ According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8 – 10 percent of the range of ambient PM_{2.5} concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 “excess deaths” per year per one million population in San Francisco. “Excess deaths” (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM_{2.5}. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, “Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008. Twenty excess deaths per million based on San Francisco’s non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000. Although San Francisco’s population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.)

The project site is located within the Potential Roadway Exposure Zone, as mapped by DPH. In consultation with DPH, an Air Quality Assessment was prepared. Results of the assessment indicate that the project site exceeds a PM_{2.5} concentration greater than 0.2 micrograms per cubic meter.²² Thus, the proposed project would comply with city ordinance requirements by installing in all residential units a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM_{2.5} from habitable areas of residential units. Therefore, the proposed project is not expected to result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants.

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth's atmosphere, also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures (CO₂E). Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude

²² Patrick Fosdahl, San Francisco Department of Public Health. Letter to Ilene Dick, Farella Braun & Martel. *Re: Capitol Avenue Townhomes Air Quality Assessment, April 14, 2009.* This letter is on file and available for public review at the San Francisco Planning Department as part of Case File No. 2009.0112E.

and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.²³ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Energy Commission (CEC) estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide equivalent GHG emissions.²⁴ The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.²⁵ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.²⁶

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.²⁷

²³ California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/ceei/meetings/120106workshop/intropres12106.pdf>) accessed December 4, 2007.

²⁴ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

²⁵ California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/ei/emissiondata.htm>.

²⁶ BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2005*, December 2008. Available on the internet at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Emission-Inventory-and-Air-Quality-Related/-/media/A06B5C918A5F413B9BDBE0B63AC2340E.ashx>.

²⁷ California Air Resources Board (CARB), *Climate Change Scoping Plan: A Framework for Change*, December 2008. Available on the internet at: <http://www.climatechange.ca.gov/index.php>. Accessed July 7, 2009.

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

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff has prepared a scoping plan to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce its greenhouse gases by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from today's levels (2008). In December 2008, CARB adopted a Scoping Plan that estimates a reduction of 174 million metric tons of CO₂ equivalents (MMTCo₂E). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 62.3 MMTCo₂E. Emissions from the electricity sector are expected to reduce another 49.7 MMTCo₂E. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Regional GHG targets are expected to yield a reduction of 5 MMTCo₂E.²⁸ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

²⁸ Ibid.

Local Actions

San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy which added Section 16.102 to the City Charter with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Gas Emissions.²⁹ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a

²⁹ San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions*, September 2004.

blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particle matter (PM, or soot) than the buses they replace, they produce 40 percent less oxides of nitrogen (NOx), and they reduce greenhouse gases by 30 percent.

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its' waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65% of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City greenhouse gas emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following greenhouse gas emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City greenhouse gas emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2017;
- Reduce greenhouse gas emissions by 40 percent below 1990 levels by 2025; and
- Reduce greenhouse gas emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated

with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable General Plan elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched their "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet (sq. ft.), residential buildings over 75 feet in height, and renovations on buildings over 25,000 sq. ft. to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance includes reducing CO₂ emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.³⁰

The Green Building Ordinance also continues San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. In addition, by reducing San Francisco's emissions, this ordinance also furthers the State's efforts to reduce greenhouse gas emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

³⁰ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

The San Francisco Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

The City's Planning Code reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve streetscape policies throughout the City, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options. The City also provides incentives to City employees to use alternative commute modes and the City recently introduced legislation that would require almost all employers to have comparable programs.

Each of the policies and ordinances discussed above include measures that would decrease the amount of greenhouse gases emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts

Although neither the Bay Area Air Quality Management District (BAAQMD) or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of GHG emissions" throughout the state because OPR has recognized that "the global nature of climate

change warrants investigation of a statewide threshold for GHG emissions.”³¹ In the interim, on June 19, 2008 OPR released a Technical Advisory for addressing climate change through CEQA review. OPR’s technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA guidelines on or before April 7, 2010, pursuant to Senate Bill 97.

The informal guidelines in OPR’s technical advisory provide the basis for determining proposed project’s contribution of greenhouse gas emissions and the project’s contribution to global climate change. In the absence of adopted statewide thresholds, OPR recommends the following approach for analyzing greenhouse gas emissions:

- 1) Identify and quantify the project’s greenhouse gas emissions;
- 2) Assess the significance of the impact on climate change; and
- 3) If the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to less than significant levels.

The following analysis is based on OPR’s recommended approach for determining a project’s contribution to and impact on climate change.

Identifying and quantifying a project’s greenhouse gas emissions. OPR’s technical advisory states that “the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.” State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO₂, N₂O, and CH₄, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions and annual CO₂-eq GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco’s population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional

³¹ Governor’s Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*. June 19, 2008. Available at the Office of Planning and Research’s website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed July 7, 2009.

water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).³² Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

The proposed project would increase the activity onsite by developing 28 new attached single family dwelling units approximately 30-feet high within a PUD. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and commercial operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the proposed project would emit 149 metric tons CO₂E.³³ Direct project emissions of carbon dioxide equivalents (CO₂E) (including CO₂, NO_x, and CH₄ emissions) include 135 tons of CO₂E/year from transportation, and 122 tons of CO₂E /year from heating, for a total of 257 tons of CO₂E/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 65 tons of CO₂E/year), anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 5 tons of CO₂E/year), and water conveyance (approximately 21 tons of CO₂E/year) for a GHG emissions total of approximately 91 tons of CO₂E/year. Annual GHG emissions represent approximately 0.004 percent of San Francisco's 2020 emissions limit.³⁴

Assessing the significance of the impact on climate change. The project's incremental increases in GHG emissions associated with construction, traffic increases and residential heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects.

³² The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MS_ID/165/C_ID/2281. Accessed 07/28/2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

³³ Construction emissions and annual emissions are not intended to be additive as they occur at different points in the project's lifecycle. Construction emissions are one-time emissions that occur prior to building occupancy. Annual emissions are incurred only after construction of the proposed project and are expected to occur annually for the life of the project.

³⁴ San Francisco's 2020 emissions limit is estimated at 7.2 million tons of CO₂E for the year 2020 to reach San Francisco's goal of reducing its greenhouse gas emissions by 20 percent below 1990 levels. San Francisco Department of the Environment. *Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Gas Emissions*, September 2004. See page ES-4. This document is available online at: www.sfenvironment.org. Accessed October 14, 2009.

OPR encourages public agencies to adopt thresholds of significance, but notes that public agencies are not required to do so. Until a statewide threshold has been adopted, the Department analyzes a proposed project's contribution to climate change against the following significance criteria:

- 1) Does the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. AND
- 2) Does the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007 is approximately 427 MMTCO₂E. The proposed project's annual contribution would be diminutive compared to this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states that, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project". And, "In determining whether a proposed project's emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of "past, current and probable future projects."

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. In an independent review of San Francisco's community wide emissions it was reported that San Francisco has achieved a 5% reduction in communitywide greenhouse gas emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7% below 1990 levels by 2012. The "community-wide inventory" includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well

as municipal operations. The inventory also includes emissions from both transportation sources and from building energy sources.

Probable future greenhouse gas reductions will be realized by implementation of San Francisco's recently approved Green Building Ordinance. Additionally, the recommendations outlined in the AB 32 Scoping Plan will likely realize major reductions in vehicle emissions.

Further, the State of California Attorney General's office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.³⁵ The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General's office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project's transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco;³⁶ (2) As new construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project's contribution to cumulative regional GHG emissions; (3) the proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65% of all construction and demolition material to be diverted from landfills; and plant an additional eight street trees, regulating outdoor temperatures and aiding in carbon sequestration.³⁷

Given that: (1) the proposed project would not contribute significantly to global climate change such that it would impede the State's ability to meet its greenhouse gas reduction targets under AB 32, or impede San Francisco's ability to meet its greenhouse gas reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce greenhouse gas emissions specific to new construction and renovations of residential and commercial developments; (3) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels, and (4) current and probable future state and local greenhouse gas reduction

³⁵ State of California, Department of Justice, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." Updated December 9, 2008. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf, accessed July 7, 2009.

³⁶ The California Air Pollution Control Officer, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a "high" emissions reduction score (between 3-30%). This paper is available online at: <http://www.capcoa.org/CEQA/CAPCOA%20White%20Paper.pdf>, accessed July 7, 2009.

³⁷ Carbon sequestration is the capture and long-term storage of carbon dioxide before it is emitted into the atmosphere.

measures will continue to reduce a project's contribution to climate change, the proposed project would not contribute significantly, either individually or cumulatively, to global climate change.

e. **Odors.** The project would not result in a perceptible increase or change in odors on the project site or in the vicinity of the project, as it would not include uses prone to generation of odors. Observation indicates that surrounding land uses are not sources of noticeable odors, and therefore would not adversely affect project residents.

Cumulative Air Quality Impacts The determination of significant cumulative impacts should be based on an evaluation of consistency of the proposed project with the local general plan and the general plan with the current *Clean Air Plan*. The *San Francisco General Plan* includes the 1997 Air Quality Element, updated in 2000. This element is consistent with the *2000 Clean Air Plan*. The proposed project would be generally consistent with the *General Plan*. As such, the operational characteristics of the proposed project would not result in a cumulatively considerable increase in regional air pollutants. Greenhouse gases contribute to the cumulative effects of global climate change. The greenhouse gas analysis presented in this document considers greenhouse gasses in the cumulative context and found that the project would not emit a cumulatively considerable amount of greenhouse gases.

The BAAQMD neither recommends quantified analysis of cumulative construction emissions nor provides thresholds of significance that could be used to assess cumulative construction impacts. The construction industry, in general, is an existing source of emissions within the Bay Area. Because construction activities at the site would be temporary and intermittent, the contribution to the cumulative context would therefore not be significant. Compliance with the dust control ordinance would ensure that feasible construction-related measures have been incorporated into project construction such that construction emissions would not be considered cumulatively considerable.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
8. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. **Wind.** Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. Since the proposed project would not be substantially taller than nearby buildings and the nature of development in the project vicinity is generally small scale, the project would not result in adverse effects on ground-level winds. Additionally, the proposed project would plant street trees along Alemany and Capitol Avenue, helping to regulate the immediate wind environment. Accordingly, the proposed project would result in a less-than-significant wind impact.

b. **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 and altered structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the Planning Commission finds the shadow to be an insignificant effect. Because the proposed project would be built to a height of less than 40 feet, it would not be subject to the provisions of Section 295.

Still, the project architect evaluated the issue of shadow on adjacent properties to the north fronting on Sagamore Street. The shadow fan analysis found that in the worst-case scenario, between the hours of 10 a.m. and 4 p.m. on the shortest day of the year, winter solstice, December 21, approximately 24 private parcels to the north would experience increased shadow levels with portions of their rear yards being shaded. During other seasons of the year, project shadows would generally not affect the adjacent properties on Sagamore Street.³⁸ Because of the proposed building height and the configuration of existing buildings in the vicinity, the net new shading which would result from the project's construction would be limited in scope. Although an undesirable change for those affected, the proposed project would not increase the total amount of shading above levels which are common and generally accepted in urban areas.

³⁸ Shadow Study for One Capitol Avenue by MacDonald Architects, August 4, 2009. This document is on file and available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a.– c. Parks and Recreation. In 1998, the City of San Francisco initiated the Great Parks for a Great City Assessment Project to determine the condition of the park system as well as to determine future needs. In August of 2004, the San Francisco Recreation and Park Department published a Recreation Assessment Report that evaluates the recreation needs of San Francisco residents.³⁹ Nine service area maps were developed for the Recreation Assessment Report. The service area maps were intended to help Recreation and Park Department staff and key leadership assess where services are offered, how equitable the service delivery is across the City and how effective the service is as it applies to participating levels overlaid against the demographics of where the service is provided. Parks and recreational facilities are available nearby for the use of existing and future residents and are described below.

With the projected addition of 103 new residents to the area, the proposed project would not require the construction or expansion of offsite recreation facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. The impact on recreational facilities would, therefore, be less than significant.

The Open Space Element of the San Francisco *General Plan* identifies areas within the City that are served by existing public open space facilities. The project site lies within the service area of Ocean View Playground and Recreation Center, a 447,997-square foot (10.28 acre) recreational open space comprising two city blocks and located 4½ blocks, or approximately 1,500 feet, from the project site's

³⁹ San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, 4th Floor, and is available online at http://www.parks.sfgov.org/site/recpark_index.asp?id=27310.

Capitol Avenue entrance.⁴⁰ The project site is not located in an area in need of additional open space as identified in the Neighborhood Recreation and Open Space Improvement Plan.⁴¹

As described above, to the west of the project site are located the vast open space and recreation areas of Lake Merced city park, approximately 1¼ -miles distance, and the Golden Gate National Recreation Area at Pacific Ocean beach, approximately 2¾-miles distance.

With the projected addition of 103 new residents to the area, the proposed project would not require the construction or expansion of off-site recreation facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. The impact on recreational facilities would, therefore, be less than significant.

Cumulative Recreation Facility Impacts. Recreation facility use of the above-mentioned open spaces would be expected to increase in proportion to the size of the proposed project. Residents of existing and planned development in the vicinity would be expected to use the parks and recreation facilities described above. The cumulative demand would not be expected to increase use of recreation facilities such that physical deterioration or degradation would not occur. Thus, the proposed project would not have a significant impact on recreation or community facility resources, nor would the project contribute to any significant cumulative impacts on recreational resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁰ San Francisco General Plan, Open Space Element, Map 2. This map is available online at: http://www.sfgov.org/site/uploadedfiles/planning/Codes/General_Plan/images/ros_map2.pdf. Accessed November 4, 2009.

⁴¹ San Francisco General Plan, Open Space Element, Map 9. This map is available online at: http://www.sfgov.org/site/uploadedfiles/planning/Codes/General_Plan/images/ros_map9.pdf. Accessed November 4, 2009.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is served by existing utilities and public services including wastewater collection and transfer, stormwater drainage, solid waste collection and disposal, police and fire services, and power, water, and communication facilities. The project would increase demand for and use of public services and utilities on the site and would add to cumulative water and energy consumption, but not in excess of amounts projected by agencies responsible for management of those services and utilities.

a. – c. and e. Wastewater/Stormwater. The proposed project would not require new wastewater or stormwater collection and treatment facilities. Project related wastewater and stormwater would continue to flow into the City's combined stormwater and sewer system and would be treated to the standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Oceanside Water Pollution Control Plant, prior to discharge into the Pacific Ocean. Additionally, the proposed project would be required to meet the standards for stormwater management identified in the San Francisco Green Building Ordinance (SFGBO), adopted May 6, 2008. The SFGBO would require that the project meet the performance standard identified in the LEED NC⁴² credit 6.2 for quality control of stormwater. Specifically, this credit requires the project sponsor to implement a stormwater management plan that reduces impervious cover, promotes infiltration, and captures and treats the stormwater runoff from 90 percent of the average annual rainfall using a variety of best management practices (BMPs). The BMPs must be capable of removing 80 percent of the average

⁴² LEED NC stands for Leadership in Energy and Environmental Design- New Construction.

annual post-development total suspended solids (TSS). The SFPUC emphasizes the use of low-cost, low impact BMPs to meet this requirement. Although the project would incrementally increase the demand for wastewater treatment and could increase the demand for stormwater treatment, it would not cause the collection treatment capacity to be exceeded, or require the expansion of wastewater treatment facilities or and extension of a sewer trunk line. Additionally, requirements for stormwater treatment mandated by the SFGBO would decrease the amount of stormwater currently requiring treatment at the Oceanside Water Pollution Control Plant. Therefore, the proposed project would have no significant impact on San Francisco's wastewater and stormwater systems.

d. Water Supply. All large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand under Senate Bill 610 and Senate Bill 221.⁴³ Under Senate Bill 610, a Water Supply Assessment (WSA) is required if a proposed project is subject to CEQA review in an EIR or Negative Declaration and is any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center of business employing more than 1,000 persons or having more than 500,000 sq ft of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 sq ft of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 sq ft or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have a water demand at least equal to a 500 dwelling unit project. The proposed project would not exceed any of these thresholds and therefore, would not be required to prepare a WSA.

In May 2002, the SFPUC adopted a resolution finding that the SFPUC's Urban Water Management Plan (UWMP) adequately fulfills the requirements of the water assessment for water quality and wastewater treatment and capacity as long as a project is covered by the demand projections identified in the UWMP, which includes all known or expected development projects and projected development in San Francisco at that time through 2020. The UWMP uses growth projections prepared by the Planning Department and Association of Bay Area Governments (ABAG) to estimate future water demand. As discussed under Topic 3, Population and Housing, p. 24, the project would be within the projected population growth for San Francisco. Therefore, the project would not exceed the UWMP's

⁴³California Department of Water Resources (2003). Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. Available at www.owue.water.ca.gov/Guidebook_101003.pdf. Accessed on July 2, 2008.

water supply projections. Therefore, the project would not exceed the UWMP's water supply projections.

The proposed project would require water connections per the SFPUC. The proposed project would use existing wastewater and storm drainage infrastructure unless the SFPUC recommends changes to the size and design of this infrastructure. No additional construction of water supply infrastructure would be required to serve this project.

The proposed project, with an estimated 103 residents, would consume an additional 6,386 gallons of water per day.⁴⁴ Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase would be accommodated within the City's anticipated water use and supply projections. The new building 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). Since the proposed water demand could be accommodated by existing and planned water supply anticipated under the SFPUC's *2005 Urban Water Management Plan* and would include water conservation devices, it would not result in a substantial increase in water use and could be served from existing water supply entitlements and resources. Considering all of the above, the proposed project would result in less-than-significant project-specific and cumulative water supply impacts.

Although the proposed project would increase the amount of water required to serve the proposed residential uses, the proposed project would not result in a population increase beyond that assumed for planning purposes by the San Francisco Public Utilities Commission's (SFPUC) *2005 Urban Watershed Management Plan*.⁴⁵ Additionally, as required by the SFGBO, the project would be required to obtain 25 GreenPoints, as required by the SFGBO, some of which could include water conservation measures such as requiring installation of low-flow fixtures. Although the project would increase the amount of water required onsite, given that the increase in water use on the site is accounted for in the SFPUC's *2005 Urban Watershed Management Plan*, and that the project would be required to implement conservation measures as required by the SFGBO, some of which are likely to yield water conservation, the project would be served by the existing water supply and would not require new or expanded

⁴⁴ Based on existing average residential use in San Francisco of 62 gallons per capita per day. Source: SFPUC, 2005 Urban Water Management Plan for the City and County of San Francisco, December 2005, p. 40. Available for on-line at www.sfwater.org, accessed on December 11, 2009.

⁴⁵ The SFPUC's *2005 Urban Water Management Plan* is based on data presented in the Association of Bay Area Government's (*Projections 2002: Forecasts for the San Francisco Bay Area to the Year 2025*, which includes all known or expected development projects in San Francisco through the year 2025).

water supply resources or entitlements. Therefore, the project's impact on water supply would be less than significant.

f. **Solid Waste.** Solid waste generated in San Francisco is transported to and disposed of at the Altamont Landfill. The landfill has a permitted peak maximum daily disposal of 11,150 tons per day and is currently operating at approximately 4,000 to 5,000 tons per day. The landfill has an annual solid waste capacity of 2,226,500 tons from the City of San Francisco. However, the City is well below its allowed capacity, generating approximately 550,000 tons of solid waste in 2005.

Recycling, composting, and waste reduction efforts are expected to increasingly divert waste from the landfill. The City Board of Supervisors adopted a plan in 2002 to recycle 75 percent of annual wastes generated by 2010. The project's residents would be expected to participate in the City's recycling and composting programs and other efforts to reduce the solid waste disposal stream. The Altamont Landfill is expected to remain operational for 20 or more years, and has current plans to increase capacity by adding 250 additional acres of fill area. With the City's increase in recycling efforts and the Altamont Landfill expansion, the City's solid waste disposal demand could be met through at least 2026. Given the existing and anticipated increase in solid waste recycling and the proposed landfill expansion in size and capacity, the impacts on solid waste facilities from the project would be less than significant.

Cumulative Utilities and Service Systems Impacts. Cumulative development in the project area, including the proposed project, would increase demand on utilities and service systems. Given that existing service management plans address anticipated growth in the region however, the project would not have a significant cumulative effect on utility service provision or facilities.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
11. PUBLIC SERVICES— Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. As an infill development project, the project site is already served by existing public services including police and fire protection, schools, and parks. The location of the project site to these services is described below.

Police and Fire Protection Services. The project site currently receives police and fire protection services from the San Francisco Police Department (SFPD) and the San Francisco Fire Department (SFFD), respectively. The proposed project would create additional demand for fire suppression and police service in the area by adding 28 new residential dwelling units, serving approximately 103 new residents.

The fire station that serves the project site is Department Station No. 33, opposite the project site at 8 Capitol Avenue. The police station that services the project site is located at 2345 24th Avenue, approximately three miles northwest of the project site.

Although the proposed project could increase the number of service calls received from the area as a result of the increase in population on the site, the increase would not be substantial in light of the existing demand for fire and police protection services in the area and would not exceed amounts anticipated and provided for in the area. Therefore, the proposed project would result in a less than significant impact to police and fire services.

Schools. The San Francisco Unified School District (SFUSD) provides school services to the project area. Currently, the SFUSD schools nearest the project site include Sheridan Elementary School (grades K through five), Jose Ortega Elementary School (grades K through five), and Longfellow Elementary School (grades K through five). There are numerous schools at all levels within two miles of the project site. The SFUSD is under capacity; in the last decade enrollment declined by about nine percent. District-wide enrollment is projected to continue its decline, approximately seven percent between 2007 and 2015.⁴⁶ Overall, the project is not expected to contribute to the need for new school facilities, and would result in less-than-significant impacts to the physical environment.

Community Facilities. The addition of residents from the project would increase the demand for libraries, community centers, and other public facilities. The San Francisco Public Library Ocean View Branch at 345 Randolph Street and the Ingleside Branch at 1649 Ocean Avenue service the project area. Existing facilities would be sufficient to meet local demand generated by the project.

⁴⁶ San Francisco Unified School District, Capital Plan FY 2007-2017, August 2007. Available at http://portal.sfusd.edu/data/facilities/CAPITAL_PLAN_100107.pdf, accessed on April 14, 2009.

Demand for various community services generated by the project would be distributed to various community organizations. Due to these factors, library services, community centers, and other public facilities would have less-than-significant impacts related to the project.

Cumulative Public Services Impacts. Cumulative development in the project area, including the approved proposed project, would incrementally increase demand for public services, but not beyond levels anticipated and planned for by public service providers. Thus, project-related impacts to public services would not be cumulatively considerable.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. – e. **Habitat and Wildlife.** The approximately one-acre project site exists as a sloping weedy field having no wet area, drainages, or trees.⁴⁷ A review of the consultant-prepared biological assessment for the site indicates that several native grasses are found on the site and that the property is home to species typical of urban habitats including the pocket gopher and the slender salamander, both observed on the site. The report indicated a possibility of the presence of additional small mammals such as opossum and raccoon. Trees on the adjacent property to the south (Caltrans I-280 ROW), some of which may have limbs overhanging the project site, provide nesting and roosting habitat for birds. Birds observed in the area include the rock pigeon, Anna's hummingbird, American crow, and house sparrow.⁴⁸ The biological assessment indicated that no rare, threatened or endangered species are known to exist in the project vicinity, and the project site does not support or provide habitat for any candidate, sensitive, or special status. In addition, no riparian habitat, sensitive plant communities, or wetlands exist on or near the site. No other important biological resources exist on or near the site.

The Migratory Bird Treaty Act (MBTA) protects migratory birds and their nests within the United States (U.S.C Title 16, Chapter 7, §703). The MTBA is the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Each of the conventions protect selected species of birds that are common to both countries (i.e., they occur in both countries at some point during their annual life cycle). While the project site does not contain any trees, the adjacent southerly parcel has trees with limbs that extend over the project site. These trees could provide cover and nesting habitat for avian species. Many of these avian species could fall under the protection of the MBTA. It is possible that the project would require trimming of the overhanging limbs of the adjacent trees prior to project construction. Additionally, should nesting birds occupy these trees during the construction period, it is possible that some of the louder construction activities could adversely affect the ability of these birds to successfully reproduce. In order to reduce the potential impact to nesting birds, the project sponsor has agreed to implement **Mitigation Measure BIO-1**, at the end of this section, which directs the project sponsor to trim all vegetation on the project site outside of the nesting season. If tree trimming or construction is to commence during the nesting season, the project sponsor shall conduct a pre-construction survey of any trees located within the property to the south of the project site. The pre-construction survey shall determine whether nesting birds are present. If nesting birds are discovered during pre-construction surveys, the project shall not disturb any area within a given buffer (as

⁴⁷ *Biological Assessment Ocean View Villas* [One Capitol Avenue] by Huffman-Broadway Group, Inc., April 2009. This document is on file and available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

⁴⁸ *Ibid.*

determined in consultation with the California Department of Fish and Game (CDFG)) until the young have fledged. Implementation of this mitigation measure would reduce potential impacts to nesting birds to less than significant.

Because there is no existing structure on the project site, construction of the proposed building could result in some change in sunlight exposure for the rear yards of other properties on the same block as the project site. Such changes could be undesirable for those individuals affected by the proposed building. However, these rear yard areas do not provide habitat that support any special status wildlife species or plant communities. Fully-developed blocks with buildings constructed to the side property lines are common in a dense urban setting such as San Francisco. While any change in conditions resulting in new in-fill development on the project site might be undesirable to adjacent residents, it would not be considered significant pursuant to CEQA. Therefore, there would be no project-related impacts to protected species.

e. Trees. The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees, including street trees, is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant and Street trees, collectively known as "protected trees", located on private and public property. A landmark tree has the highest level of protection and must meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character and has been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. A significant tree is either on property under the jurisdiction of the DPW, or on privately owned land within ten feet of the public right-of-way which satisfies certain criteria. Removal of a landmark, significant, or a street tree requires a permit from DPW.

DPW requires adjacent street trees to be protected during construction and additional trees to be added as feasible along certain streets. There are no street trees adjacent to the project site. The proposed project would add four street trees along the Capitol Avenue frontage and another four trees along its Alemany Boulevard frontage. In addition, the interior of the project site would be landscaped with up to five new trees planted. The final number and placement requirement of such street trees would be subject to review and approval by DPW. The project would therefore not conflict with San Francisco's local tree preservation ordinance. Considering the above, the project's environmental effects related to biological resources would not be significant.

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f. **Habitat Plan.** No Habitat Conservation Plan or other approved conservation program is applicable to the project site. No trees are located on the project site. The project sponsor proposes to add eight street trees as part of the proposed project.

Cumulative Biological Resources Impacts. As described above, the project site is not home to significant biological resources, and the project would have no significant impact. Therefore, cumulative development in the project vicinity would not be expected to combine with the proposed project to impact biological resources. Thus, the proposed project and other projects in the area would not have a significant cumulative impact on biological resources.

Mitigation Measure BIO-1: Pre-construction Surveys for Nesting Birds

The project sponsor shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent feasible, the project sponsor and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for project construction between September 1 and- December 31. Should construction activities or vegetation removal commence between January 1 and August 31, pre-construction surveys for nesting birds shall be conducted for all trees located within the parcel to the south of the project site by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees located within the parcel to the south of the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
13. GEOLOGY AND SOILS—					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located on expansive soil and septic tanks and/or alternative waste water disposal systems would not be required. As such, topic 13d and e are not discussed in detail below.

a. – c. **Seismic and Geologic Hazards.** The project site is not in an Alquist-Priolo Special Studies Zone, and no known active faults exist on or in the immediate vicinity of the project site.⁴⁹ The project site is located between the San Andreas Fault beyond the city’s western edge at Great Highway and Pacific Ocean Beach (four km [about 2½ miles] southwest of the project site) and the active Northern Hayward Fault under Berkeley (25 km [about 15½ miles] northeast of the project site),⁵⁰ in an area subject to

⁴⁹ California State Department of Conservation, Division of Mines and Geology (CDMG), *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*. Current as of May 1999, and CDMG, *Fault Rupture Hazard Zones in California, Alquist-Priolo Earthquake Zoning Act, Special Publication 42, Interim Revision 2007*. Available on line at <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>. Accessed November 10, 2009.

⁵⁰ Supra note 6.

“strong” to “very strong” ground shaking from a 7.9 mean characteristic moment magnitude (magnitude) earthquake along the San Andreas Fault and from a 6.5 magnitude earthquake along the Northern Hayward Fault.⁵¹ The Modified Mercalli Intensity (MMI) scale equates such hypothetical-scale earthquakes along these faults with “moderate damage,” (i.e., some damage to the masonry of all but seismically-engineered buildings, fall of stucco and some masonry walls, displacement or collapse of chimneys, movement of frame houses not bolted to foundations.)⁵²

The geotechnical report prepared for the proposed project notes that the most severe and destructive earthquake recorded in the Bay Area was the 1906 San Francisco Earthquake along the San Andreas fault with a magnitude of about 7.9. As described above in the Cultural Resources section, the geotechnical report concludes that the site is suitable for development if recommendations identified in the proposed project are incorporated into design of the building. The geotechnical report recommends a shallow slab on grade foundation to a depth of about five feet bgs. However, due to uncertainty surrounding the source and extent of known fill on the site presumed to be covering a former creek bed it may be necessary, within a limited area of the site (affecting 3,600 sq ft of area or four homes) to employ deep foundations to a to-be-determined depth of no greater than 30 feet bgs, using drilled concrete piers or auger-cast displacement piles.^{53 54}

The San Francisco *General Plan* Community Safety Element contains maps that show areas of the City subject to geologic hazards. *General Plan*, Community Safety Element, Map 5 identifies areas of landslide potential. The project site is not located in an area of landslide potential.⁵⁵ *General Plan*, Community Safety Element, Map 4 identifies areas of liquefaction potential. Liquefaction occurs when loose, saturated granular deposits change from a solid to a liquid state due to particle densification and increased pore pressures during earthquakes and shaking. The project site is not within an area of liquefaction potential.⁵⁶ The Association of Bay Area Governments (ABAG) maps areas of liquefaction hazard and susceptibility. Liquefaction hazard maps identify locations where the ground is susceptible to liquefaction and are likely to be shaken hard enough in a particular earthquake to trigger liquefaction. Liquefaction susceptibility maps show areas with water-saturated sandy and silty

⁵¹ Supra note 6. and Association of Bay Area Governments (ABAG), *Earthquake Geographic Information Systems Shaking Maps*, Available on line at: <http://gis.abag.ca.gov/website/Shaking-Maps/viewer.htm>. Accessed November 10, 2009.

⁵² Association of Bay Area Governments (ABAG), Available on line at: <http://www.abag.ca.gov/bayarea/eqmaps/doc/mmi.html> . Accessed November 10, 2009.

⁵³ Supra note 4.

⁵⁴ Supra note 6.

⁵⁵ San Francisco *General Plan*, Community Safety Element, Map 5.

⁵⁶ San Francisco *General Plan*, Community Safety Element, Map 4.

materials. According to ABAG maps, the project site is located within a “very low” liquefaction hazard zone and within a “very low” liquefaction susceptibility zone.⁵⁷

To ensure compliance with all San Francisco Building Code provisions with regard to structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it would determine necessary engineering and design features for the proposed project to reduce potential damage to structures from ground-shaking. In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for building design and construction. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspector’ working knowledge of areas of special geologic concern.

As mentioned above, the geotechnical report notes that groundwater is estimated to be present at ten feet bgs.⁵⁸ The project would not require excavation and earthwork below groundwater levels and therefore, it is not anticipated that freestanding water would be encountered during project construction which would necessitate dewatering. Were any groundwater to be encountered during construction of the proposed project, the development would be subject to requirements of the City’s Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The Bureau of Environmental Regulation and Management of the S.F. Public Utilities Commission must be notified of projects necessitating dewatering, and may require water analysis before discharge. Should dewatering be necessary, the final soils report would address the potential settlement and subsidence impacts of this dewatering. Based upon this discussion, the report would contain a determination as to whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor.

⁵⁷ Association of Bay Area Governments (ABAG), Available on line at: <http://www.abag.ca.gov/cgi-bin/pickmapliq.pl> and <http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html>. Accessed November 10, 2009.

⁵⁸ Supra note 4.

f. **Topography.** The project has a slight slope with an average upward grade of between 2 and 4 percent from east to west.⁵⁹ As discussed above, the proposed project would require minimal excavation for the foundations required to support the proposed 30-foot-high buildings. However, the project would not significantly alter the existing topography of the site or otherwise affect any unique geologic or physical features of the site. The proposed project would require the Department of Public Works (DPW) to approve grading permits and stormwater management BMP's as previously described in Section E.10 Utilities and Service Systems. City review of the likely stormwater runoff from project construction and operation in accordance would ensure that significant soil erosion would not occur.

The Building Code requirements and the DBI and DPW review process would reduce the potential damage to structures, from geologic and erosion hazards on the project site. Based on their review of the final building plans for the proposed project and known Special Geologic Study Areas and hazard areas, DBI would determine necessary engineering and design features for the proposed project to reduce potential damage to structures from groundshaking.

In light of the above, the proposed project would not have a significant adverse effect related to geologic and soils issues.

Cumulative Geologic and Soil Impacts. Geology impacts are generally site-specific and do not have cumulative effects with other projects. Cumulative development, including the proposed project, would be subject to the same design review and safety measures as the proposed project. These measures would render the geologic effects of cumulative projects to less-than-significant levels. Thus, the project would not have a significant impact on geological or soil resources, nor would the project contribute to any significant cumulative effects on geology or soils.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
14. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵⁹ Supra note 4.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located within a 100-year flood hazard area. As such, topics 14g and h are not discussed in detail below.

a., b., and f. **Water Quality.** As described previously in the Geology and Soils section, the geotechnical investigation conducted for the project estimates that groundwater is present at a depth of about 10 feet bgs, which is about five feet below the anticipated excavation depth for the project.⁶⁰ Any groundwater encountered during construction of the proposed project is subject to the requirements of the City's Industrial Waste Ordinance (Ordinance Number 199 77), requiring that groundwater meet

⁶⁰ Supra note 4.

specified water quality standards before it may be discharged into the sewer system. Therefore, groundwater resources would not be substantially degraded or depleted, and the project would not substantially interfere with groundwater recharge.

Because the project sponsor is required to implement construction Best Management Practices listed on the Stormwater Pollution Prevention Program "Checklist for Construction Requirements," implementation of erosion and sedimentation control measures, as required by the City and/or resources agencies, would minimize short-term construction-related erosion impacts to less-than-significant. Therefore the project would not substantially degrade the public water supply or groundwater quality, or cause substantial flooding, erosion, or siltation.

c. – e. **Drainage.** The project would replace a vacant parcel typified by a grassy field enclosed by a chain link fence with a residential development. The proposed development would cover approximately 46 percent of the site with two- and three-story buildings plus a 20-foot-wide local-access street, thereby increasing impervious surfaces on the site. This internal driveway would be constructed of pervious materials to reduce run-off from impervious surfaces, and other undeveloped areas would be landscaped. Thus, the proposed project would increase to some extent surface run off, but would not substantially increase the rate or quantity of surface run off in a manner that would result in flooding on- or off-site.

g. – i. **Flood Hazard.** The site is not within a flood hazard area as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Maps. The site is not subject to flooding by failure of a levee or dam. Thus, the project would have no impacts regarding flood hazards.

j. **Seiche, Tsunami, Mudflow.** The site is not on the San Francisco 20-foot Tsunami Runup Map; therefore, no significant tsunami hazard exists at the site. A seiche is an oscillation of a water body, such as a bay, which may cause local flooding. A seiche could occur on the San Francisco Bay due to seismic or atmospheric activity. However, based on the historical record, seiches are rare and there is no significant seiche hazard at the site. There is no mudslide hazard at the project site because the site and vicinity are fully-developed with no erosion-prone slopes. Thus, there would be no project-related significant impact from seiche, tsunami or mudflow hazard.

Cumulative Hydrology Impacts. The proposed project would not have a significant impact on water quality standards, groundwater, drainage, or runoff and thus would not contribute considerably to cumulative impacts in these areas. Similarly, the project would not contribute considerably to any

potential cumulative stormwater impacts. Flood and inundation hazards are site-specific; thus, the proposed project would have no cumulatively considerable impacts. However, cumulative development in the project area (including the proposed project), in combination with the proposed project, could result in intensified uses and a cumulative increase in wastewater generation. The SFPUC, which provides wastewater treatment in the City, has accounted for such growth in its service projections. Thus, the project would not contribute to any cumulatively considerable impacts on hydrology or water quality.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore E.15e and E.15f are not applicable to the proposed project. The proposed project

does not contain any features that would result in additional exposure of people or structures to a significant risk of loss, injury or death involving fires.

a. Hazardous Materials Use. The project would involve the development of 28 residential units, which would result in the use of relatively small quantities of hazardous materials for routine purposes. The development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. Thus, there would be less-than-significant impacts related to hazardous materials use, with development of the proposed project.

b. – c. Hazards Release and Exposure. A Phase I Environmental Site Assessment (ESA)⁶¹ and a Phase II Site Assessment and Soil Removal for the project site were conducted by C. Johnson Environmental.⁶² The results of these reports are summarized below.

Prior Uses of the Site. For the Phase I ESA report, a historic records search was conducted for the project site. According to the records search, the property was developed with residences before 1915 until sometime before 1965, when they were demolished to permit construction of the I-280 freeway. The 1915 Sanborn maps show the site within a block having two parcels occupied by two residences and two parcels occupied by two smaller accessory buildings. By 1950, the project site is developed with approximately four residential buildings on its western boundary and six residential buildings on its eastern perimeter; an interior parcel residential building, dating from pre-1915 also remains. Subsequent maps and aerial photos through 2009 indicate that the subject property has remained vacant since at least 1965.⁶³

Existing Site Conditions. The Phase I ESA found no evidence of any above-ground storage tanks or underground storage tanks (USTs) on the project site. The Phase I did note the presence of three small

⁶¹ C. Johnson Environmental. *Phase I Site Assessment and Soil Removal at 9 Capitol Avenue, San Francisco, CA.* May 8, 2009. This document is available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

⁶² C. Johnson Environmental. *Phase II Environmental Assessment and Soil Removal at 1 Capitol Avenue, San Francisco, CA.* November 24, 2009. This document is available for public review at 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0112E.

⁶³ *Supra* note 61.

mounds and one area of depression on the site, possibly attributable to a former stream present on the property. The Phase I ESA therefore recommended that a Phase II ESA be undertaken. Upon review of the Phase I recommendations, the San Francisco Department of Public Health (SFDPH) approved a work plan that called for additional soil sampling and analysis, including a screening of those areas where soil had been previously disturbed.⁶⁴

Site Contamination. The Phase II ESA soil investigation included taking 11 soil samples within the project site at nine locations at depths ranging from approximately six inches to four feet bgs. Soil samples were analyzed for elevated levels of: (1) Total Petroleum Hydrocarbons as Diesel (THP-D), (2) Total Petroleum Hydrocarbons as Gasoline (THP-G), (3) Total Petroleum Hydrocarbons as Oil (THP-O), (4) Volatile Organic Compounds (VOCs), (5) Polychlorinated Biphenyls (PCBs), and (6) CAM 17 metals (Cam 17).

Results of the soils analysis revealed: (1) Total Petroleum Hydrocarbons as Diesel (THP-D) present in four samples at concentrations between 11.4 parts per million (ppm) and 18.9 ppm, all of which are below the environmentally-safe level (ESL) of 83 ppm, (2) Total Petroleum Hydrocarbons as Gasoline (THP-G) were not found, (3) Total Petroleum Hydrocarbons as Oil (THP-O) were present in four samples at concentrations between 29.5 ppm and 206 ppm, all of which are below the ESL of 320 ppm, (4) Volatile Organic Compounds (VOCs) were not found, (5) Polychlorinated Biphenyls (PCBs) were present in one samples at a concentration of 1.19 ppm, which exceeds the ESL of 0.22 ppm, and (6) CAM 17 metals (Cam 17) arsenic and vanadium were found to be present in all samples at concentrations exceeding the ESLs of 0.39 ppm and 16 ppm, respectively. However, California soils are generally recognized as having naturally-occurring background levels of these metals that typically exceed the standard ESLs. Also, C. Johnson Environmental submitted that, given the metals' range of values and uniform distribution on the project site, the metals were naturally occurring.⁶⁵ Therefore, there was no need for further action, with the exception of PCBs, on any of the screened soil contaminants.

The PCBs contamination was detected at the bottom of a soil mound at the southeast corner of the property. In consultation with SFDPH, on October 20, 2009, C. Johnson Environmental oversaw the removal of the tainted soil mound and soil from the surrounding area, approximately 14 feet in

⁶⁴ Supra note 62.

⁶⁵ Supra note 62.

diameter.⁶⁶ From this removed soil, three samples were drawn and analyzed. In the lab, the three samples revealed elevated levels of PCB contaminants, thereby necessitating additional soils removal.

To better gauge the extent of necessary soils removal, an additional 17 samples were subsequently taken and analyzed. Two of the samples were found to contain elevated levels of PCBs. One, along the eastern, Capitol Avenue edge of the property, approximately twelve feet north of the Caltrans ROW, had levels of 0.128 ppm; the second sample, along the Caltrans ROW to the south and approximately nine feet to the west of the Capitol Avenue edge of the property, contained PCBs at 2.12 ppm. With the location and depth of remaining contaminated soil pinpointed, a second phase of soil removal was initiated on November 17, 2009. Soil in the contaminated areas was removed to bedrock depth, or approximately six inches bgs.

The source of the abated PCB contamination is unknown. The presence of soil mounds suggest illegal dumping as the source. Another possibility may be that the PCBs remain as a result of demolition and construction activities associated with the I-280 freeway. A third possibility may attribute the PCBs to a lack of proper maintenance procedures associated with electrical equipment; three utility control panel boxes are located to the south of the subject property within the Caltrans ROW.⁶⁷ Given that the project site no longer contains contaminated soil and has been certified by SFDPH as requiring no further action,⁶⁸ the proposed project would not be expected to result in site conditions causing a significant hazards effect, individually or cumulatively.

Hazardous Building Materials. There are no buildings present on the project site. Therefore, there would be no significant effect from hazardous building materials, individually or cumulatively.

On-site Hazardous Materials Use. The proposed project would involve grading of the project site and construction of a 28 dwelling units with at-grade parking. New residents that occupy the development may use small quantities of hazardous materials for routine purposes including cleaners, disinfectants, and chemical agents required to maintain sanitation of restroom facilities. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. For these

⁶⁶ Supra note 63.

⁶⁷ Supra note 63.

⁶⁸ San Francisco Department of Public Health, Occupational & Environmental Health. Letter from Rajiv Bahtia to Deny Sepaher. *Subject: BTP Capitol Avenue LLC, 1 Capitol Avenue, San Francisco, California, EHS-HWU Case Number 777.* January 11, 2010. This letter is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2009.0112E.

reasons, cleaning agents used by residents in the project buildings would not pose a substantial public health or safety hazard related to hazardous materials.

d. Hazardous Materials Sites List. The project site presently exists as an unpaved, undeveloped vacant parcel. There are no existing structures on the site. The site is not included on the Department of Toxic Substances Control list of hazardous material sites in San Francisco.

The Maher Ordinance (Ordinance 253-86) is a San Francisco ordinance that requires certain hazardous materials reporting and handling for parcels primarily located “Bayward of the high-tide line.” The project site is not within the limits of the Maher Zone.

g. – h. Fire Safety and Emergency Access. The proposed project, an infill residential development, would not interfere with existing emergency response or evacuation plans. San Francisco ensures fire safety primarily through provisions of the Building and the Fire Codes. In addition, the San Francisco Fire Department (as well as the DBI) reviews the final building plans 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. Therefore, the proposed project would not result in potential emergency response impacts.

Cumulative Hazards Impacts. Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any hazards at present at surrounding project sites would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to levels considered less than significant. Overall, the project would not contribute to cumulatively considerable significant effects related to hazards and hazardous materials.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local <i>General Plan</i> , specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the CDMG under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is not adequate information available for assignment to any other MRZ and thus the site is not a designated area of significant mineral deposits. There are no operational mineral resource recovery sites in the project vicinity whose operations or accessibility would be affected by the construction or operation of the project.

a. and b. **Mineral Resources.** No known mineral deposits exist at the project site. Thus, the project would not result in the loss of availability of a locally- or regionally-important mineral resource. The project would not have a significant impact on mineral resources.

c. **Energy.** The project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulation enforced by the DBI. Other than natural gas and coal fuel used to generate the electricity for the project, the project would not have a substantial effect on the use, extraction, or depletion of a natural resource.

San Francisco's 2002 *Electricity Resource Plan* discusses sources for electricity and projected citywide demand.⁶⁹ The Pacific Gas & Electricity peak load forecast is approximately 1,200 megawatts, while the available capacity is over 1,700 megawatts. The City plans to reduce consumption by 107 megawatts by 2012 through various energy efficiency strategies. Any new developments, including the project, would be expected to conform to new City policies designed to reduce energy consumption. While the project would increase new demand for electricity services, the project-generated demand for electricity would be negligible in the context of the overall consumer demand in San Francisco and the state. Therefore, the project would not, in and of itself, generate a significant demand for energy and a major expansion of power facilities. For this reason, the project would not cause a wasteful use of energy and would not have a significant effect on natural resources.

⁶⁹San Francisco Public Utilities Commission and San Francisco Department of the Environment, *The Electricity Resource Plan*, 2002. Available at: http://sfwater.org/detail.cfm/MC_ID/12/MSC_ID/138/MTO_ID239/C_ID/1346. Accessed on July 8, 2008.

Cumulative Mineral and Energy Resources Impacts. As described above, no known minerals exist at the project site, and therefore the project would not contribute to any cumulative impact on mineral resources. 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 may 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 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-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the project would not result in a significant physical environmental effect or contribute to a cumulative impact. Overall, the project would not have cumulatively considerable impacts related to mineral and energy resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE RESOURCES					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. – c. **Agricultural Use.** The project site is located within an urbanized area of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as "Urban and Built-up Land" (Department of Conservation, 2002). Because the site does not

contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland.

Cumulative Agriculture Impacts. As described above, the project would not have impacts related to agriculture resources; therefore, the project would not contribute to any cumulative considerable impacts on agricultural resources.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:					
a) 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 prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. – c. **Potential Impacts.** As discussed in the above text, the project is anticipated to have only less-than-significant impacts in the areas discussed. The foregoing analysis identifies potentially significant impacts to archeological and biological resources, which would be mitigated through implementation of Mitigation Measure ARCHEO-1 and BIO-1, described in Section F on the following page.

F. MITIGATION MEASURES

Mitigation Measure ARCHEO-1: Accidental Discovery

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.

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

Mitigation Measure BIO-1: Pre-construction Surveys for Nesting Birds

The project sponsor shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent feasible, the project sponsor and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for project construction between September 1- December 31. Should construction activities or vegetation removal commence between January 1 to August 31, pre-construction surveys for nesting birds shall be conducted all trees located within the parcel to the south of the project site by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees located within the parcel to the south of the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.

G. DETERMINATION

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- 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 revisions in the project have been made by or agreed to by the project proponent. 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.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.



Bill Wycko
Environmental Review Officer

for

John Rahaim
Director of Planning

DATE January 25, 2010

H. INITIAL STUDY PREPARERS

Planning Department, City and County of San Francisco
Major Environmental Analysis
1650 Mission Street, Suite 400
San Francisco, CA 94103

Environmental Review Officer: Bill Wycko
Senior Environmental Planner: Joy Navarrete
Environmental Planner: Jeremy Battis

**OCEAN VIEW VILLAS
SAN FRANCISCO, CALIFORNIA
ENVIRONMENTAL NOISE STUDY
13 May 2009**

CSA Project No. 09-0127

Prepared for:

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INTRODUCTION

This report summarizes our environmental noise study for the Oceanview Villas project in San Francisco, California. The purpose of the study is two-fold: it quantifies the noise environment at the proposed site, compares it with applicable State standards, and proposes noise mitigation where necessary; it also predicts the changes to the noise environment for existing land uses. For those readers who are not familiar with the fundamental concepts of environmental acoustics, please refer to Appendix A.

This project is an urban in-fill project that converts green space into 28 houses. The site is located just north of the Interstate 280 freeway and is bounded by Alemany Boulevard and Capitol Avenue. In summary, indoor noise levels can be reduced to meet State goals by incorporating sound-rated windows, upgrading the exterior construction of the houses, and constructing appropriate noise barriers if feasible. Noise levels at the existing residences are also expected to be reduced.

ACOUSTICAL CRITERIA

Applicable acoustical criteria are contained within the Transportation Noise Section of the General Plan of San Francisco and the California Building Code Title 24¹. These documents contain land-use compatibility guidelines in order to evaluate specific land uses given a certain noise environment and interior and exterior noise standards for residential projects.

Transportation Noise

This document contains the following policies and guidelines relating to the exterior noise environment:

¹ California Code of Regulations, Title 24, Part 2, Appendix Chapter 1208A

Compatibility Guidelines For new residential projects, noise levels below Day-Night Average Sound Level (L_{dn})² 60 dB no special noise insulation requirements are required. For noise levels between L_{dn} 60 dB and L_{dn} 70 dB, a detailed analysis of noise reducing and noise insulating measures would be required prior to development. For noise levels above L_{dn} 75 dB, new development is generally discouraged. If development does proceed, a detailed analysis of noise reducing and noise insulating measures would be required prior to development.

The General Plan also incorporates the following policies to help reduce noise impacts to the general population of San Francisco.

POLICY 10.1 Promote site planning, building orientation and design, and interior layout that will lessen noise intrusion.

POLICY 10.2 Promote the incorporation of noise insulation materials in new construction. State-imposed noise insulation standards apply to all new residential structures except detached single-family dwellings.

POLICY 10.3 Construct physical barriers to reduce noise transmission from heavy traffic carriers.

California Building Code (CBC)

Title 24 of the California Building Code includes requirements for interior noise levels in habitable rooms of multi-family housing. In summary, the CBC requires an interior noise level no higher than a Day-Night Average Sound Level (L_{dn}) of 45 dB. Projects exposed to an exterior L_{dn} of 60 dB, or greater, require an acoustical analysis showing that the proposed design will limit interior levels to the prescribed allowable interior level. If windows must be closed to meet this requirement, then the “design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment.”

MEASUREMENTS

²Day-Night Average Sound Level (DNL or L_{dn})--A descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a penalty applied to noise occurring during the nighttime hours (10 pm – 7 am) to account for the increased sensitivity of people during sleeping hours.

To quantify the existing noise levels, two sound level meters were deployed at the ends of the project site and allowed to monitor for 48 continuous hours. There were no locations on-site where meters could be left unattended without the threat of theft or vandalism. To predict the noise at the project, short-term measurements were made at different locations throughout the site and extrapolated to the continuous noise measurements. This measurement protocol was conducted to document the vary noise levels across the site. The locations of the measurements are shown in Figure 1 followed by a descriptive narrative of each location.



Figure 1: Noise Measurement Locations

Meter 1 was located 110 feet from the centerline of Sagamore Street on a light pole 12-feet above the ground. At this location the dominant source of noise was from traffic along I-280 and to a lesser extent Sagamore Street.

Meter 2 was located 30-feet from the centerline of Alemany Boulevard on a light pole 12-feet above the ground. At this location, the dominant source of noise was traffic along Alemany Street. Traffic noise from I-280 was significantly shielded by the elevation change between the freeway and the meter.

Five spot measurements were made; one measurement was at 25-feet above the ground in the middle of the site to obtain the unshielded noise level from the freeway; 4 other measurements were at 5-feet above the ground throughout the project to obtain ground level noise conditions. Table 1 summarizes the results of all measurements made.

Table 1: Measurement Summary

Site #	Start Date	Location	Duration	Leq (dBA)	L _{dn} (dBA)
1	15 April 2009	110 feet from centerline of Sagamore, 12 feet above ground	48 Hour	***	74
2	15 April 2009	30 feet from centerline of Alemany, 12 feet above ground	48 Hour	***	80
3	15 April 2009	150 feet from centerline of Sagamore 5 feet above ground	15 Minute	67	72*
4	15 April 2009	250 feet from centerline of Capitol 5 feet above ground	5 Minute	64	69*
5	15 April 2009	250 feet from centerline of Capitol 25 feet above ground	5 Minute	72	77*
6	15 April 2009	500 feet from centerline of Capitol 5 feet above ground	5 Minute	65	69*
7	15 April 2009	30 feet from centerline of Alemany, 5 feet above ground	15 Minute	71	74*

*L_{dn} at spot measurements are extrapolated from 48 hour measurements

ANALYSIS

Interior Noise Reduction

The measured noise levels at the project site vary from L_{dn} 69 to 77 dBA depending on the elevation of measurement and the proximity to Alemany Boulevard and Highway 280. The actual façade setbacks are approximately 60 feet closer than any measurement location. Based on measurements and extrapolations, noise levels at these house facades could reach L_{dn} 80 dB at the top floors of Lots 24 to 28. Noise levels at the top floors of Lots 1 through 23 would be one decibel lower at L_{dn} 79 dB.

Under these noise conditions, new construction is generally discouraged. However, state interior noise goals can be achieved through the use of sound rated windows and exterior constructions and noise barriers. Noise levels at the upper floors would be L_{dn} 80 for Lots 24-28 and L_{dn} 79 for Lots 1-23. In this sound environment, it is possible to achieve an indoor noise level of L_{dn} 45 by implementing all of the following noise reducing measures:

1. Exterior facades facing I-280 and Alemany should be insulated double stud construction with 2-layers of 5/8" gypsum board interior sheathing and 3-coat stucco exterior sheathing. The double stud wall should not be bridged, but studs should be at least 1" apart.
2. All windows with exposure to I-280 or Alemany should be dual-casement windows with the exterior facade window opening outward and the inside window opening inward. The outer window would be a standard dual-glazed thermal unit and the inner window would be a single 1/4-inch terminated pane of glass. The minimum air separation between these windows is 4-inches.
3. Windows facing away from I-280 and Alemany should have a minimum STC 30 rating.
4. In order to meet the interior noise requirement of L_{dn} 45 windows must be in the closed position. Per the CBC, an alternative method of ventilation must be provided in order to maintain the interior L_{dn} 45 dB with windows in the closed position.

Exterior Noise Reduction to Existing Houses along Sagamore Street

Based on acoustical measurements, the noise currently in the backyard spaces of the existing homes is L_{dn} 70 dB at the ground level. The proposed layout of the Oceanview Villas would form an additional noise barrier for the existing residences along Sagamore Street. This barrier varies in height from approximately 25 to 30 feet. The calculated noise reduction provided by the project would be up to an additional six decibels, which is considered to be "noticeable" reduction in noise by people of normal sensitivity³. The noise could be perceived as muffled and not as loud compared to the existing condition.

<u>Existing Noise</u>	<u>Shielding from Oceanview Villas</u>	<u>Projected Noise</u>
70 dBA	-6 dBA	64 dBA

³ Sited by the National Cooperative Highway Research Program Report 117: Highway Noise – A Design Guide for Highway Engineers (1971), and Quieting: A practical Guide to Noise Control.

Highway Noise Barrier Option [For Informational Purposes Only]

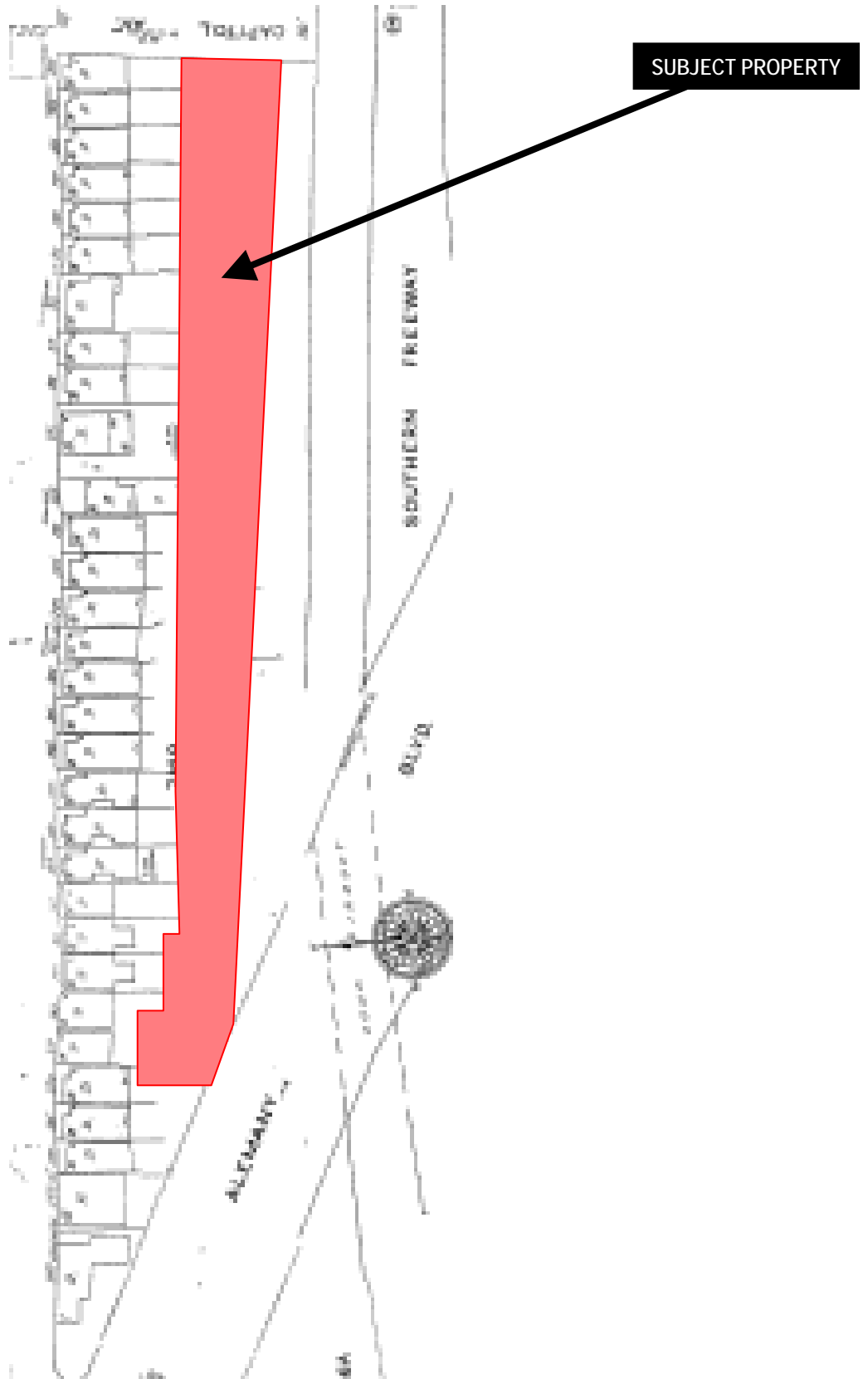
Another method to reduce noise levels at the project site and the existing residences along Sagamore Street is to build a highway noise barrier along Highway 280. At the time of this report, such a noise barrier would require the approval from the San Francisco County Transportation Authority. The feasibility of this barrier construction is unknown at the present time.

The construction of an 8-foot tall sound barrier at the height of the freeway would reduce noise contribution from I-280 by seven decibels. The resulting noise levels would be L_{dn} 72 at Lots 1-23 and L_{dn} 77 dB at Lots 24-28 (the sound barrier would not reduce the noise from Alemany Boulevard). In this sound environment it is possible to achieve an indoor L_{dn} 45 dB by implementing all of the following noise reducing measures.

- 1. Exterior facade construction should be a standard 3-coat stucco finish over a 2x6 insulated stud wall.*
- 2. For Lots 1, 24-28, 3rd floor glazing should not exceed 30% of the exterior wall in each room with line of sight to I-280 or Alemany for Lots 1, 24-28, 3rd floor.*
- 3. Windows facing the freeway and Alemany should have a minimum STC 39 rating; 2nd floor STC 36.*
- 4. For Lots 2-23, glazing should not exceed 40% of the exterior wall in each room.*
- 5. For Lots 1, 24-28, 3rd floor windows should have a minimum STC 36 rating; 2nd floor windows should have a minimum STC 33 rating.*
- 6. Windows facing away from I-280 and Alemany could be standard dual-glazed thermal insulating windows.*
- 7. In order to meet the interior noise requirement of L_{dn} 45 windows must be in the closed position. Per the CBC, an alternative method of ventilation must be provided in order to maintain the interior L_{dn} 45 dB with windows in the closed position.*

If the highway noise barrier option were pursued, this barrier would reduce the noise at the existing residences by seven to nine decibels. This change would be nearly a halving of loudness.

Sanborn Map

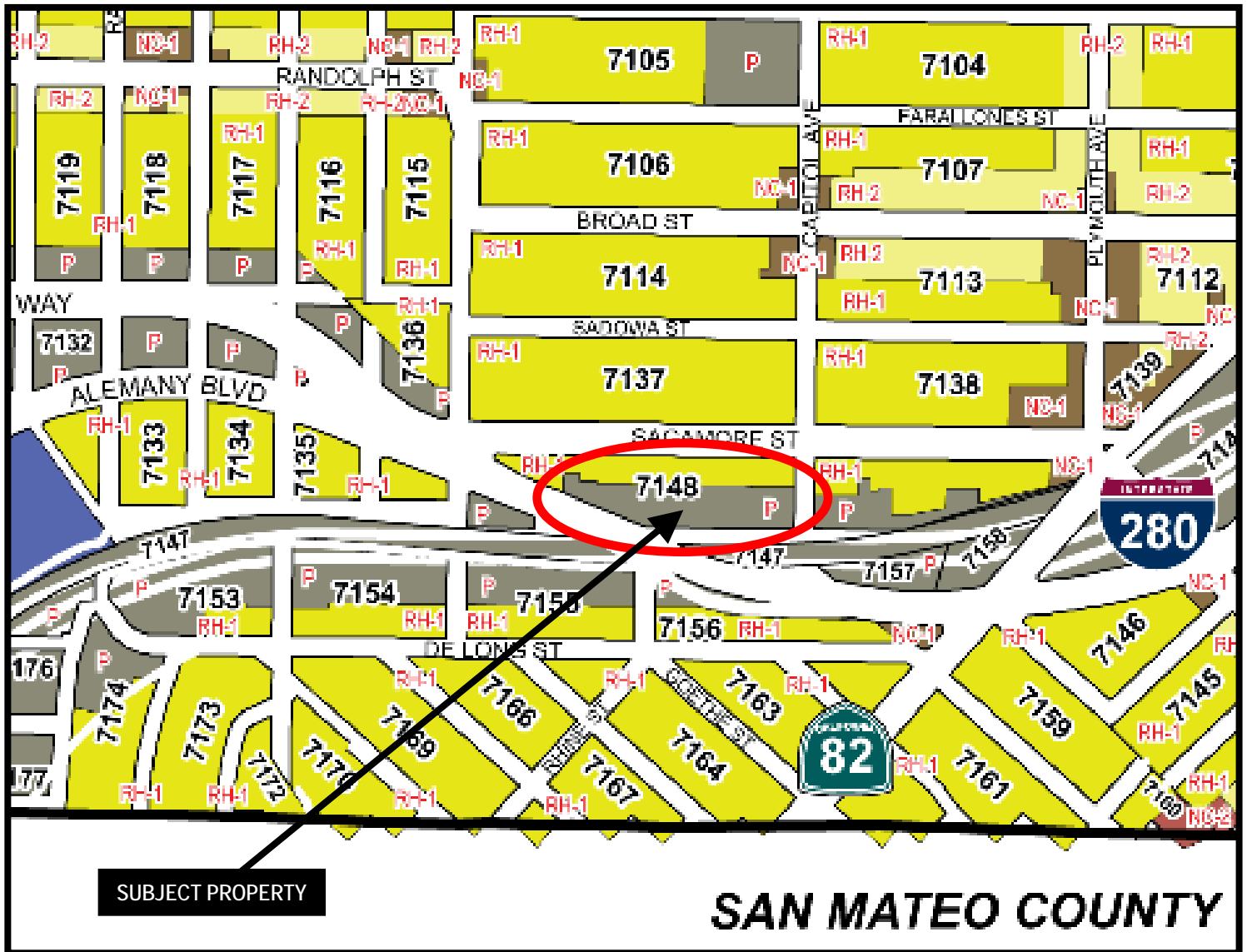


**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P



PLANNED UNIT DEVELOPMENT
 28 new single-family dwellings
 Case Number 2009.0112CZ
 One Capitol Avenue

Aerial Photos

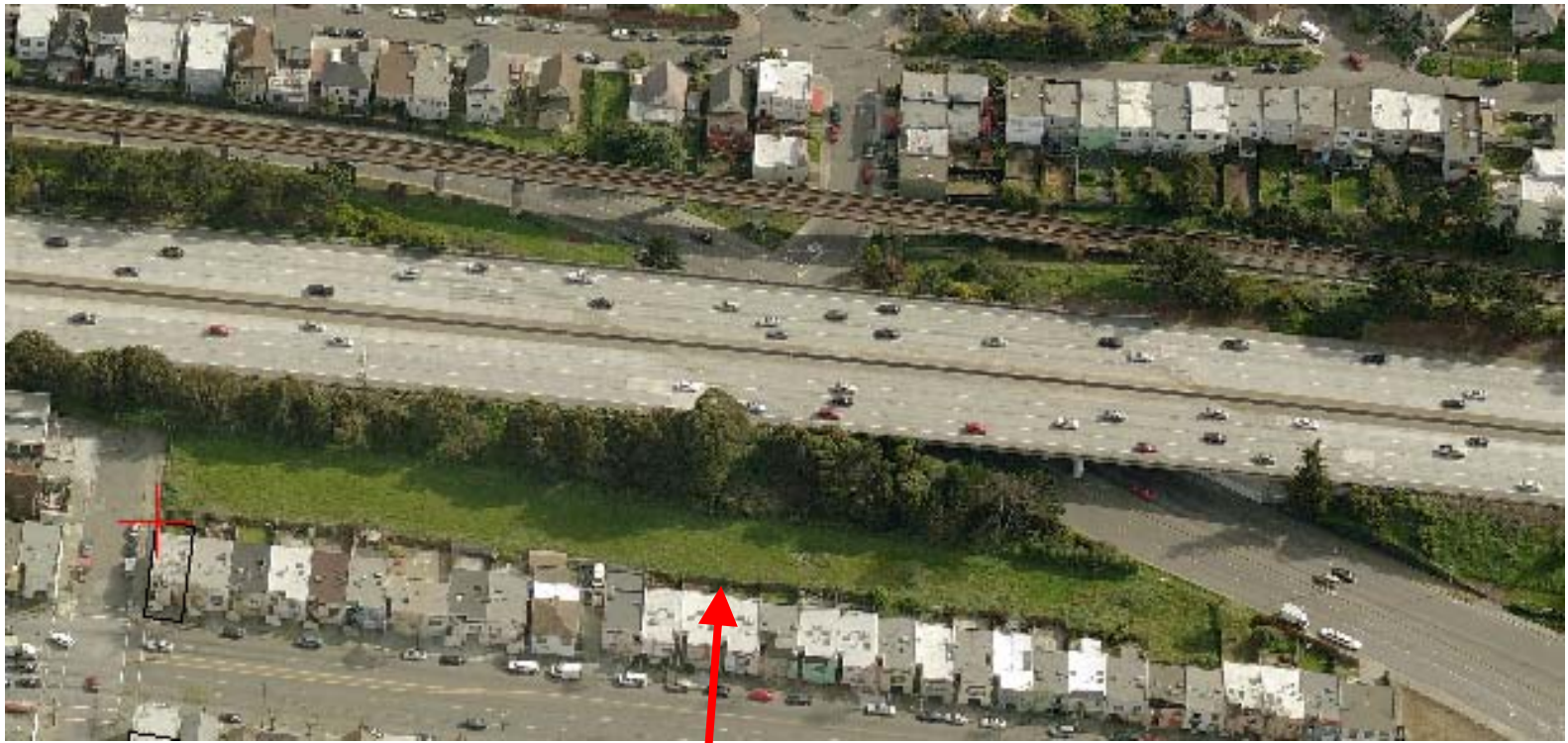


SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Aerial Photos



SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Aerial Photos



SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Aerial Photos



SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Context Photos



CAPITOL AVENUE

SUBJECT PROPERTY



CAPITOL AVENUE

SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
28 new single-family dwellings
Case Number 2009.0112CZ
One Capitol Avenue

Context Photos



SUBJECT PROPERTY

SUBJECT PROPERTY



PLANNED UNIT DEVELOPMENT
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May 5, 2010

Via Messenger

Honorable Ron Miguel, President
San Francisco Planning Commission
1650 Mission, 4th Floor
San Francisco, CA 94103

Re: 1 Capitol Avenue: PUD/Rezoning
Hearing Date: May 13, 2010
Case No. 2009.0112CZ

Dear President Miguel and Commissioners:

We represent BTP Capitol Ave LLC, the owner of 1 Capitol Avenue—a one acre vacant, irregularly shaped parcel in the Ocean View neighborhood. Our client is proposing to subdivide the property into 28 lots and construct 28 new two- and three-story detached family-sized, for-sale single-family homes. The principals of BTP Capitol Ave LLC, the Sepaher family, have owned the site for over 30 years after purchasing it as surplus property from Caltrans once I-280 was constructed. The project architect is Donald MacDonald Architects.

In order to develop the proposed project, we are seeking a map amendment to change the zoning from P to RH-1 (One Family, Residential). The proposed zoning is similar and consistent with the surrounding neighborhood. No change to the 40-X height limit is sought. This zoning would permit one house for each lot.

Because of the narrow and irregular size of the lot, its development into 28 single-family homes also requires approval of a Planned Unit Development. Specifically, the PUD would allow: (1) Some of the 28 new lots to be less than the minimum lot size and width otherwise required by Planning Code Section 121; (2) a rear yard modification; (3) 7,500 square feet of common open space to not strictly comply with the common open space dimension requirements of Planning Code Section 135(g); and, (4) a 20-foot wide private drive aisle, which serves as access to the projects garages, to serve as the dwelling unit exposure required under Planning Code Section 140.

This proposed development satisfies numerous General Plan policies, including provision of family-sized, ownership housing that, because of the modest size of the units, will be



affordable to moderate income households. The project's four (4) BMR units will also be on-site. Even with the unique site constraints of narrow width, irregular shape and immediate adjacency to Highway I-280, the creative design and site orientation results in substantial private and common open space and "green" single-family homes. Moreover, these homes and their proposed density and scale seamlessly fit in with the prevailing neighborhood character of small single-family homes each with its own off-street parking garage.

Based on the above, we request your recommendation of the RH-1 rezoning to the Board of Supervisors and the approval of the PUD on the condition that the RH-1 rezoning is approved by the Board of Supervisors.

PROJECT CHARACTERISTICS

This vacant approximately one acre parcel is located within the block bounded by Sagamore Street to the north, Capitol Avenue to the east, I-280 to the south, and Alemany Boulevard to the west in the Ocean View neighborhood. This parcel is narrow and irregularly shaped, running from Capitol Avenue to Alemany Boulevard. Its southern boundary abuts the elevated I-280 freeway.

The site was formerly zoned residential (and contained several residential buildings), but is currently zoned P (Public). We believe that the zoning was changed from its original residential zoning to Public when Caltrans acquired the site to construct the I-280 freeway (the then-existing residential buildings were demolished). Caltrans declared the parcel surplus and our client's family acquired the site from Caltrans in 1979.

The neighborhood surrounding this site is almost exclusively residential in character. The vast majority of homes are, like the proposed project, 2-3 story single-family homes. Most of this area is zoned RH-1. Thus, RH-1 zoning exists in proximity to this site and is the predominant zoning in this neighborhood.

Although the PUD application filed on January 27, 2010 indicated that we would be seeking rezoning to RH-2 (Two-Family, Residential), upon further review, Planning staff recommended that the site be rezoned instead to RH-1. We agreed and revised our rezoning request.

The Planning Department published a Preliminary Negative Declaration on January 27, 2010, determining the project will have no unmitigated environmental impacts. No party appealed the PMND and it became Final on March 8, 2010.

REZONING TO RH-1 IS APPROPRIATE, AND THE UNUSUAL CHARACTERISTICS OF THE SITE NECESSITATE APPROVAL AS A PLANNED UNIT DEVELOPMENT

RH-1 zoning is appropriate for this site because it allows residential development of this site at a density similar to that of the surrounding neighborhood. Changing zoning from P to RH-1 would enable the site to be developed with moderately priced, for-sale, family-sized,



single-family homes. Most of the surrounding neighborhood is zoned RH-1. Like the rest of the neighborhood, RH-1 zoning would permit each home to be on its own lot. The currently vacant parcel is not only an eyesore but is also an attractive nuisance. With the exception of the other P-zoned parcels underlying the freeway, the surrounding neighborhood is fully developed with predominantly single-family homes. Development of this parcel for residential use would be consistent with the prevailing pattern of development in the neighborhood and existing neighborhood character.

The specific project design by noted local architect Donald MacDonald is also compatible with the prevailing design, massing and scale in the neighborhood. Like the other single-family homes in the surrounding neighborhood, each of the proposed new homes would be on its own lot, and have its own garage, accessible from the hardscaped portion of a private mews running east to west from Capitol Avenue to Alemany Boulevard. Because the site has limited street frontage, access to the homes and their garages cannot be directly from the street. Similar to the off-street parking for homes in the surrounding neighborhood, the garages for each home would be entered at grade, below the living space. Other compatible design features of the proposed homes are massing and articulation provided by extended bay windows at the upper levels.

Although the height limit is 40 feet, these 2 and 3-story homes will not exceed 29 feet. That is significantly lower than the permitted height.

Because of the site's unique constraints, it cannot support traditional rear yards. Yet, the proposed project provides generous open space opportunities. There would be 7,500 square feet of common open space in the landscaped portion of the mews at the northern boundary of the site. This would create mid-block open space as it would face the rear yards of the homes on Sagamore Street, directly across from the project site. Each unit will also have private roof decks and/or balconies of an average of 133 square feet and a 3-foot wide strip of open space at the rear of the homes adjacent to the landscaped berm on which I-280 sits. The mews will be pedestrian friendly with landscaping and other traffic calming features.

The absence of direct street frontage and the neighbors' request that the project not encourage on-street parking necessitated a higher than 1:1 parking ratio. Even though the project's parking ratio is 1.5:1, it provides more parking spaces to units with more bedrooms. This is consistent with the City's efforts to relate parking to unit size. Moreover, during community meetings, it was made clear to the project sponsor that 1:1 parking would be insufficient both because the units will not face a street, such that no on-street parking will be available, and because many residents of the neighborhood are tradespeople who have commercial vehicles that they park overnight at home, in addition to family cars. Even though it is not required to, the project provides an on-site carshare space. Due to the site constraints and the neighbors' requests, the parking ratio is suitable for the proposed use and appropriate for the proposed family-sized homes.

The site's irregular size and shape and its proximity to I-280 dictate the required PUD exceptions. First, the narrow and irregular shape of the parcel does not permit the lots to be 28



rectangular, 25-foot wide lots. Second, because the lot lacks street frontage, the means of vehicular and pedestrian access and parking must be provided on the site. While this creates minimal on street parking, it also constrains the size and width of the lots. Third, in order to maximize the number of family-sized units and minimize privacy impacts on the homes on Sagamore Street, the homes had to be built near the rear of the lot. This clustering also limits the available lot area and width.

Fourth, with approximately 6,000 square feet of private open space and 7,500 square feet of common open space, the project will meet RH-1 open space requirements of 300 square foot/unit private or 400 square foot/unit common. However, the configuration of the common open space does not strictly meet the standards of Section 135(g). Nonetheless, a PUD modification for common open space configuration should be granted for the following reasons. The proposed configuration respects the established pattern of mid-block open space on this block for rear yards because the mews "front yard" will be adjacent to the rear yards of the homes on Sagamore Street. Moreover, the optimal way for this site to accommodate 28 family-sized units, each with their own unit entrance, is to cluster the buildings and open space as proposed.

Lastly, a PUD modification to Planning Code Section 140's dwelling unit exposure requirements is necessary. Section 140 requires that dwelling units front on a public street or way, conforming rear yard or courtyard. Here, the drive aisle satisfies the width of the open area required under Section 140, but because it is private, as opposed to a public street or way, does not comply with Section 140 and Planning staff determined it is not a strictly conforming rear yard or courtyard. This modification should be granted for the same reasons as the open space configuration. An additional reason in support of this exception is that the lot does not otherwise have street frontage. If compliance with Section 140 were required, the lot could not be developed as proposed and would support far fewer dwelling units, causing the development to be infeasible.

THE SURROUNDING NEIGHBORHOOD AND THE SAN FRANCISCO HOUSING ACTION COALITION SUPPORT THE PROJECT

There is significant neighborhood support for this project. The OMI Neighbors in Action (OMI NIA) endorsed the project because it would (1) eliminate the attractive nuisance that the lot has become; (2) be only 29 feet high, much lower than the permitted 40 foot height limit; (3) provide parking at greater than 1:1 ratio to avoid project residents' use of on-street parking; (4) be affordable by design; and, (5) provide the 4 (four) required BMR units on-site. The San Francisco Housing Action Coalition (SFHAC) endorsed the project for similar reasons. Copies of their endorsement letters are attached as Exhibit A.

Both organizations recognized the project's thoughtful response to neighborhood concerns. For example, neighbors' privacy concerns were addressed by setting the new homes significantly back from the lots on Sagamore Street, buffered by the mews. Fencing and trees will further enhance the neighbors' and project residents' privacy. A shadow study was conducted that showed minimal shadow impact; nonetheless, the project sponsor lowered several



President Ron Miguel

May 5, 2010

Page 5

proposed 3-story units to 2.5 stories. Neighbors' safety concerns were addressed by the sponsor agreeing to light dark areas of the project to deter criminal activity. Attached as Exhibit B is a summary of the concerns expressed during our public outreach and the sponsor's response to each.

The above reasons support approval of the PUD and rezoning of the site from P to RH-1. Doing so would optimize residential development on an extremely constrained site, allowing for a project that will enhance the site and contribute to the character of the neighborhood.

Based on the above, we request your recommendation of the RH-1 rezoning to the Board of Supervisors and the approval of the PUD on the condition that the RH-1 rezoning is approved by the Board of Supervisors. Please do not hesitate to contact me at (415) 954-4902 or my colleague Ilene Dick at (415) 954-4958 if you have any additional questions or concerns or would like to tour the site or otherwise meet before May 13.

Sincerely,

Steven L. Vettel

cc: John Rahaim, Planning Director
Larry Badiner, Zoning Administrator
Supervisor John Avalos
Deny Sepaher, BTP Capitol Ave LLC
Spencer Bailey, BTP Capitol Ave LLC
Elizabeth Watty, Planner
Ilene Dick, Farella Braun + Martel LLP

23892\2244726.1

4/28/10

Exhibit A



...a community organization of neighbors helping neighbors

October 12, 2009

Deny Sepaher and Spencer Bailey
Birch Tree Properties LLC
4061 E. Castro Valley Blvd.
Suite 502
Castro Valley CA 94552

Re: Ocean View Villas
1 Capitol Avenue,
San Francisco, CA

Dear Deny and Spencer:

Thank you for meeting with OMI Neighbors in Action and presenting your proposed Ocean View Villas project to us. The proposal includes rezoning your 1-acre lot from P (Public) zoning to RH-2 zoning and the construction of 28 single-family homes along a private mews running from Capitol Avenue to Alemany Boulevard. The mews will provide pedestrian, bicycle and vehicle access from the street to each of the homes, as well as a landscaped buffer between the new homes and the back yards of the existing houses on Sagamore Street.

I am pleased to advise you that OMI-NIA has voted to endorse the Ocean View Villas project and the required rezoning from P to RH-2 that is necessary for the project to move forward. The elements of your project that we particularly like include:

- The proposal will replace a vacant lot that has been an attractive nuisance for illegal dumping and criminal activities since completion of the I-280 freeway over 30 years ago with 28 two- and three-bedroom single family homes.
- Because the homes will be of modest size, they will be affordable to many neighborhood residents. In addition, you propose to provide your 4 inclusionary affordable units on-site.
- The height of the homes is proposed at no more than 29 feet, despite the 40-foot height limit. The homes will serve as a sound barrier between the elevated I-280 freeway and the houses on Sagamore Street. We appreciate that you have lowered the height of some elements of the project so that some of the homes appear as only two or three stories in height.

Deny Sepaher and Spencer Bailey

October 12, 2009

Page 2

- You propose to provide extra parking spaces above the required 1 space per unit, in recognition of fact that many families in our neighborhood need more than one car and because "street" parking will not be permitted in the mews. You also propose to provide one car share parking space that will be available to nearby neighbors who belong to the car share service and to bicycle parking in each garage.
- We appreciate the thoughtful site planning, architecture and landscape design of the project, including the mews element that will provide a buffer between the new homes and the exiting houses on Sagamore Street.

Please let me know when hearings before the Planning Commission and Board of Supervisors will be held on the Ocean View project, so that OMI-NIA's support can be made known to those bodies.

Sincerely,



Mary C. Harris
President

cc: Sup. John Avalos
Jeremy Battis, Planning Department



San Francisco
**HOUSING
ACTION
COALITION**

995 Market Street
Suite 1525
San Francisco, CA 94103
415 541 9001 tel
415 431 2468 fax
info@sfhac.org
www.sfhac.org

August 3, 2009

Mr. Deny Sepaher
Birch Tree Properties LLC
4061 East Castro Valley Blvd
Castro Valley, CA Suite 502
94552

Re: Proposed Project at 1 Capitol Avenue

Dear Mr. Sepaher,

The San Francisco Housing Action Coalition (SFHAC) is pleased to inform you of our enthusiastic endorsement of your proposed residential development at Ocean View Villas. Our Endorsement Committee believes this project has strong merit and will make a substantial contribution to SFHAC's goals of increasing the supply of appropriately located housing that meets the needs of present and future San Franciscans.

The proposed project meets our endorsement criteria in the following ways:

Land Use:

Housing is an appropriate use of the site given the surrounding context, which is predominantly residential with RH=1 or RH=2 zoning to the north, although its proximity to the freeway immediately to the south requires measures to deal with the environmental constraints presented by the freeway.

Density:

By rezoning the property to RH-2, use of the Planned Unit Development (PUD) provisions, and obtaining various exceptions, the project will maximize the density potential of the site.

Affordability:

We are pleased that you plan to build all of your below-market rate housing onsite. We also note that your site design and unit size provide a commendable measure of "affordability by design".

Transit Orientation and Parking:

The SFHAC's endorsement guidelines state that a parking ratio of greater than 1:1 requires a finding of extraordinary circumstances. We believe the reasons set out in your review submittal do constitute such circumstances and consequently we find that your parking ratio of 1.46:1 meets our guidelines. SFHAC is pleased to see that you have incorporated storage for bicycles and that you will have a designated carshare space.

Preservation:

There are no historic preservation issues related to the project site.

Urban Design:

The proposed project promotes the general principles of good urban design. The architectural design, style and scale are a significant improvement on the character of the surrounding area and is in keeping with the better elements within the surrounding neighborhood. Although your heights of two and a half and three floors are higher than the adjacent two story houses on Sagamore, your units face the rear of those units and, given the adjacency of the tall landscape buffering the freeway, they do not block views or cast undue shadows.

We are impressed with the approach you have taken to the reality of the adjacent elevated 280 freeway to the south. Your orientation of the units and the open space toward the existing residential neighborhood and away from the freeway is an example of wise site design and we expect that the occupants will appreciate it.

Elimination of the rear yard and creation of the mews in front of the units is a creative solution to the narrowness of the site, which does not face a public street. The site plan creates a greater separation from the new units and the rear of the houses facing Sagamore Street. However, with no rear yard and the required open space on the roof, it is likely that the mews will be a play space for children as well as circulation space for autos, requiring use of effective traffic calming devices. We suggest you consider incorporating some segregated play areas within the mews.

Greening and Energy Efficiency:

The SFHAC is especially supportive that the proposed project will use green materials and techniques wherever possible including, including Energy Star appliances and water efficient fixtures.

Community Input:

The SFHAC is supportive of your coordinated outreach and information efforts in the area and encourages you to continue this important dialogue with neighborhood residents and community organizations.

Thank you for submitting the Ocean View Villas to SFHAC's Endorsement Committee. If you contemplate significant additional changes to this project we would appreciate an opportunity to review them. However, we are pleased to fully endorse this excellent project. It meets our guidelines in an exemplary fashion. Please let us know how we may be of assistance.

Sincerely,



Tim Colen, Executive Director

Exhibit B



BIRCH TREE
PROPERTIES LLC

April 1, 2009

Hon. John Avalos
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
Room 256
San Francisco, CA 94102-4689

RE: New Proposed Residential Development in Oceanview District

Dear Supervisor Avalos:

It was good seeing you at the OMI-NIA meeting. As you may remember, I am the owner of the vacant lot located behind the 200 block of Sagamore Street between Capitol Ave and Alemany Boulevard. Your staff has scheduled a meeting between us on Thursday, April 16th. In the meantime, I thought it would be useful for you to have the below information in hand prior to our meeting.

As you know, I'm in the initial phase of entitling the vacant lot to include 28 2-and 3-bedroom single-family homes, including on-site affordable units. The proposed density and single-family configuration is consistent with the neighborhood as my proposed development is located behind 26 existing homes on Sagamore Street. Even though the property has been in private ownership for over 30 years, it needs to be rezoned to build any homes on the lot. It is currently zoned P (Public) and we are seeking a rezoning to RH-2.

I believe that the proposed development benefits the neighborhood and City of San Francisco, as follows:

- 1) Removes an area where illegal dumping of trash has occurred several times over the past several years.
- 2) Provides family housing which addresses a specific and important need for the City of San Francisco.
- 3) Provides 15% first-time homebuyer affordable housing on-site.
- 4) Upgrades the immediate neighborhood as the architecture is a high quality, modern interpretation of the existing homes in the neighborhood.

To date, we have had two meetings with the neighbors and one meeting with OMI-NIA. At these productive and insightful meetings, several concerns were expressed regarding the proposed site plan and single-family residences.

Following is a list of the top 10 concerns gathered from these meetings and our proposed responses to address those concerns.

CONCERNS AND RESPONSE

1. Parking

Concern: Street parking is currently inadequate for the current residents and new homes will negatively impact parking further.

Response: The proposed site plan currently includes either a 1 or 2-car attached garage for each 2-bedroom unit and a 2-car attached garage for each 3-bedroom unit.

To further address the concern and add sustainability to the new homes, I'm considering adding one or two Zipcar and/or City Carshare spaces on-site to reduce the need for automobiles.

2. Privacy

Concern: The new homes will decrease the existing neighbors' sense of privacy.

Response: The site plan takes into account privacy for residents of the proposed new homes as well as our neighbors. The new homes will be situated towards the freeway to provide the maximum buffer between the new homes and existing homes on Sagamore Street. The distance from the front of the proposed new homes to the back of the existing homes ranges from 53 to 70 feet. This distance equates to:

- 1) the width of a typical city street
- 2) the width between rear walls of typical homes with adjoining backyards.

To further address the concern, we have engaged a landscape architect to analyze the possibility of increasing privacy by using trees and/or plants to obscure views between the homes.

3. Building Height/Shadows

Concern: The site plan proposes a mix of 2 and 3-story homes. A concern was expressed that the 3-story units will be too tall for the neighborhood, negatively impacting privacy and casting too large of a shadow.

Response: A shadow study was prepared showing that shadows will have minimal impact on the neighbors' homes during the winter months and no impact during the summer months.

To further address the concern, the site plan will be amended by converting several of the 3-story 3-bedroom units to 2-story 2-bedroom units. Lowering several buildings should alleviate some of the concern regarding the height and/or scale of the proposed development. In addition, the I-280 Freeway behind our lot is elevated considerably higher than our tallest 3-story building, such that there will be no significant view blockage associated with our development.

4. Affordable Housing

Concern: Some neighbors are concerned that the inclusion of affordable housing will negatively impact home values.

Response: Neighbors were notified that 4 units (15% of total units) of the 28 units will be allocated towards first-time homebuyers earning 100% of San Francisco's median income as mandated by the Mayor's Office of Housing. The architect and owner attempted to ease the concern and stigma associated with affordable housing. The owner and architect will continue to educate the neighbors on the benefits and city requirements of affordable housing.

5. Criminal Activity

Concern: A concern was expressed that there will be increased criminal activity due to influx of new residents.

Response: The vacant site already has a history of criminal activity as noted by several neighbors during our meetings. Drug selling as well as illegal trash dumping has occurred many times on the site over the past 10 to 20 years. As owners, we have cleaned up the trash whenever notified and maintained the site as a clean vacant lot. The proposed development will eliminate the dark areas where illegal activity occurred and new residents will add "eyes on the street" to notify the police department of any suspicious activity.

To further address the concern, the architect will develop a site plan that takes into consideration public safety by incorporating lighting to eliminate dark areas.

6. Light Pollution

Concern: Considering the new development will utilize a private drive aisle located adjacent to the neighbors' backyards, there is a concern about light pollution into adjacent backyards and rear bedrooms.

Response: The architect and landscape architect will work in conjunction to address this concern. Our plan is to utilize directional and non-intrusive lighting on both the buildings and landscaping to minimize the light pollution into neighboring properties. The fence between our drive aisle and the Sagamore Street backyards will be of solid material and approximately 6 feet in height to minimize vehicle light spillover.

7. Noise Pollution

Concern: A concern was expressed relating to noise pollution from construction and the new residents.

Response: Although construction noise is inevitable, it is only temporary. The City has standard construction noise mitigation requirements with which we will comply. **More importantly, there is a long-term benefit to the existing homeowners.** The 28 new homes will act as a sound wall between the freeway (I-280) and the homes along Sagamore St., substantially and permanently decreasing noise levels to the existing homes along the 200 block of Sagamore St.

To further address the concern, the proposed new development consists of single-family residences, allowing the builder to construct the homes in phases. The overall noise levels should be less than if all 28 units were built at once like a condominium project.

8. Traffic

Concern: The new development will bring increased traffic to the surrounding area.

Response: The site is situated between a freeway and existing homes on Sagamore Street. Capitol Avenue dead-ends at the subject property. A **private** drive aisle will be provided for residents to gain access to their garages. Considering the location of the vacant lot, the only cars likely entering the proposed development will be homeowners. It would be impractical for anyone else to use this private drive aisle as it will not provide a shortcut for any other homeowners outside of the new

development. The Planning Department's CEQA document will examine whether any significant traffic impacts are likely and, if so, we will develop measures to mitigate them.

9. Fire and Other Truck Access

Concern: The new development does not adequately provide access for fire trucks, trash trucks and other large vehicles.

Response: The site plan has been designed to meet the requirements for fire truck access. The SF Fire Department (SFFD) and Department of Public Works (DPW) have not yet reviewed the site plan, but we will revise the site plan accordingly based on SFFD's and DPW's input and recommendations, if any.

10. Environmental Issues

Concern: Some neighbors are concerned with environmental issues at the site.

Response: The property has been vacant since our acquisition in 1979. No buildings were developed on the site prior to our ownership to our knowledge.

To further address the concern, an Environmental Site Assessment (Phase I ESA) report will be engaged to confirm that no environmental issues exist at the subject property, or if they do, how best to remediate them.

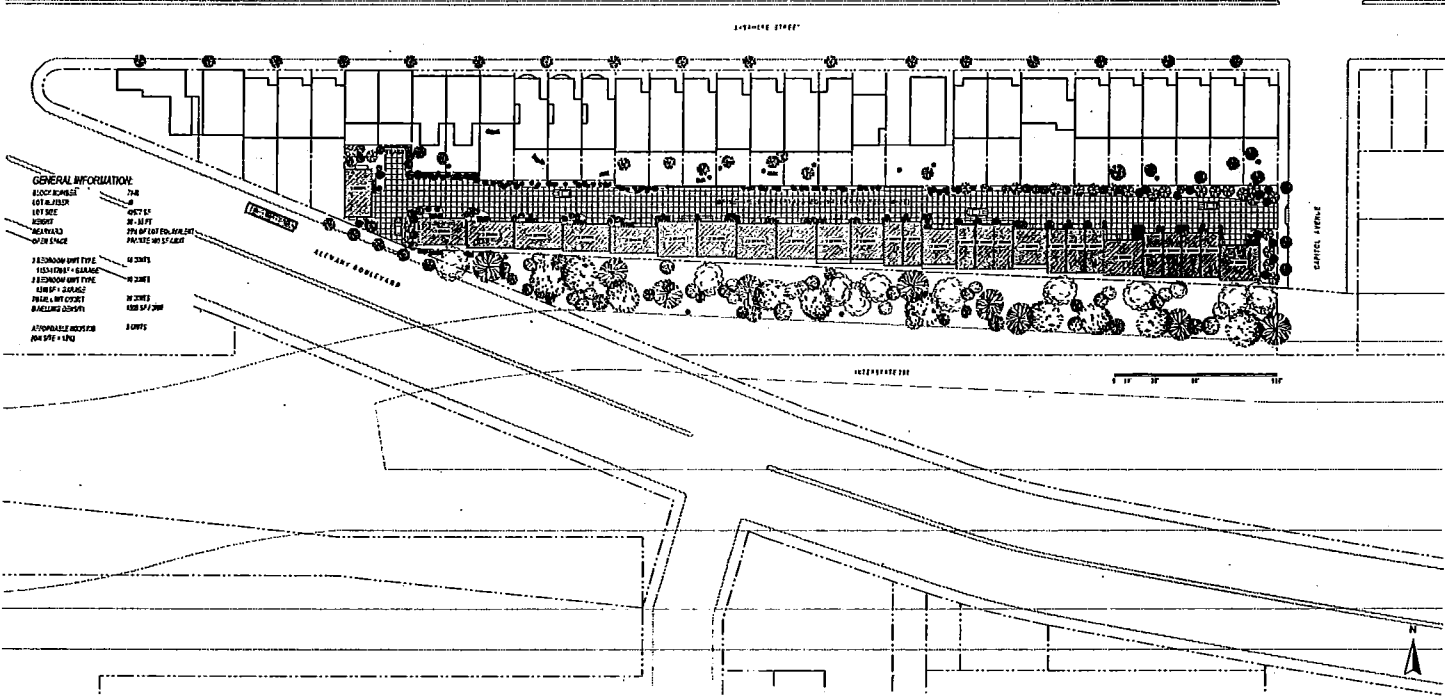
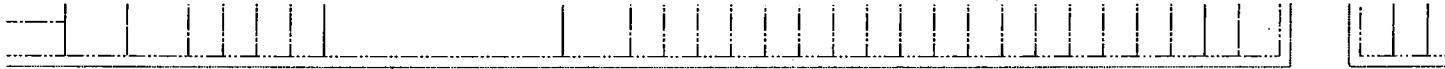
I hope you found this list insightful. If you or your aides have any questions prior to our meeting, please feel free to call me at (310) 607-9244.

As a former District 11 resident, designing a high quality and sustainable development is very important to me. Any comments would be greatly appreciated.

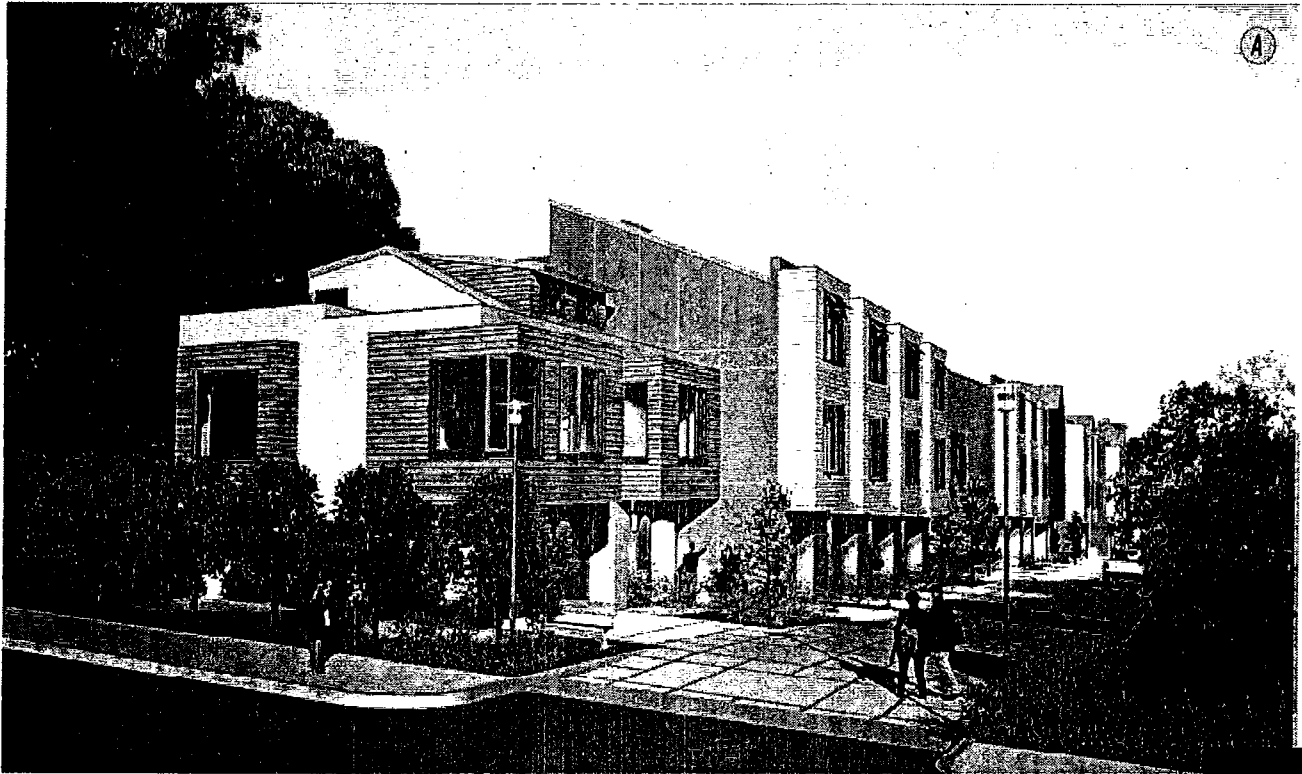
Sincerely,

Deny Sepaher

Enclosures:
Site Plan
Renderings



GENERAL INFORMATION:
BLOCK NUMBER 74-B
LOT NUMBER 1-18
SECTION 36-31-11
TOWNSHIP 37S-31E-11E
COUNTY POLK IOWA
OWNER NAME
1 BEDROOM UNIT TYPE 18 UNITS
1 BEDROOM + GARAGE 18 UNITS
2 BEDROOM UNIT TYPE 18 UNITS
2 UNIT + GARAGE 18 UNITS
PARKING SPACES 108 SPACES
TOTAL UNITS 72 UNITS
APPROXIMATE HEIGHT 3 STORIES
FOR SITE PLAN



OCEAN VIEW VILLAS
March 18, 2009

VIEW FROM CAPITOL AVENUE ENTRANCE A-35
1212 Alameda Street, San Francisco, CA 94133, Architectural firm: 415 896 0900, 415 896 0905 Fax

architectural
architects



OCEAN VIEW VILLAS
March 14, 2008

LOOKING EAST ALONG DRIVE W/ILE A-13
1517 G Street, West, San Francisco, CA 94116, www.fishbein.com 415.774.0100, 415.890.8200 fax

FISHBEIN
ARCHITECTS

NEIGHBOR ENDORSEMENTS

The undersigned endorses the proposed 28-unit development located behind the 200 block of Sagamore Street.

No.	Date	Name	Signature	Address	Ph #
1	8/18/09	BRIAN SEBASTIAN	<i>Brian Sebastian</i>	14 CAPITAL AVE.	415-2396
2	8/18/09	Bonnie K C	<i>Bonnie K Chung</i>	14 Capital Ave	239676
3	8/18/09	Beatrice Sebastian	<i>Beatrice Sebastian</i>	16 Capital Ave	334-388
4	8/18/09	BARRY SEBASTIAN	<i>Barry Sebastian</i>	16 CAPITAL AVE	333-0793
5	8/18/09	J. D. SMITH	<i>J. D. Smith</i>	211 SAGAMORE	584-89
6	8/18/09	Cynthia Molina	<i>Cynthia Molina</i>	219 Sagamore	587-0149
7	8-18-09	Ranolfo Garcia	<i>Ranolfo Garcia</i>	227 Sagamore	584-2371
8	8-18/09	FUYO ADAMS	<i>Fuyo Adams</i>	203 Sagamore St.	244-360
9	8-18-09	W. E. MATTHEWS	<i>W. E. Matthews</i>	245 Sagamore	585-574
10	8-19-09	Jose Borjica	<i>Jose Borjica</i>	257 Sagamore	586-1436
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"Ballesteros-Smith, Norma APMC" <nbsmith@acmedctr.org>

05/04/2010 05:46 PM To

<elizabeth.watty@sfgov.org.>

cc

bcc

Subject

ONE CAPITOL AVENUE, SAN FRANCISCO 94112

History:

This message has been forwarded.

I AM OPPOSED TO THE BUILDING OF HOMES IN THE ABOVE ADDRESS. THE AREA IS GETTING TO BE CONGESTED AND SO MUCH TRAFFIC ON SAGAMORE ST AND THE 280 FREEWAY.WE CAN HARDLY FIND A PARKING SPACE AT ALL TIMES. THE OWNERS LIVED DOWN SOUTH...AND THEY ARE CLUELESS ABOUT THE HUGE PROBLEMS WE THE RESIDENTS ENCOUNTER....WE GLADLY OPPOSED THIS PROJECT...IT IS A MONSTER ...THANKS

NORMA B SMITH
211 SAGAMORE ST
SAN FRANCISCO CA
94112

OCEAN VIEW VILLAS

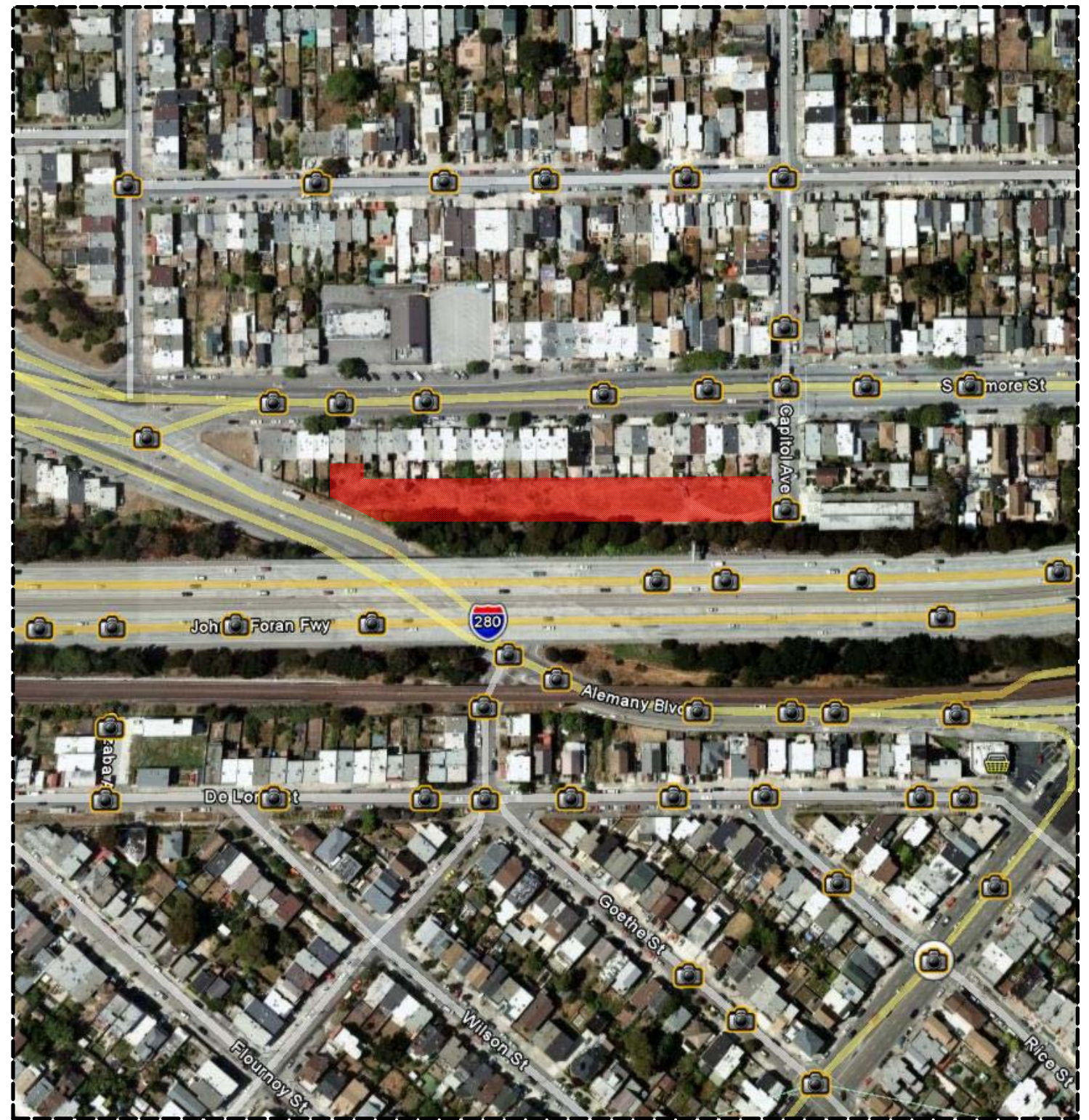
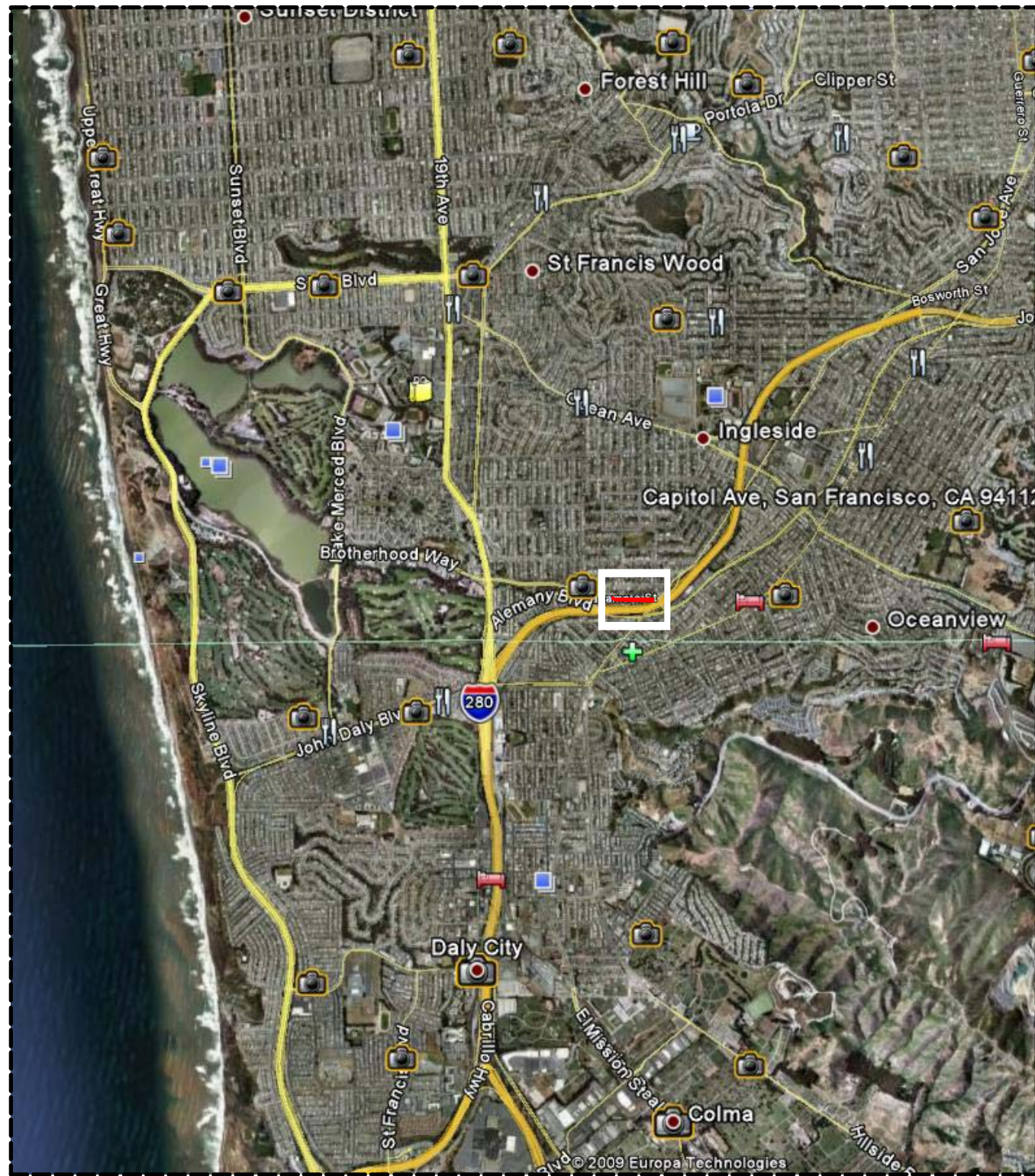
SAN FRANCISCO, CA



DRAWING INDEX

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- A-06 LANDSCAPE FEATURES
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- A-14 UNIT PLANS 3 BEDROOM TYPE C CORNER
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- A-18 LOOKING WEST ALONG DRIVE AISLE
- A-19 LOOKING EAST ALONG DRIVE AISLE
- A-20 VIEW FROM WEST END OF DRIVE AISLE
- A-21 VIEW FROM ALEMANY BOULEVARD ENTRANCE





OCEAN VIEW VILLAS

April 19, 2010

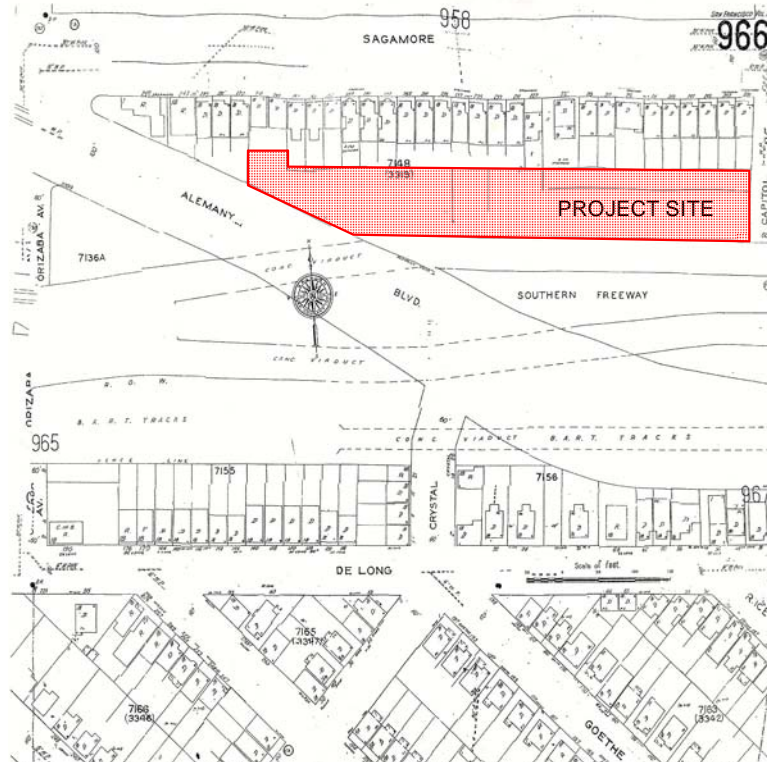
LOCATION MAP A-01

1516 folsom street, san francisco, ca 94103, dmd@dmdarch.com, 415 626 9100, 415 626 9296 fax





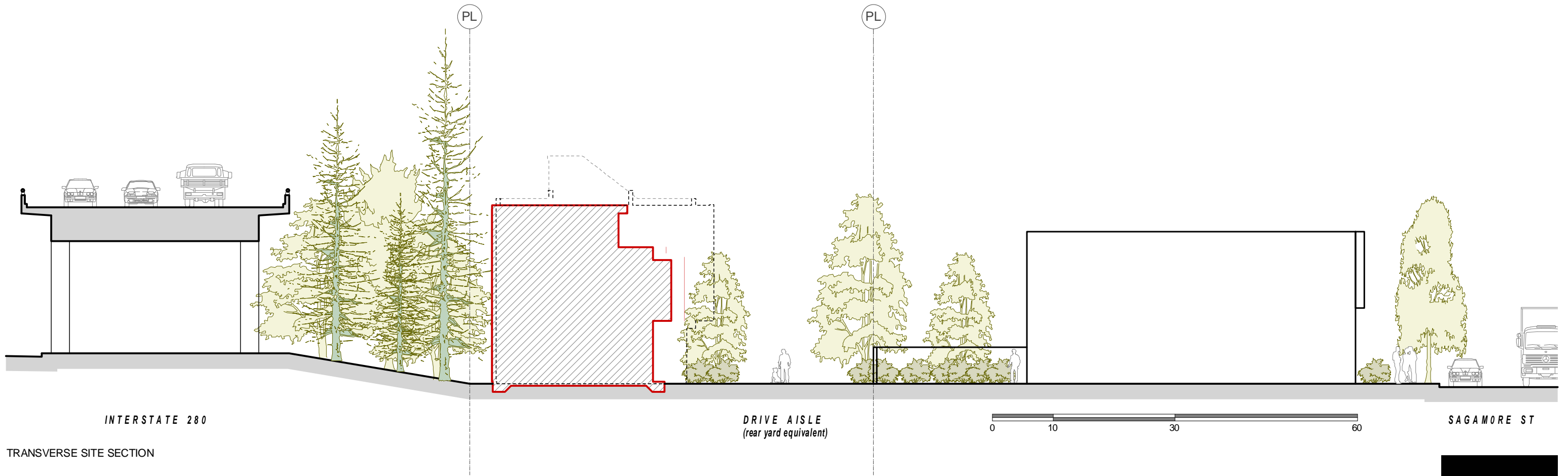
USGBC CONTOUR MAP



SANBORN MAP



ZONING MAP



TRANSVERSE SITE SECTION

SITE SURVEY

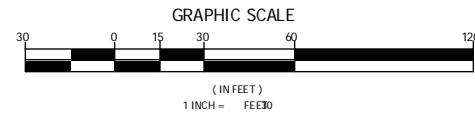
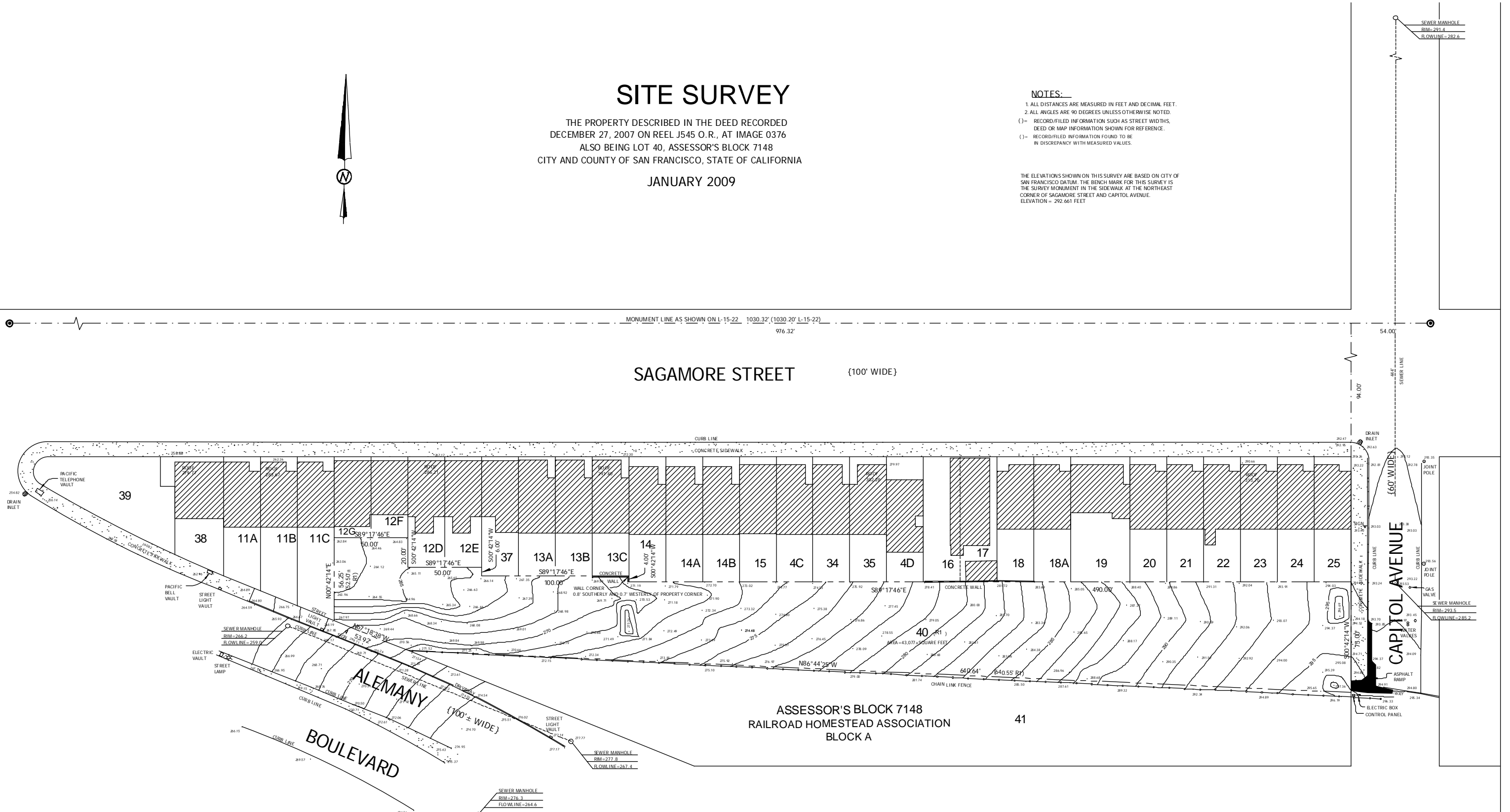
THE PROPERTY DESCRIBED IN THE DEED RECORDED
DECEMBER 27, 2007 ON REEL J545 O.R., AT IMAGE 0376
ALSO BEING LOT 40, ASSESSOR'S BLOCK 7148
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

JANUARY 2009

NOTES:

1. ALL DISTANCES ARE MEASURED IN FEET AND DECIMAL FEET.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
- () = RECORD/FILED INFORMATION SUCH AS STREET WIDTHS, DEED OR MAP INFORMATION SHOWN FOR REFERENCE.
- (-) = RECORD/FILED INFORMATION FOUND TO BE IN DISCREPANCY WITH MEASURED VALUES.










THE ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON CITY OF SAN FRANCISCO DATUM. THE BENCH MARK FOR THIS SURVEY IS THE SURVEY MONUMENT IN THE SIDEWALK AT THE NORTHEAST CORNER OF SAGAMORE STREET AND CAPITOL AVENUE. ELEVATION = 292.661 FEET



LEGEND/REFERENCES

- O.R. = OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA
- R1 = THAT DEED RECORDED DECEMBER 27, 2007 ON REEL J545 O.R., AT IMAGE 0376
- L-15-22 = CITY OF SAN FRANCISCO MONUMENT MAP L-15-22, ON FILE IN THE OFFICE OF THE CITY ENGINEER
- ⊙ = FOUND 1/16" BRASS PIN IN STANDARD MONUMENT WELL

KEY:

-  NEW RESIDENTIAL DWELLING UNIT
-  NEW LANDSCAPED AREA
-  NEW PEDESTRIAN SCALE PAVING PATTERN
-  EXISTING ADJACENT PROPERTY YARD / OPEN SPACE
-  EXISTING BUILDING
-  PROPERTY LINE
-  SETBACK
-  SUBDIVISION LINE
-  VIEW MARKER

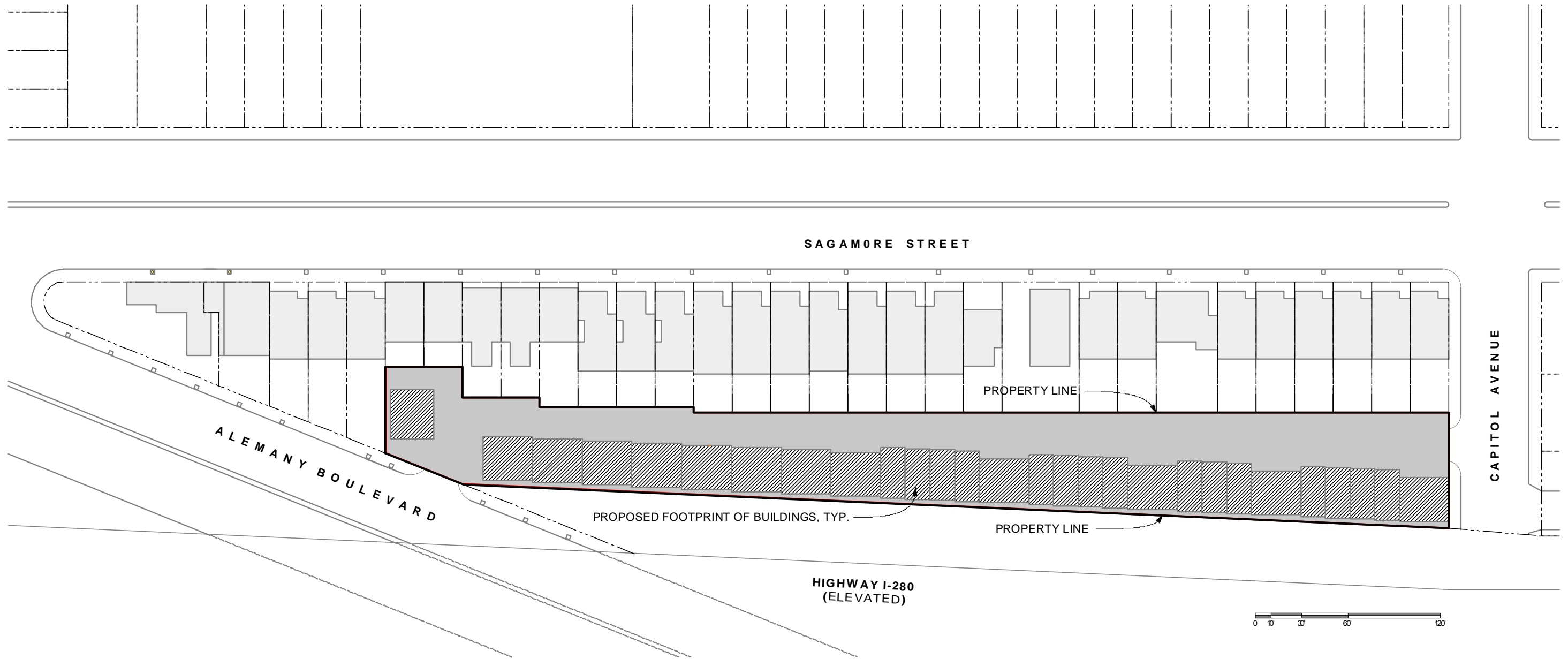


GENERAL INFORMATION:

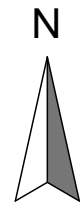
BLOCK NUMBER: 7148
 LOT NUMBER: 40
 LOT SIZE: 43077 SF
 HEIGHT: 29 FT
 REARYARD: 25% OF LOT EQUIVALENT
 OPEN SPACE: PRIVATE 125 SF / UNIT

2 BEDROOM UNIT TYPE A: 15 UNITS
 990SF OCCUPIABLE + 1 CAR GARAGE
 2 BEDROOM UNIT TYPE B: 07 UNITS
 1130SF OCCUPIABLE + 2 CAR GARAGE
 3 BEDROOM UNIT TYPE C: 03 UNITS
 132.3SF OCCUPIABLE + 2 CAR GARAGE
 3 BEDROOM UNIT TYPE C CORNER: 03 UNITS
 135.9SF OCCUPIABLE + 2 CAR GARAGE
 TOTAL UNIT COUNT: 28 UNITS
 DWELLING DENSITY: 1500 SF / UNIT

AFFORDABLE HOUSING: 4 UNITS
 (ON SITE = 15%)

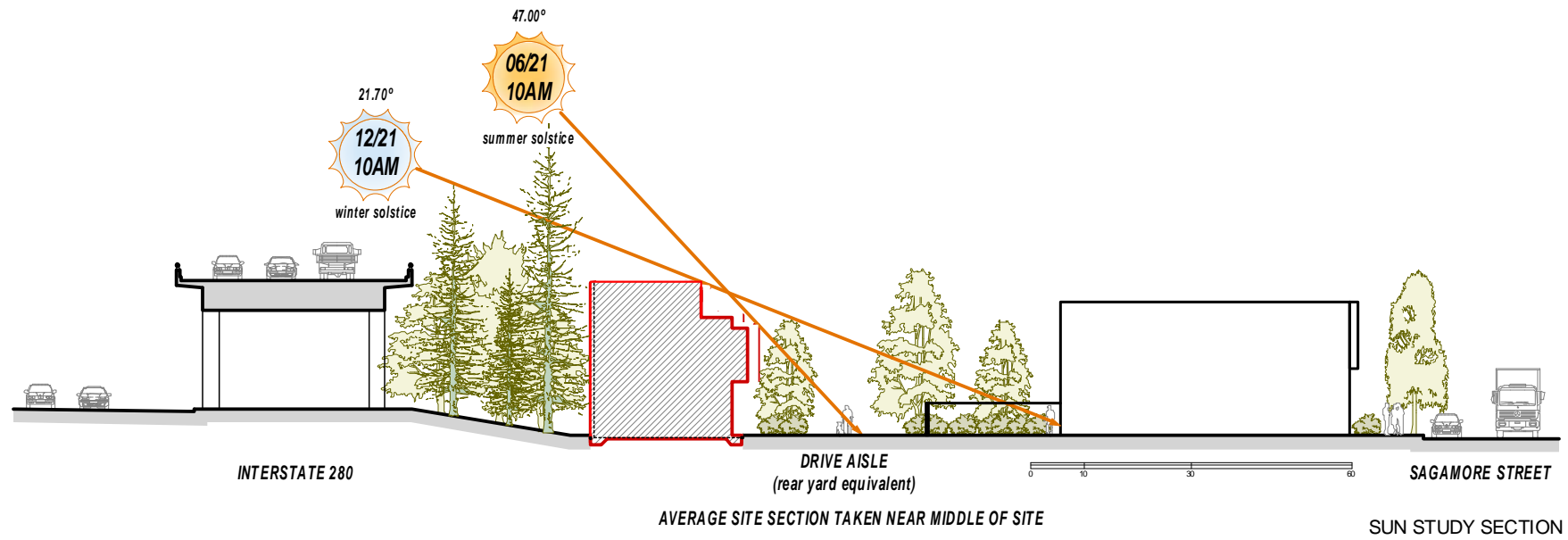


- BOLD LINES REPRESENT THE PROPERTY BOUNDARIES
- GREY REPRESENTS THE SUBJECT PROPERTY
- ▨** CROSS-HATCH REPRESENTS THE PROPOSED DEVELOPMENT FOOTPRINT





CLA
CLIFF LOWE
ASSOCIATES



NO SHADOW IMPACT DURING THE SUMMER TIME
 MINIMAL YARD IMPACT AT WINTER MORNINGS

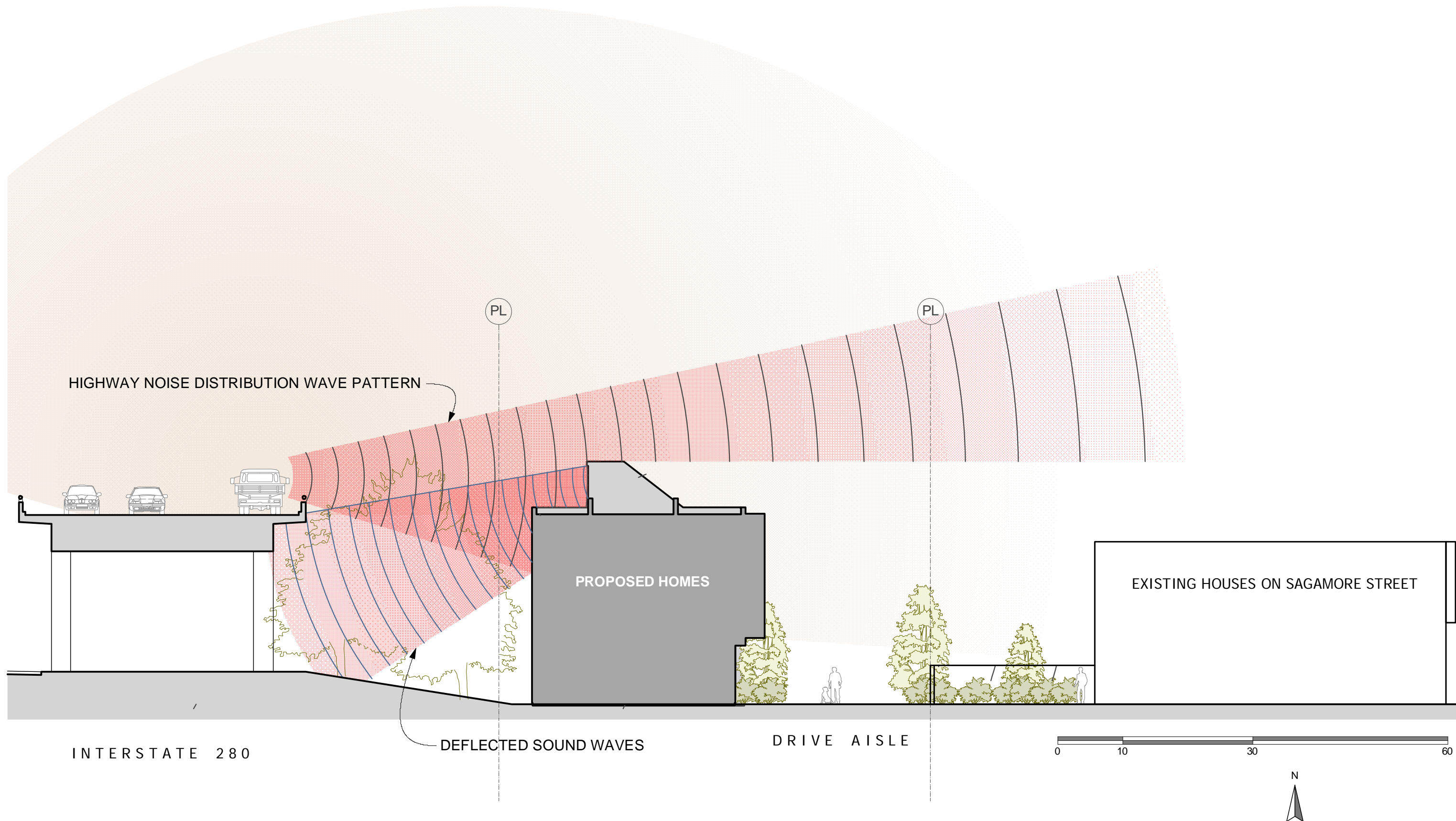


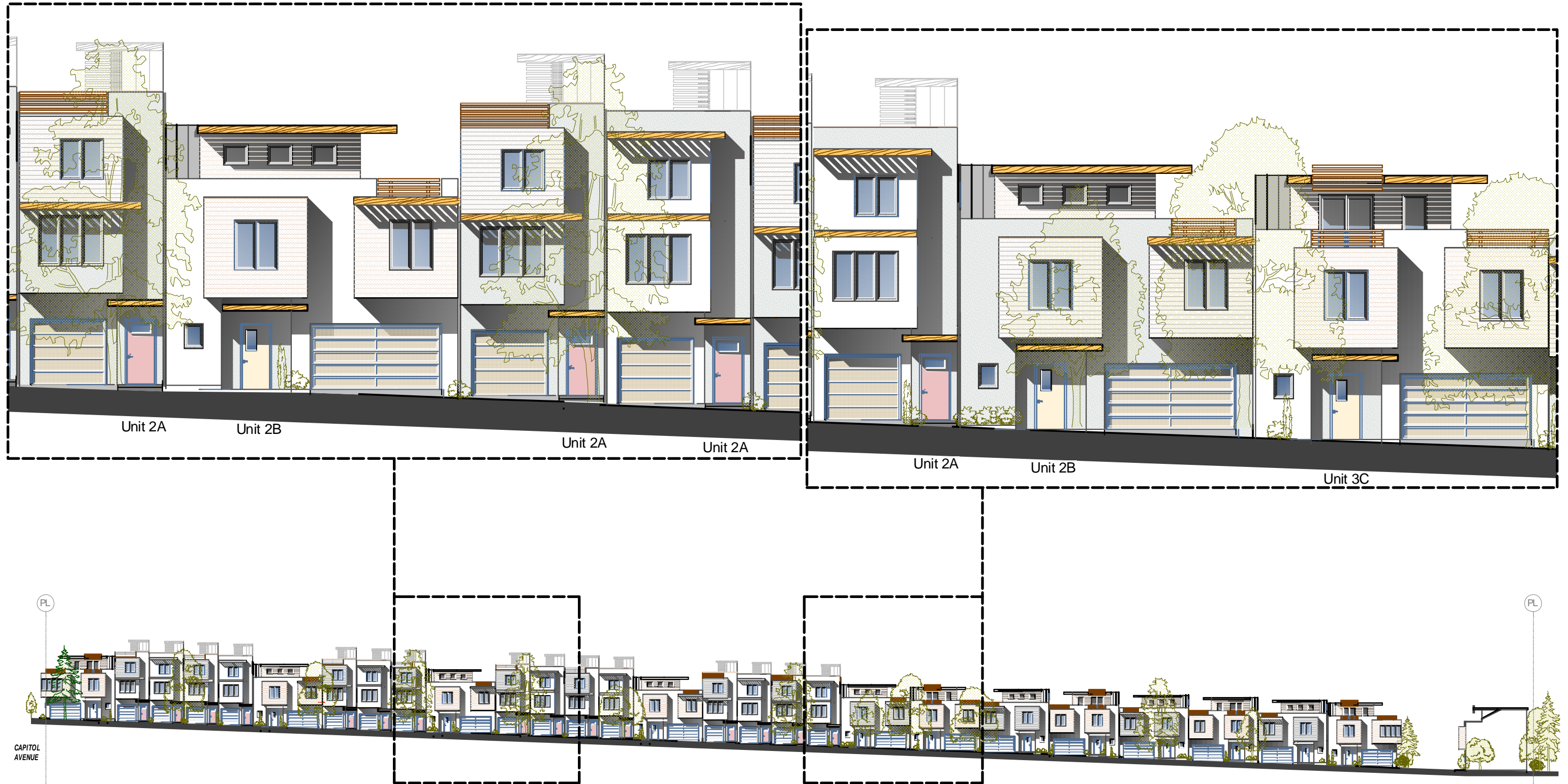
06/21 10AM AZIMUTH 354.72°
 SUMMER SOLSTICE
 6/21 - 10:00AM



12/21 10AM AZIMUTH 301.61°
 WINTER SOLSTICE
 12/21 - 10:00AM







OCEAN VIEW VILLAS

April 19, 2010

DRIVE AISLE SECTION/ELEVATION R1 A-09

1516 folsom street, san francisco, ca 94103, dmd@dmdarch.com, 415 626 9100, 415 626 9296 fax

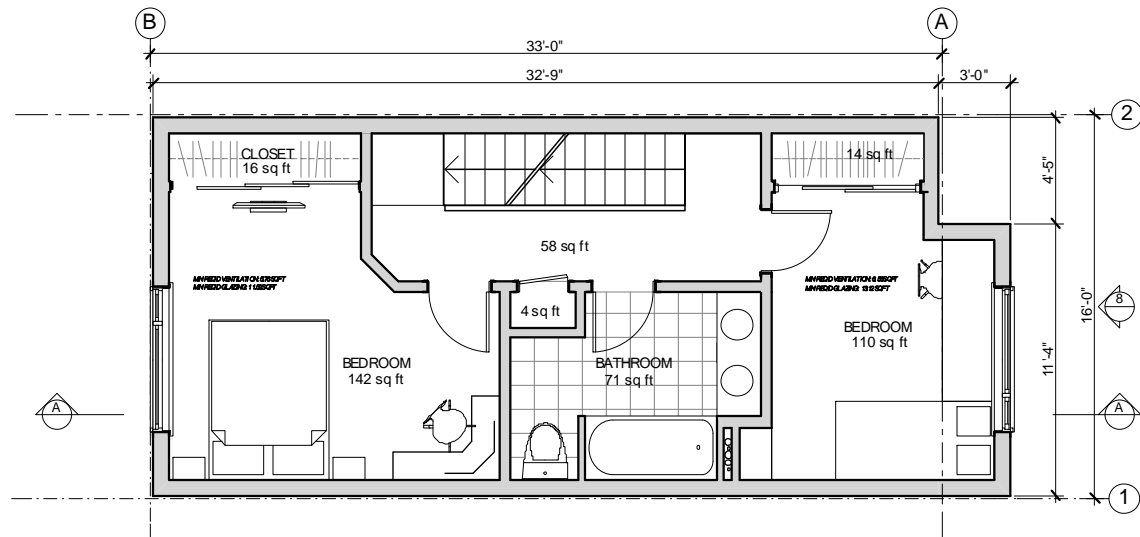
macdonald
architects



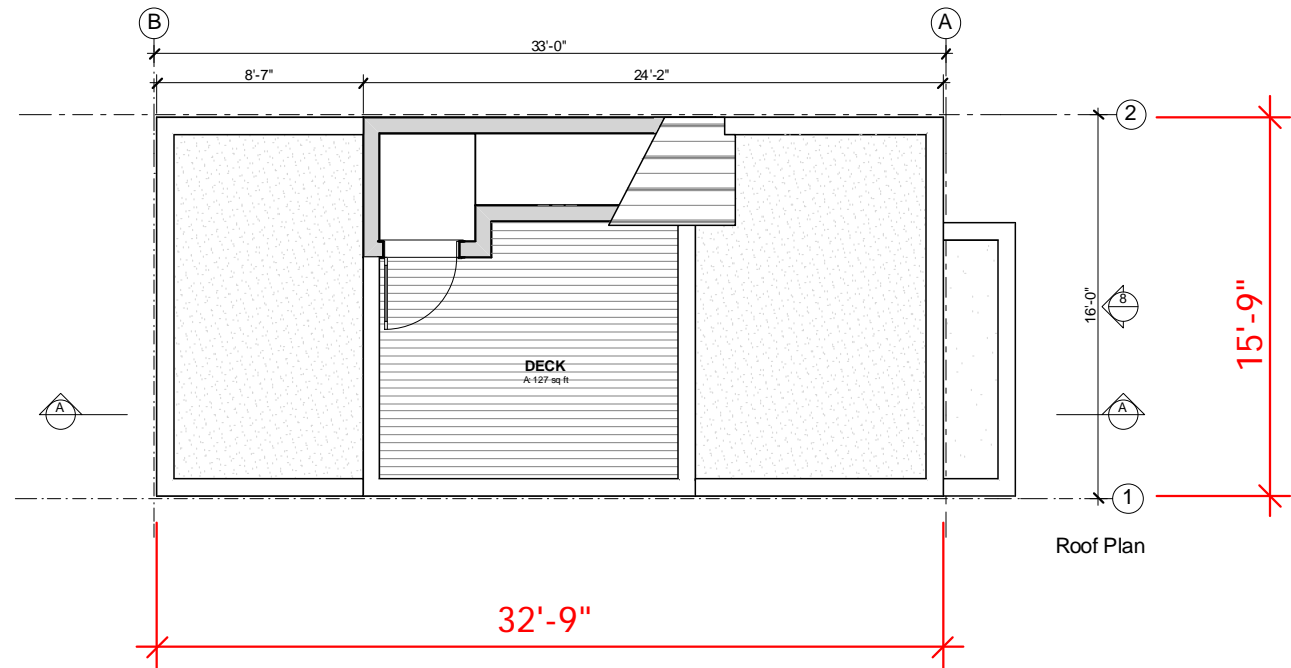
EAST END ELEVATION



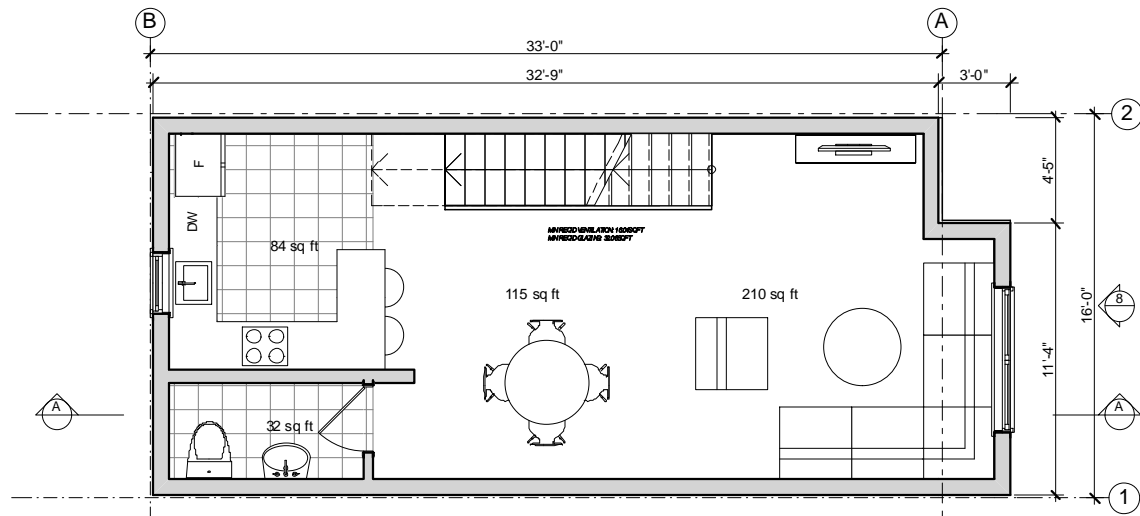
WEST END ELEVATION



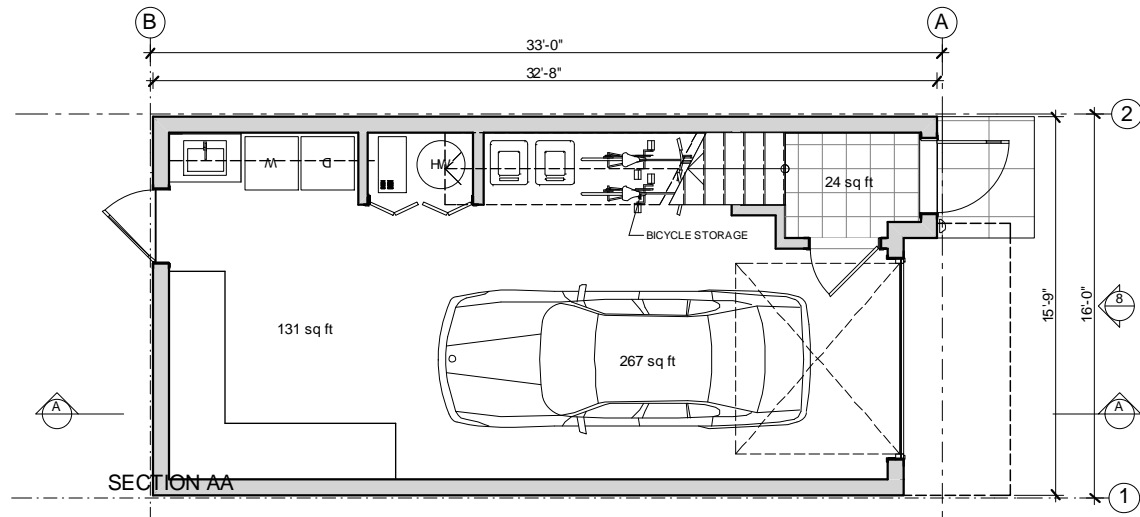
3rd Floor Plan



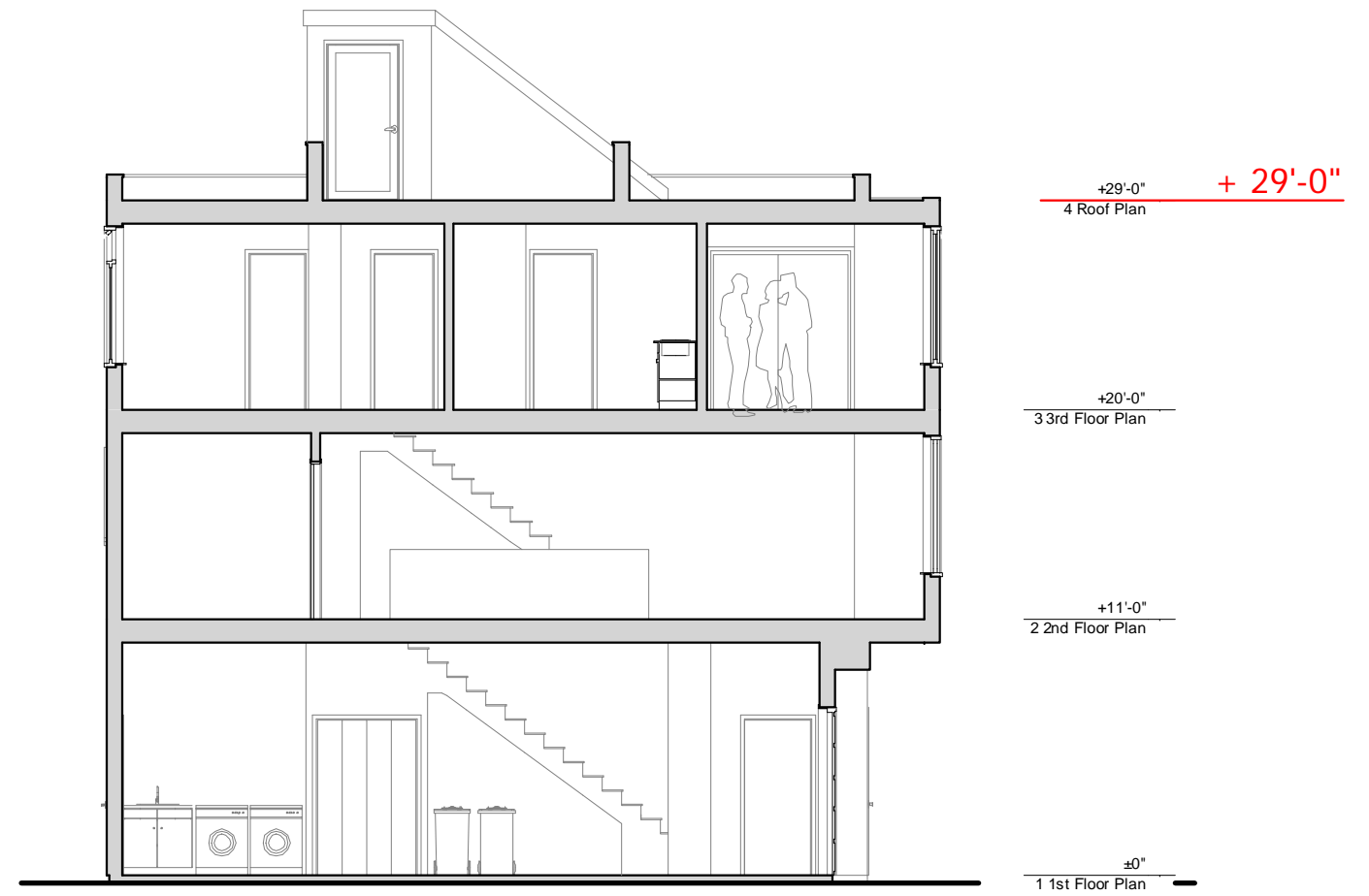
Roof Plan

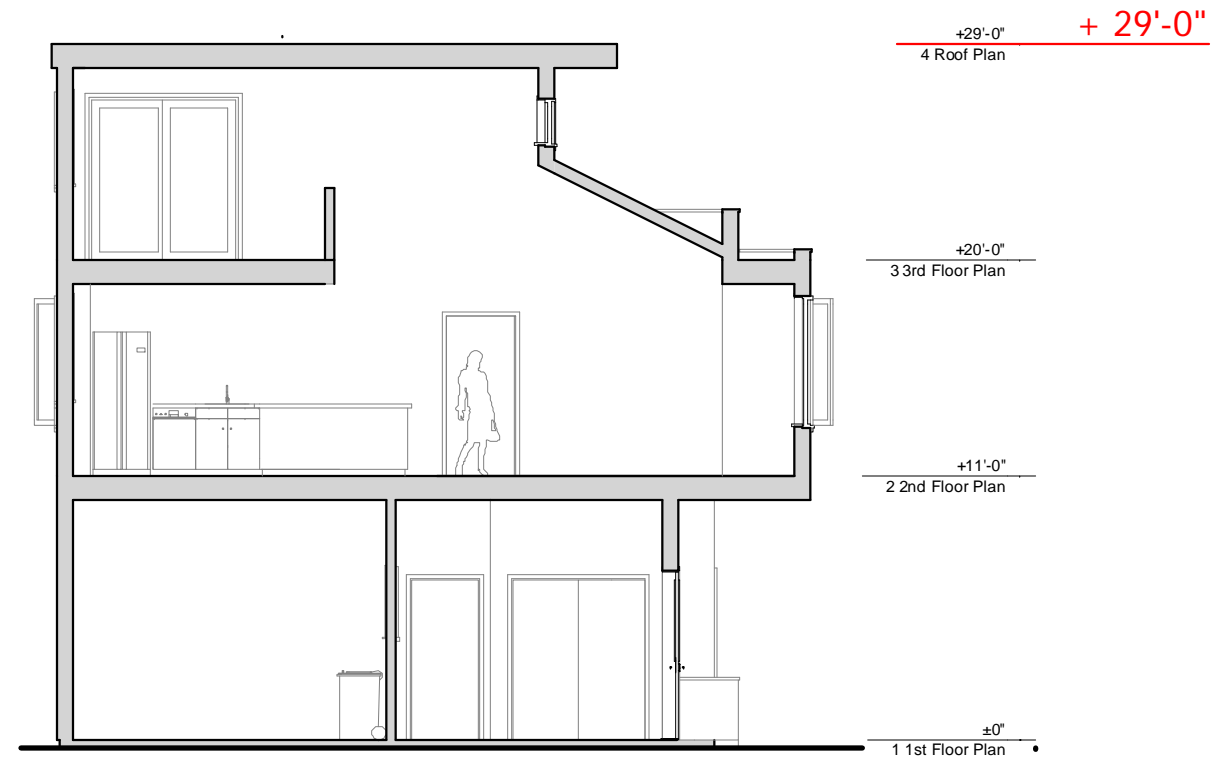
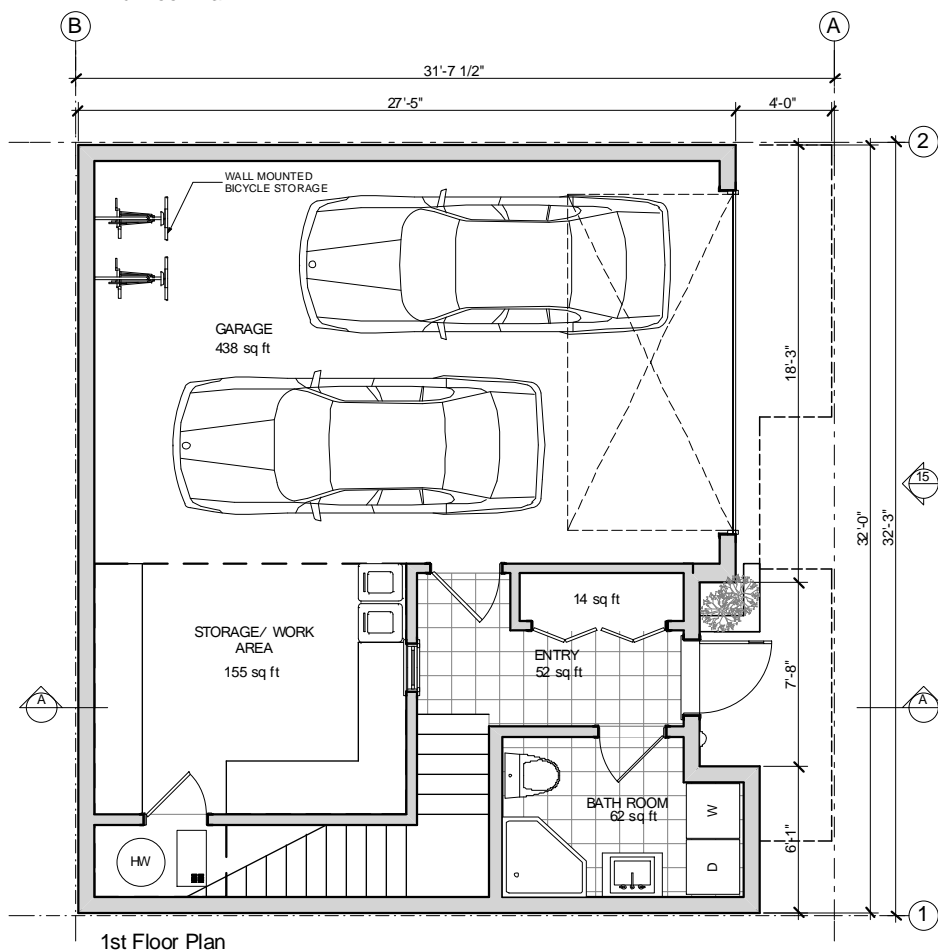
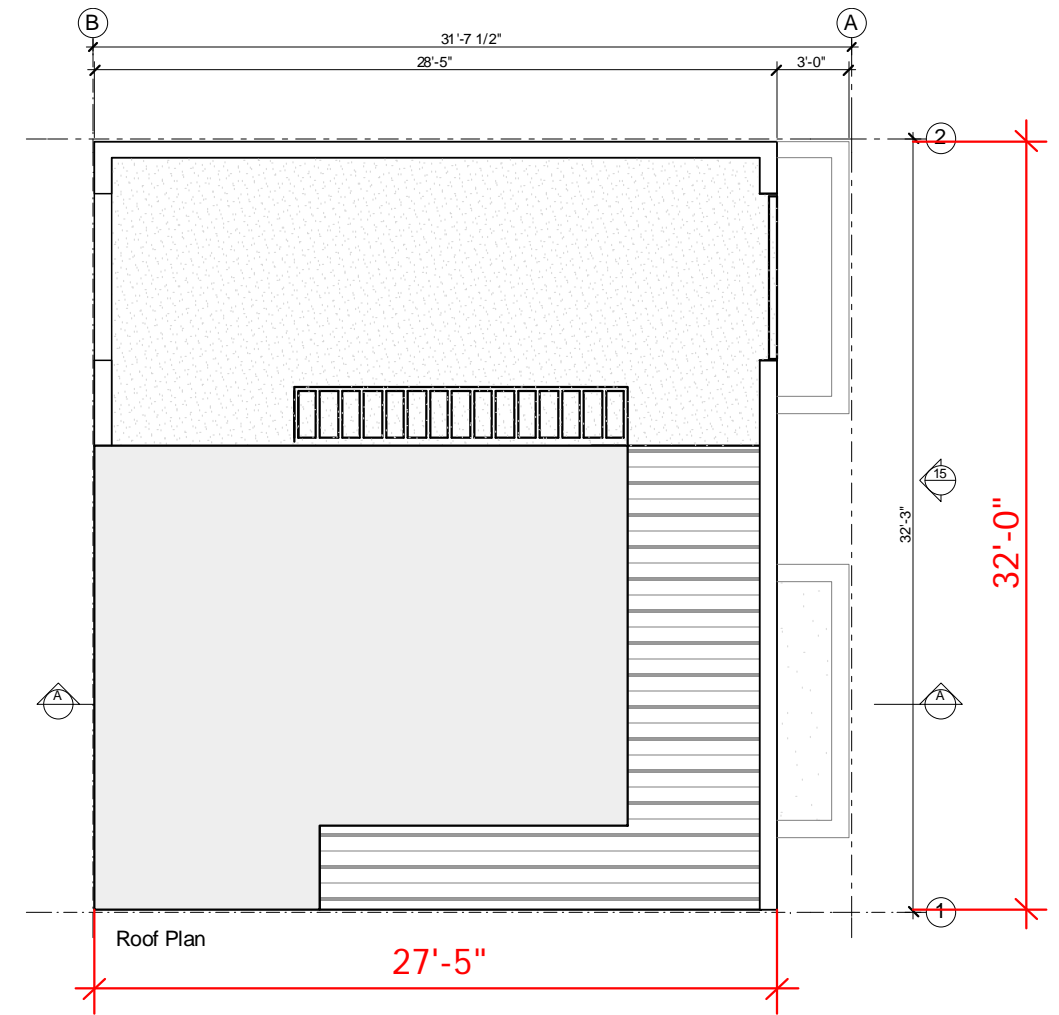
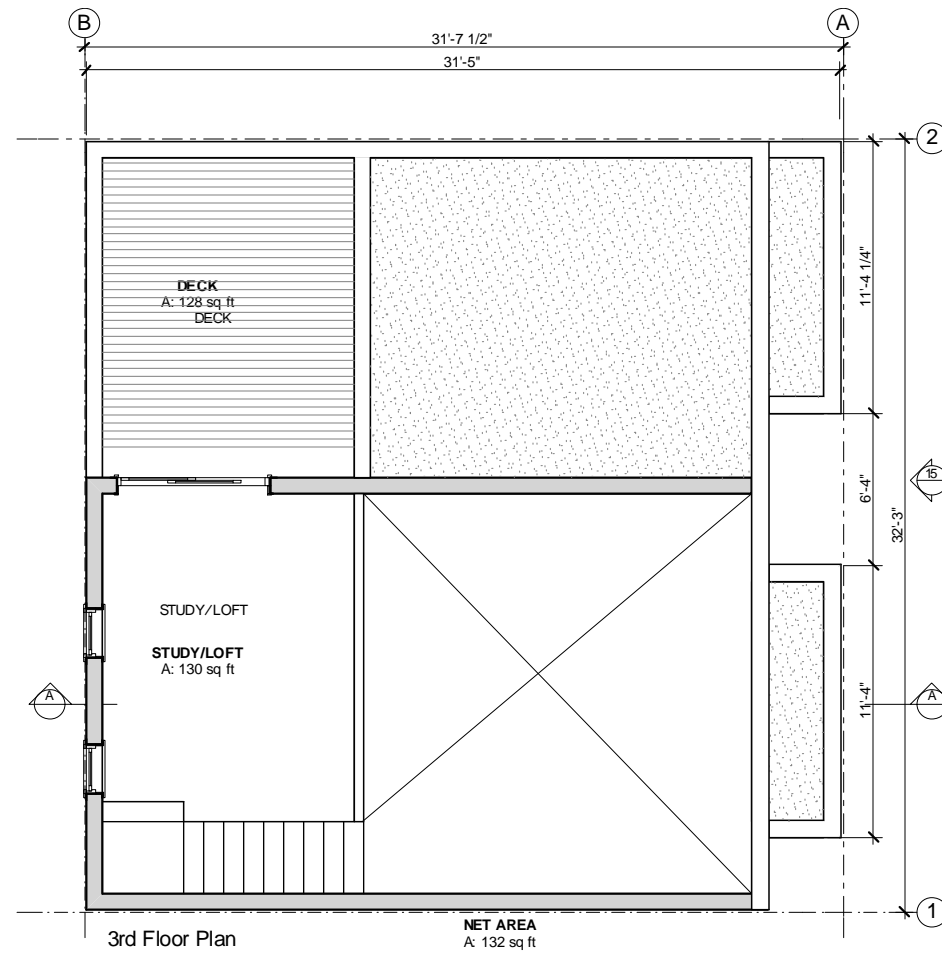
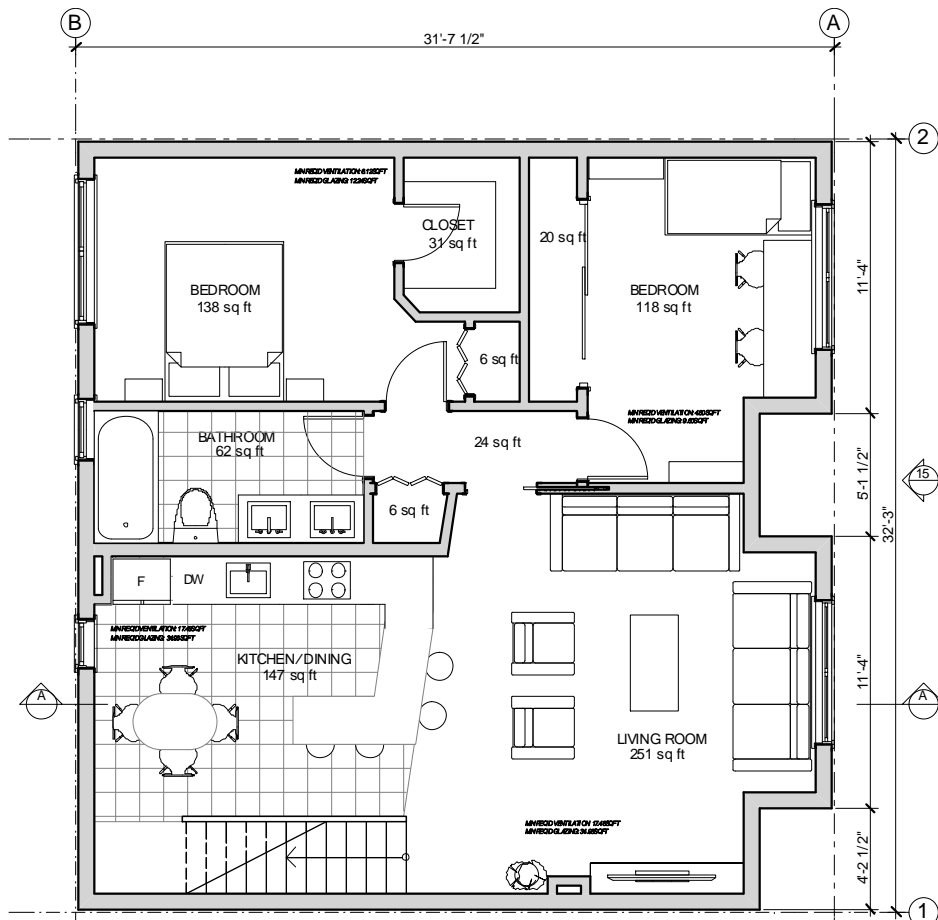


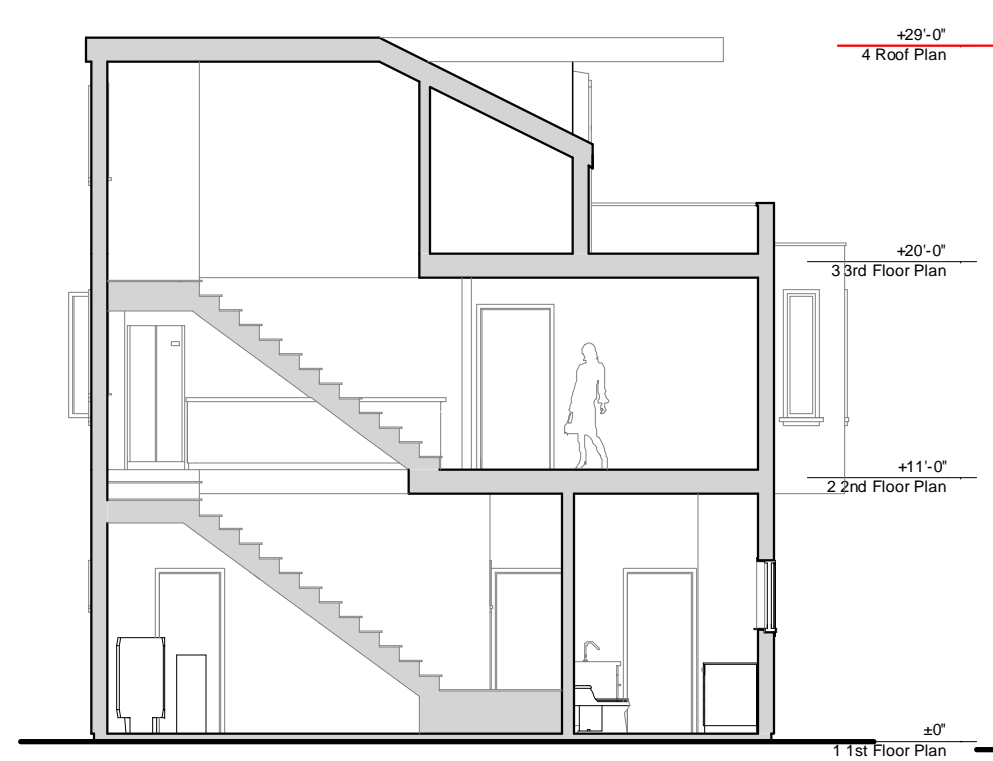
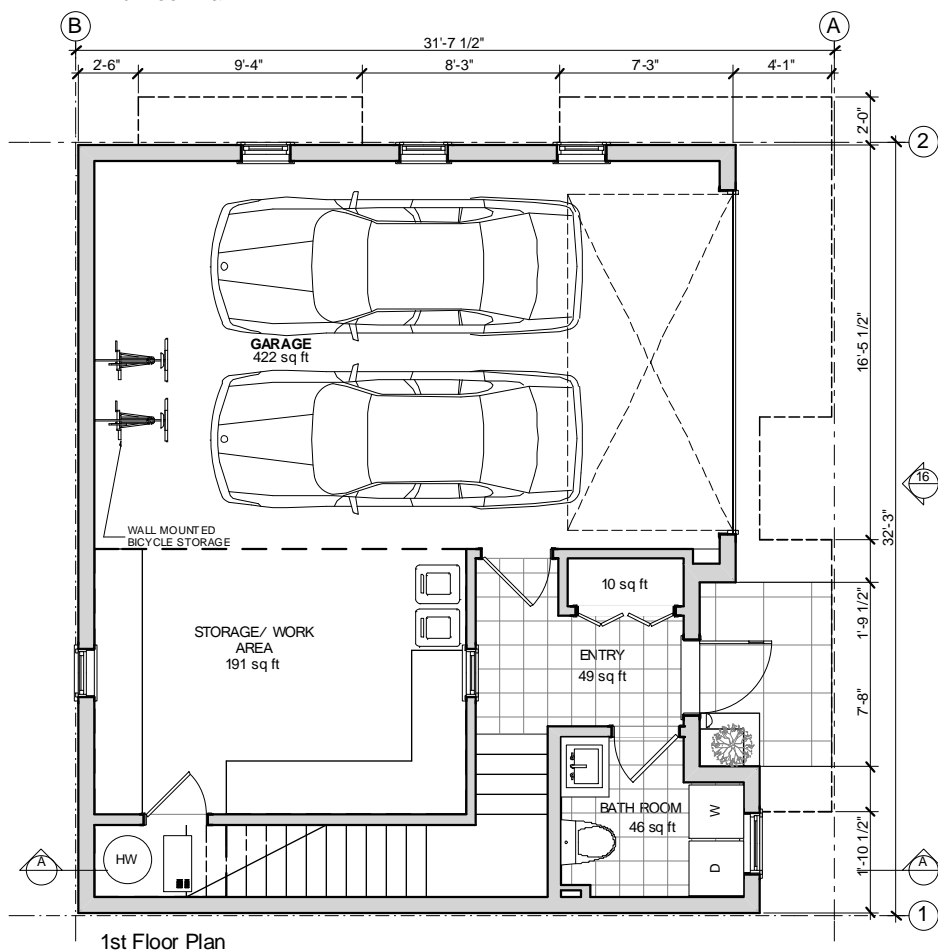
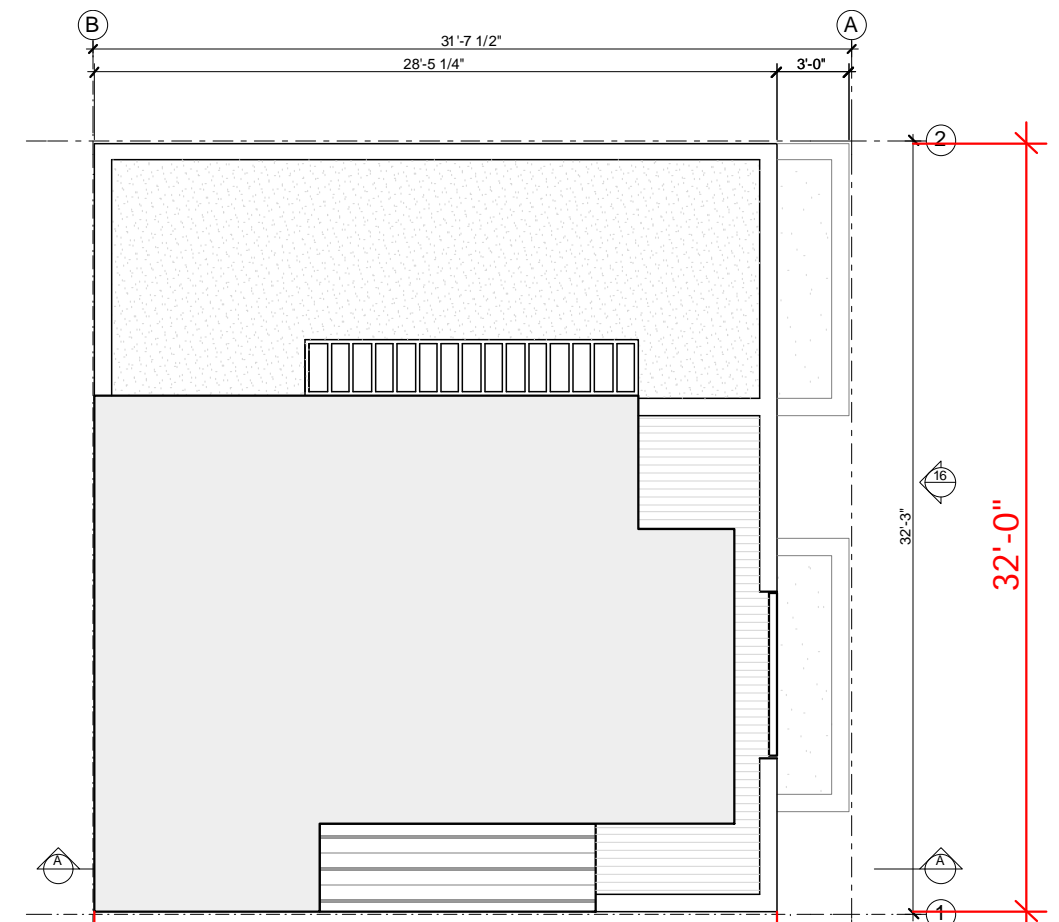
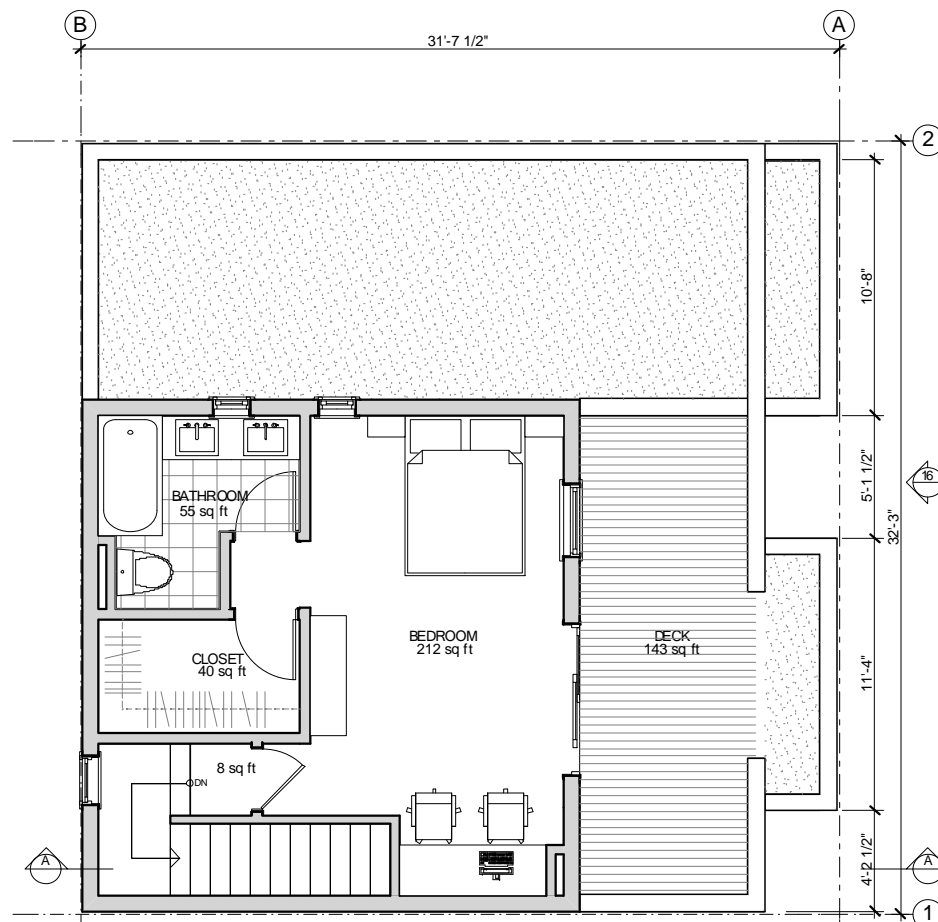
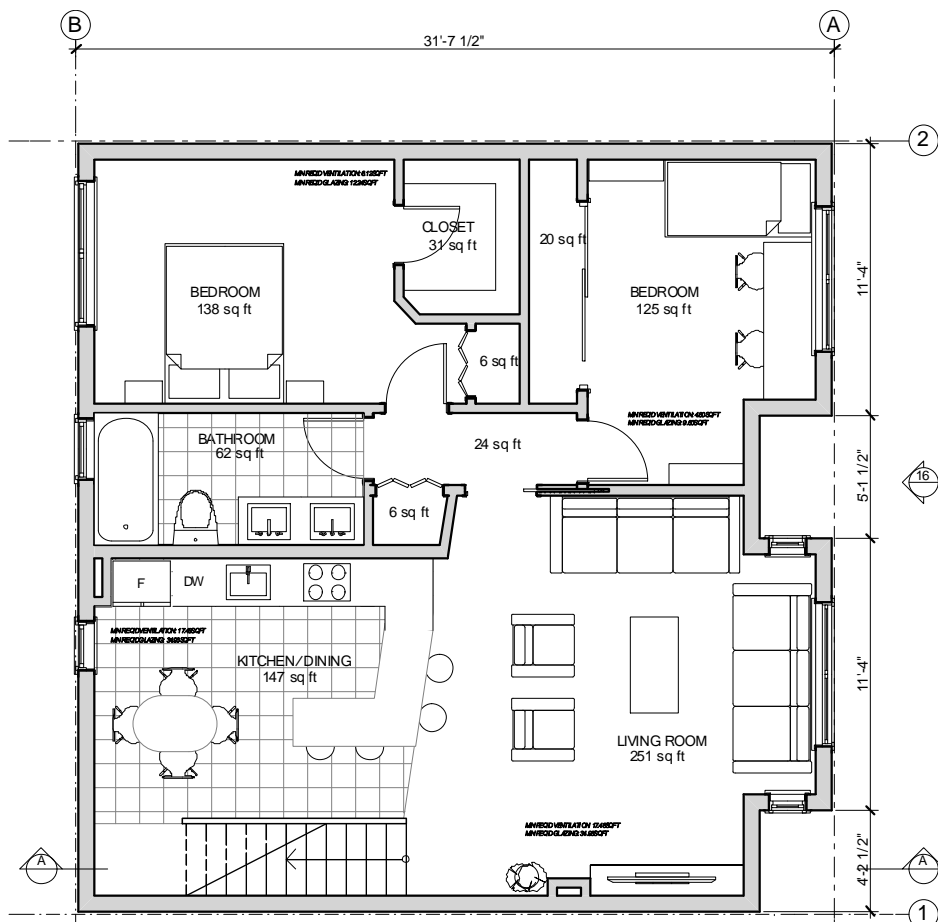
2nd Floor Plan

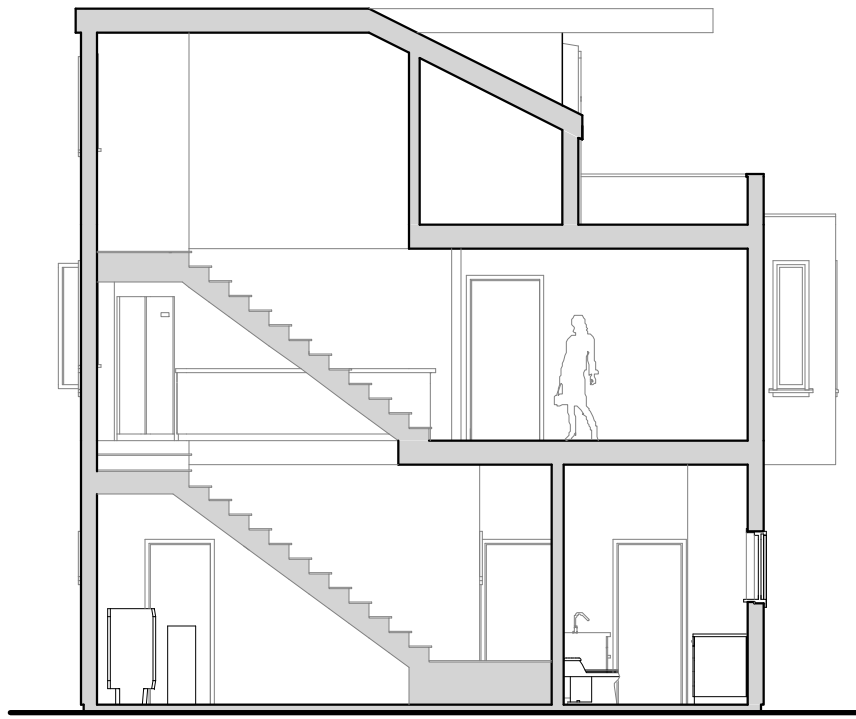
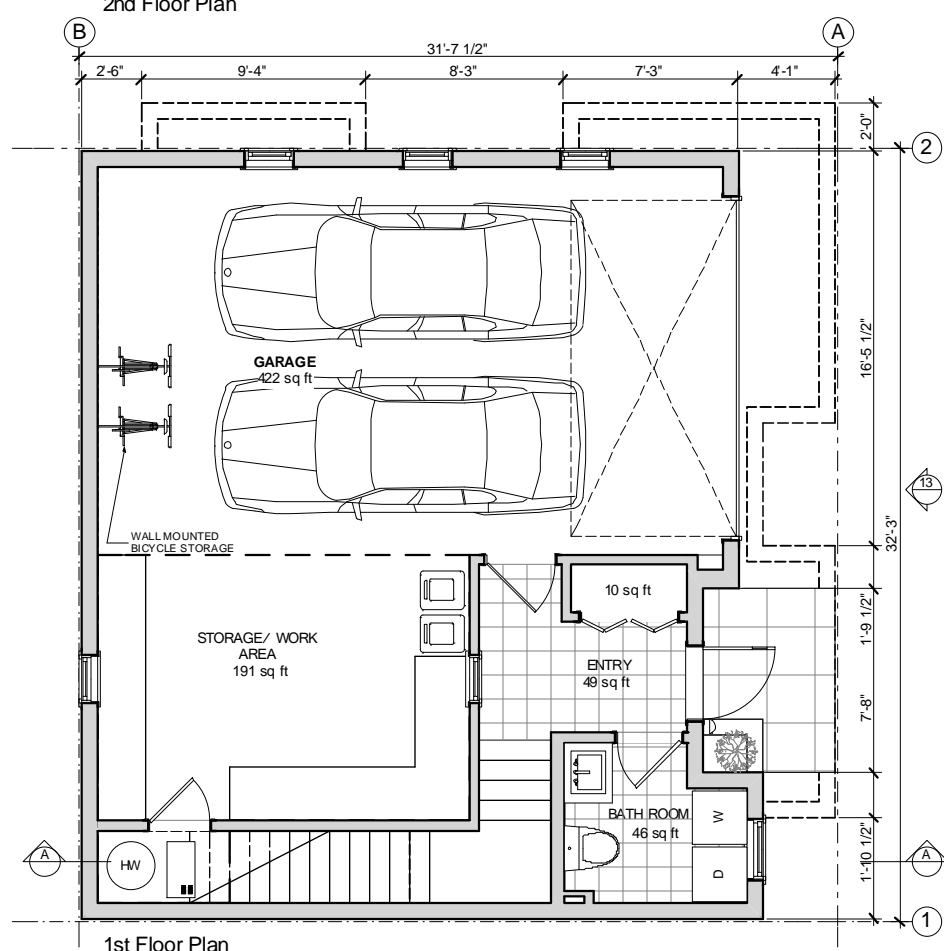
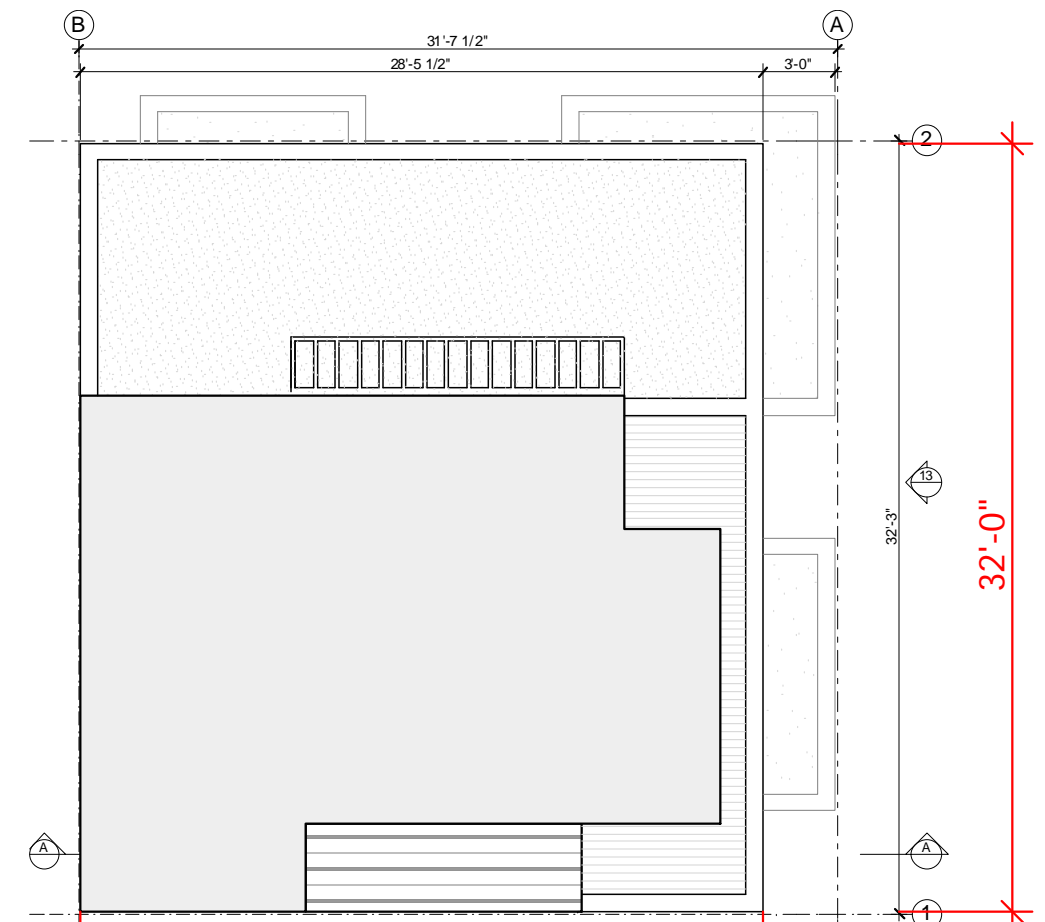
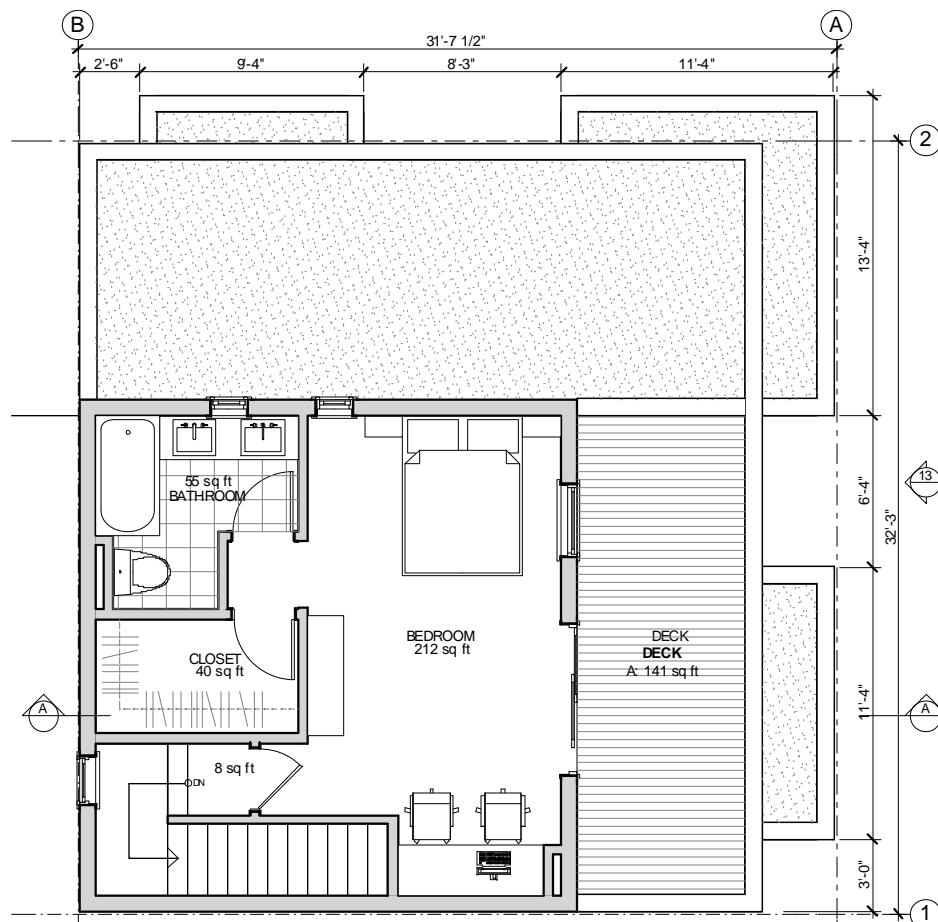
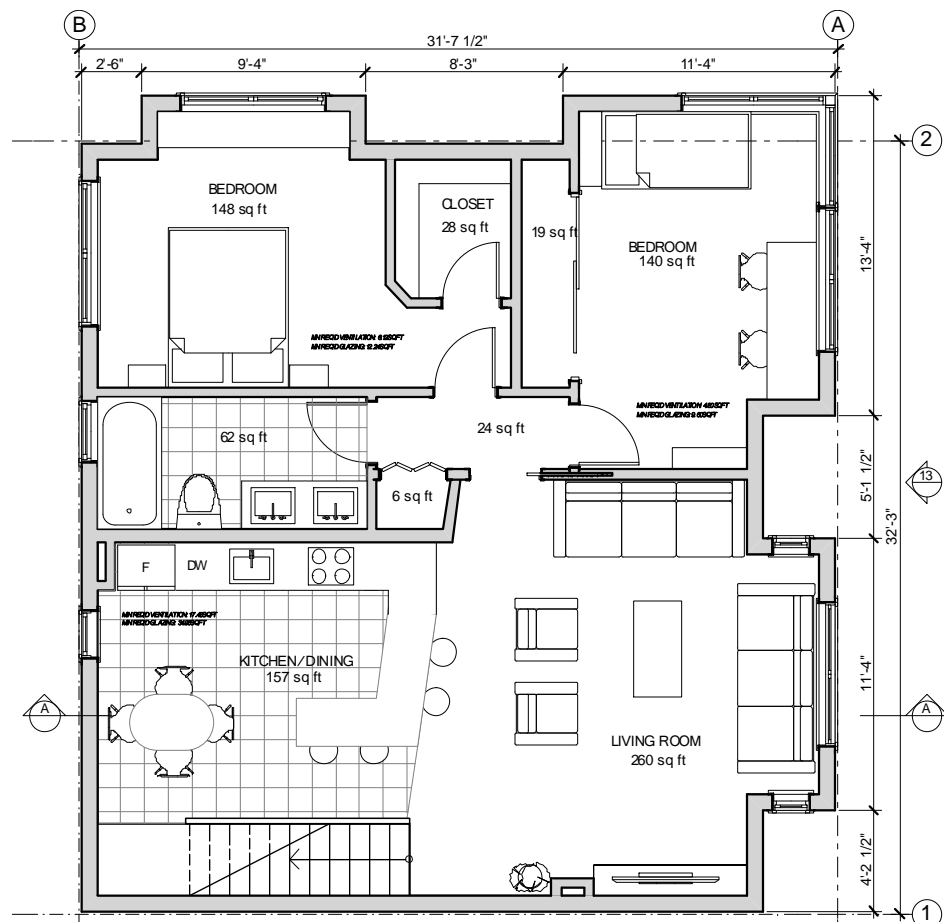


1st Floor Plan









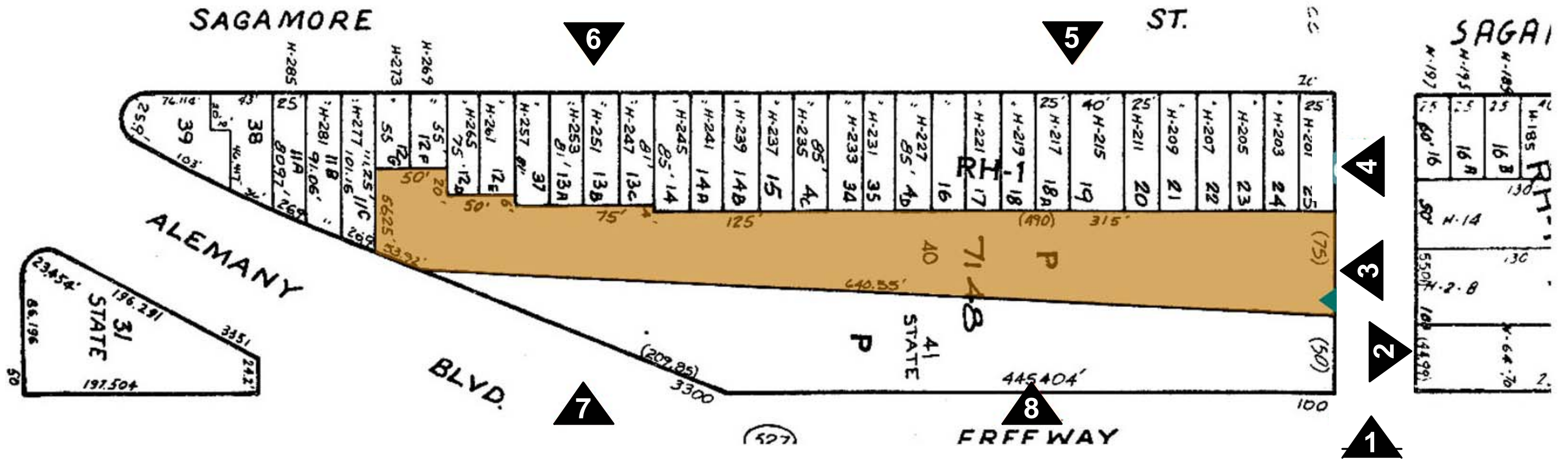
+29'-0" + 29'-0"
4 Roof Plan

+20'-0"
3 3rd Floor Plan

+11'-0"
2 2nd Floor Plan

±0"
1 1st Floor Plan

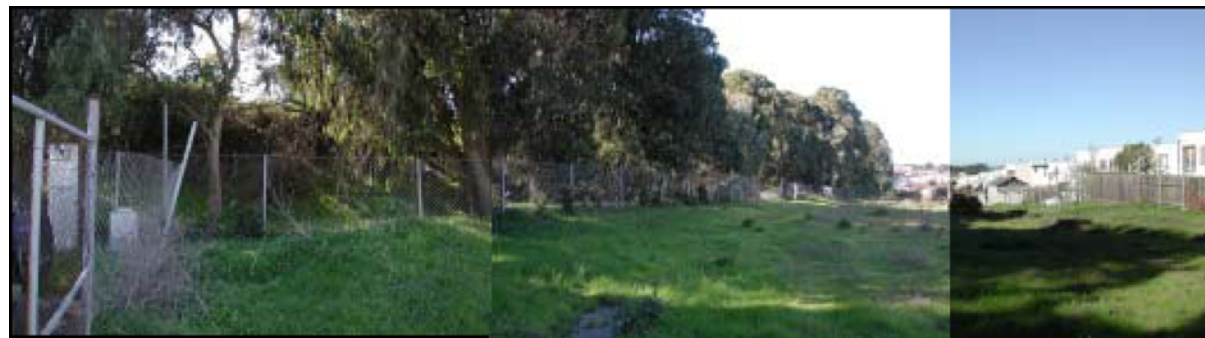




1 VIEW ALONG CAPITOL AVENUE



2 CAPITOL AVENUE EAST



3 CAPITOL AVENUE WEST (SUBJECT PROPERTY)



4 CAPITOL AVENUE WEST

5 SAGAMORE STREET



6 SAGAMORE STREET



7 SOUTH WALL OF THE PROPERTY



8 SOUTH WALL OF THE PROPERTY







OCEAN VIEW VILLAS

April 19, 2010
View 2.4

LOOKING WEST ALONG DRIVE AISLE A-018

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OCEAN VIEW VILLAS

April 19, 2010
AlemanyEntrance 4

VIEW FROM ALEMANY BOULEVARD ENTRANCE A-021

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