



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: OCTOBER 7, 2010

Date: September 30, 2010
Case No.: **2009.0335CEKV**
Project Address: **2559 VAN NESS AVENUE & 1527 FILBERT STREET**
Zoning: RC-3 (Residential-Commercial Combined, Medium Density) District
65-A Height and Bulk District
Block/Lots: 0527/001 & 002
Project Sponsor: 1501 Filbert Street, LLC
c/o Tuija Catalano
Reuben and Junius, LLP
1 Bush Street, #600
San Francisco, CA 94104
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The applicant proposes to change the use of the existing gas station to a mixed-used (residential and commercial) development. The vacant gas station will be demolished. The new construction project proposes 27, two-bedroom residential units over an approximately 2,700 square-foot ground-floor commercial space. One basement-level garage is proposed to house 27 parking spaces for the 27 residential units and 4 parking spaces for the commercial space for a total of 31 parking spaces.

Pursuant to Sections 228.3, 253, 271 and 303 of the Planning Code, Conditional Use authorization is being requested to allow a change of use from a gasoline service station to a mixed-use development; to allow a building over 40 feet in height in a residential district; and to allow an exception from the bulk limits.

VARIANCE APPLICATION

Pursuant to Sections 134, 140 and 305 of the Planning Code, an application requesting variances from the rear yard and dwelling unit exposure requirements has been filed. As Van Ness Avenue is within a State right-of-way (Caltrans, State Highway 101), bay windows and other permitted obstructions that are typically allowed to overhang into the public right-of-way are not allowed pursuant to Caltrans regulations. The proposed project has therefore been shifted approximately 4 feet off the front (Van Ness Avenue) lot line to allow architectural articulation (i.e. bay windows) at the front facade. In providing articulation of the front and rear façades with bay windows that project from the main surfaces of the front and rear building walls, a 20-foot rear yard is proposed where the Planning Code requires 27.5-foot rear yard. The dwelling unit exposure requirement states that all dwelling units must face onto a Code-

complying rear yard or a street. Nine units located at the rear of the building would face onto the proposed, reduced rear yard, thus a dwelling unit exposure variance is requested. The variance hearing for the project is to be heard by the Zoning Administrator concurrently with the Commission's hearing on the Conditional Use Authorization.

SITE DESCRIPTION AND PRESENT USE

The project is located on the southwest corner of Van Ness Avenue and Filbert Street, Lots 001 and 002 in Assessor's Block 0527. The property is located within the RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District. The property is developed with a gasoline service station including a one-story gas station building, which has been out of operation since 2008. The development lot (Lots 001 and 002 combined) is a corner site, with 100 feet of frontage on Van Ness Avenue and 110 feet of frontage on Filbert Street. For the purposes of the proposed project, Van Ness Avenue is considered the front of the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Adjacent and south of the project site is a two-story commercial building fronting Van Ness Avenue. Adjacent and to the east of the site is a three-story, four-unit building located within the RM-2 (Residential, Mixed Moderate Density) District and a 40-X Height and Bulk District. North and directly across Filbert Street is a vacant lot. (Note: the vacant lot across Filbert Street from the project site received Conditional Use Authorization -- Motion No. 16681 -- on October 23, 2003 per Case No. 2002.1203C to construct a six-story, 27-unit, mixed-use building; however, the Conditional Use authorization has since expired and no new applications for the vacant lot are active at the Department.) Northeast and diagonally across the intersection is a six-story, 31-unit apartment building. East and directly across Van Ness Avenue is a five-story, 136-room tourist hotel currently doing business as the *Marina Heritage Hotel*. The project site is located in an RC-3 District with many buildings along Van Ness Avenue containing ground floor commercial uses with residential uses above. The remainder of the block-face along Filbert Street is within the RM-2 District and consists of three- to four-story, multi-unit buildings. The Union Street Neighborhood Commercial District begins one block south of the project site just west of the intersection of Van Ness Avenue and Union Street.

ENVIRONMENTAL REVIEW

On August 5, 2010, the Department adopted the Final Mitigated Negative Declaration for the project, Case No. 2009.0335E. No appeals to the Mitigated Negative Declaration were filed. Under the California Environmental Quality Act ("CEQA"), mitigation measures were identified for the project to avoid potentially significant effects. With implementation of the mitigation measures, the project was found to not have a significant effect on the environment.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 17, 2010	September 17, 2010	20 days
Posted Notice	20 days	September 17, 2010	September 17, 2010	20 days
Mailed Notice	10 days	September 16, 2010	September 16, 2010	21 days

PUBLIC COMMENT

- A petition in support of the project has been signed by seven persons. The Golden Gate Valley Neighborhood Association has also provided a letter of support for the project. The Department is not aware of any public comment opposing the project.

ISSUES AND OTHER CONSIDERATIONS

- The proposed building length is 100 feet which complies with the 110-foot maximum building length dimension required by the "A" Bulk District. The required diagonal bulk dimension required for the project is 125 feet. The bulk exception requested is to only exceed the maximum diagonal dimension by approximately five feet at the 5th floor (130 feet) and two feet at the 6th floor (127 feet).
- On August 17, 2009, pursuant to Section 295 of the Planning Code, the Department determined the project would not have a shadow impact to properties under the jurisdiction of Recreation and Park Commission under Case No. 2009.0335K.
- A commercial tenant has not identified at this time; however, the project sponsor is contemplating locating his real estate company in the proposed ground-floor commercial space.
- The project proposes 27 market-rate, two-bedroom units ranging in size from 1,000 square feet to 2,500 square feet in area. Three of the two-bedroom units offer a "bonus" office room.
- A total of 31 basement-level parking spaces is proposed. Twenty-seven parking spaces are required by the Planning Code for the 27 residential units. Four additional (non-required) parking spaces are being proposed by the project sponsor for the ground-floor commercial use.
- The project sponsor has committed to satisfying the affordable housing requirement (Planning Code Section 415) through payment of an in-lieu fee.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow a change of use from a gasoline service station to a mixed-use development; to allow a building over 40 feet in height in a residential district; and to allow an exception from the bulk limits.

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 is an appropriate infill development on a site that has not been in use since 2008.
- The project provides 27 residential units to the City's housing stock and will contribute the City's affordable housing program by payment of an in-lieu fee.
- The project's design and uses are in keeping with the intended character of the RC-3 District and the Van Ness Avenue corridor.
- The project is well served by public transit; therefore the proposed residential and commercial uses should not impact traffic.
- The project meets all applicable requirements of the Planning Code and, on balance, the objectives and policies of the General Plan.

RECOMMENDATION: Approval with Conditions
--

Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Conditional Use Application
Final Mitigated Negative Declaration
Project Sponsor Submittal:
 Photographs
 Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____gc
Planner's Initials

GC G:\Documents\2009\CU\2559 Van Ness\2559 Van Ness - hearing materials\2009.0335 - 2559 Van Ness - ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: OCTOBER 7, 2010

Date: September 30, 2010
Case No.: **2009.0335CEKV**
Project Address: **2559 VAN NESS AVENUE & 1527 FILBERT STREET**
Zoning: RC-3 (Residential-Commercial Combined, Medium Density) District
 65-A Height and Bulk District
Block/Lots: 0527/001 & 002
Project Sponsor: 1501 Filbert Street, LLC
 c/o Tuija Catalano
 Reuben and Junius, LLP
 1 Bush Street, #600
 San Francisco, CA 94104
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 228.3, 253, 271 and 303 OF THE PLANNING CODE TO ALLOW A CHANGE OF USE FROM A GASOLINE SERVICE STATION TO A MIXED-USE DEVELOPMENT; TO ALLOW A BUILDING OVER 40 FEET IN HEIGHT IN A RESIDENTIAL DISTRICT; AND TO ALLOW AN EXCEPTION FROM THE BULK LIMITS FOR A PROJECT PROPOSING NEW CONSTRUCTION OF A SIX-STORY, 27-UNIT BUILDING WITH APPROXIMATELY 2,700 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND 31 BASEMENT-LEVEL PARKING SPACES WITHIN THE RC-3 (RESIDENTIAL-COMMERCIAL COMBINED, MEDIUM DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 26, 2009 Tuija Catalano, legal counsel for 1501 Filbert Street, LLP (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Sections 228.3, 253, 271 and 303 of the Planning Code to allow a change of use from a gasoline service station to a mixed-use development; to allow a building over 40 feet in height in a residential district; and to allow an exception from the bulk limits for a project proposing new construction of a six-story, 27-unit building with approximately 2,700 square feet of ground floor commercial and 31 basement-level parking space within the RC-3 District and a 65-A Height and Bulk District.

On August 17, 2009, pursuant to Section 295 of the Planning Code, the Department determined the project would not have a shadow impact to properties under the jurisdiction of Recreation and Park Commission under Case No. 2009.0335K.

On August 5, 2010, the Department adopted the Final Mitigated Negative Declaration for the project, Case No. 2009.0335E. Under the California Environmental Quality Act ("CEQA"), mitigation measures were identified for the project to avoid potentially significant effects. With implementation of the mitigation measures, the project was found to not have a significant effect on the environment. The Commission has reviewed and concurs with said determination.

On October 7, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0335C.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2009.0335C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southwest corner of Van Ness Avenue and Filbert Street, Lot 001 and 002 in Assessor's Block 0527. The property is located within the RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District. The property is developed with a gasoline service station including a one-story gas station building, which has been out of operation since 2008. The development lot (Lots 001 and 002 combined) is a corner site, with 100 feet of frontage on Van Ness Avenue and 110 feet of frontage on Filbert Street. For the purposes of the proposed project, Van Ness Avenue is considered the front of the property.
3. **Surrounding Properties and Neighborhood.** Adjacent and south of the project site is a two-story commercial building fronting Van Ness Avenue. Adjacent and to the east of the site is a three-story, four-unit building located within the RM-2 (Residential, Mixed Moderate Density) District and a 40-X Height and Bulk District. North and directly across Filbert Street is a vacant lot. (Note: the vacant lot across Filbert Street from the project site received Conditional Use Authorization -- Motion No. 16681 -- on October 23, 2003 per Case No. 2002.1203C to construct a six-story, 27-unit, mixed-use building; however, the Conditional Use authorization has since

expired and no new applications for the vacant lot are active at the Department.) Northeast and diagonally across the intersection is a six-story, 31-unit apartment building. East and directly across Van Ness Avenue is a five-story, 136-room tourist hotel currently doing business as the *Marina Heritage Hotel*. The project site is located in an RC-3 District with many buildings along Van Ness Avenue containing ground floor commercial uses with residential uses above. The remainder of the block-face along Filbert Street is within the RM-2 District and consists of three- to four-story, multi-unit buildings. The Union Street Neighborhood Commercial District begins one block south of the project site just west of the intersection of Van Ness Avenue and Union Street.

4. **Project Description.** The applicant proposes to change the use of the existing gas station to a mixed-used residential development. The new construction project proposes 27 residential units over an approximately 2,700 square-foot commercial space primarily fronting Van Ness Avenue. One basement-level garage is proposed to house 27 parking spaces for the 27 residential units and 4 parking spaces for commercial space for a total of 31 parking spaces.
5. **Variance Application.** Pursuant to Sections 134, 140 and 305 of the Planning Code, an application requesting variances from the rear yard and dwelling unit exposure requirements has been filed. As Van Ness Avenue is within a State right-of-way (Caltrans, State Highway 101), bay windows and other permitted obstructions that are typically allowed to overhang into the public right-of-way are not allowed pursuant to Caltrans regulations. As such, the proposed project has been shifted approximately 4 feet off the front (Van Ness Avenue) lot line to allow architectural articulation (i.e. bay windows) at the front facade. In providing articulation of the front and rear façades with bay windows that project from the main surfaces of the front and rear building walls, a 20-foot rear yard is proposed where the Planning Code requires 27.5-foot rear yard. The dwelling unit exposure requirement states that all dwelling unit must face onto a Code-complying rear yard or a street. Nine units located at the rear of the building would face onto the proposed, reduced rear yard, thus a dwelling unit exposure variance is requested. The variance hearing for the project is to be heard by the Zoning Administrator concurrently with the Commission's hearing on the Conditional Use Authorization.
6. **Public Comment.** The Department has received a petition in support of the project signed by seven persons. A letter in support of the project has also been provided by the Golden Gate Valley Neighborhood Association. The Department has not received public comment opposing the project.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Rear Yard Requirement in the RC-3 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total lot depth or 15 feet, whichever is greater.

The required rear yard for the project is 27.5 feet. To allow architectural articulation of the building's front and rear facades with bay windows, a reduced rear yard of 20 feet is proposed. As such, a rear yard variance from Section 134 has been requested for the Zoning Administrator's consideration.

- B. **Open Space Requirement in the RC-3 District.** Planning Code Section 135 states that in providing for common useable open space, approximately 80 square feet per dwelling unit shall is required.

For the 27 units proposed, 2,160 square feet of common useable open space is required. The project proposes a 3,000 square-foot common roof deck. Additionally, direct access to private open space, via balconies or private terraces, is proposed for each unit.

- C. **Parking.** Planning Code Section 151 requires off-street parking per dwelling unit and generally for commercial uses one off-street space for each 500 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The project originally proposed 38 parking spaces; however, based on the Department's review and to balance the project sponsor's program and promote the City's Transit First Policy, the number of parking spaces proposed has been reduced to 31. Twenty-seven parking spaces are proposed for the 27 dwelling units with 4 of the 27 spaces provided in 2 parking stalls with double-loaded car stackers. Although not required for the commercial space, the project sponsor is proposing to provide 4 commercial parking spaces (2 parking stalls with double-loaded car stackers).

- D. **Height.** Planning Code Section 260 establishes the method of measurement for building height. Per the Zoning Map, the subject lot is allowed to a maximum building height of 65 feet. Section 260 also identifies building features that are exempt from the height limit, including parapets up to 4 feet tall and mechanical and stair penthouses up to 10 feet tall.

As measured from the front (Van Ness Avenue) property line, the project is proposed at a height of 65 feet to the top of roof. The project proposes an approximately 4-foot tall parapet and six 10-foot tall penthouses (a combination of stair, mechanical and elevator penthouses) above the 65-foot height limit.

- E. **Bulk Limits.** Planning Code Section 270 establishes maximum building length and diagonal dimensions to regulate building bulk.

The project is located in an "A" Bulk District, which requires a maximum building length of 110 feet and a maximum building diagonal dimension of 125 feet with for portions of the building that exceed 40 feet in height. The project proposes a building length of 100 feet along Van Ness Avenue and a diagonal dimension of approximately 130 feet. As the project exceeds the maximum diagonal dimension by five feet, an exception from the bulk limits pursuant to Planning Code Section 271 is requested. Refer to Item #10 below for findings applicable to the bulk exception request.

- F. **Shadow Study.** Planning Code Section 295 requires a shadow study for structures above 40 feet in height to determine shadow impacts upon property under the jurisdiction of Recreation and Park Commission.

A shadow study was developed based on the proposed project. For the purposes of the shadow study, an 80-foot tall building was assumed at the project site to take into account structures permitted above the height limit and also the difference in grade elevations due to site conditions. On August 17, 2009, the Department issued a letter to the project sponsor stating that no shadow impact to Recreation and Park property would be created by the project.

- G. **Affordable Housing Program.** Planning Code Section 415¹ (formerly Code Section 315) sets forth the requirements and procedures for the Affordable Housing Program. On February 2, 2010, the Board of Supervisors adopted Interim Controls contained in Board of Supervisors' Resolution No. 36-10 (BOS File No.100047) entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" (the "Affordable Housing Ordinance"), the requirements of the Interim Controls apply to this Project. Under Planning Code Section 415.3 (formerly Code Section 315.3), these requirements would apply to projects that consist of five or more units, where the first application (Environmental Evaluation Application or Building Permit Application) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.7 (formerly Code Section 315.4), the Project must pay the Affordable Housing Fee ("fee"). This fee is made payable to the Treasurer for use by the Mayor's Office of Housing for the purpose of constructing the required housing at an alternate site providing .20 times the total number of units as affordable off-site units.

The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Affordable Housing Ordinance through payment of the in-lieu fee, in an amount to be established by the Mayor's Office of Housing. The project sponsor has not selected an alternative to payment of the fee. The Environmental Evaluation application was submitted on April 24, 2009.

8. **Gasoline Service Station Conversion.** Planning Code Section 228.3 establishes criteria for the Commission's consideration when Conditional Use Authorization is required for a "conversion," or change in use, from gasoline service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public. On balance, the project complies with said criteria:
- A. The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services available because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.
- i. If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

¹ On May 18, 2010 the Board of Supervisors finally passed Ordinance No. 108-10 (Board of Supervisors File No. 091275). Among other things Ordinance No. 08-10 created a new Article IV in the Planning Code and changed the numbering of most development impact and in lieu fees including the fee in the Affordable Housing Program. When Ordinance No. 108-10 becomes effective (on or about June 25, 2010, the Affordable Housing Program will become Planning Code Section 415 et seq. All references herein to Section 315 shall then mean Section 415.

The project will make a significant contribution to the City's housing supply by providing 27 residential dwelling units. The Project will also positively contribute to the City's affordable housing supply by payment of an in-lieu fee.

- ii. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project includes approximately 2,700 square feet of ground floor commercial/retail space. The retail/commercial area frontage will be provided on Van Ness Avenue as well as a portion of Filbert Street. While the project sponsor anticipates using the commercial space for his real estate company, the types of goods and services to be offered by the retail/commercial space will be determined at a later time.

- iii. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.

The project will consist of market-rate residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the project objectives. The proposed uses will replace the prior gasoline station use and related structures, which may have generated offensive emissions, noise, and/or odors. The underground storage tanks at the property were removed in July 2009. A soil assessment will be conducted, and remediation as necessary, will be provided prior to construction of the project.

- iv. The relative employment opportunities offered by the gasoline service station and the proposed new use.

No current employment opportunities are offered by the gasoline station because it has been out of operation since 2008. The project will provide employment opportunities in its ground floor commercial/retail space. Thus, the project provides employment opportunities while none are provided by the current gasoline station use.

- v. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

Taxes or other revenues received by the City from the gasoline station are currently zero, because the gasoline station is no longer in service. The City and County of San Francisco will receive substantial property tax revenue from the project's 27 residential dwelling units and ground floor commercial/retail uses.

- vi. Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.

The former gasoline station was a non-conforming use pursuant to Planning Code Sections 209.8(c) and 223(f). Residential use is a principally permitted use in the RC-3 Zoning District pursuant to Planning Code Section 209.1(k) and retail/commercial use is a principally permitted use pursuant to Planning Code Section 209.8(c).

9. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed project is in keeping with the intended character of the RC-3 District and the Van Ness Avenue corridor, where high-density housing over a commercial ground floor is encouraged. The project is necessary and desirable in that 27 dwelling units will be added to the City's housing stock in a location where larger development is encouraged. The proposed mixed-use development is characteristic of other existing mixed-use buildings located along Van Ness Avenue.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the project are compatible with the scale and width of Van Ness Avenue. The building design is a modern interpretation of more traditional buildings found along Van Ness Avenue, which have a top, middle and bottom (podium) level. The location of the commercial space which fronts Van Ness Avenue is appropriate in providing a continuous commercial frontage at the ground floor along the block-face. The location of the rear yard and the residential entry along Filbert Street transitions the building scale and residential uses to the smaller-scaled residential building along the Filbert Street block-face. Furthermore, all of the project's façades are designed to provide some architectural articulation, thus eliminating the potential effects of blank building walls as urban blight.

- 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;

The project originally proposed 38 parking spaces; however based on the Department's review, the proposed number of spaces has been reduced to 31. The width and location of the curb cut along Filbert Street is desirable, as a curb cut along Van Ness Avenue would create a greater potential for pedestrian and vehicular conflicts, as Van Ness Avenue contains pedestrian-

oriented commercial uses and is a major vehicular thoroughfare for private and public transportation (Highway 101). The number of dwelling units and size of the commercial space does not trigger the loading provisions per the Planning Code. Also, the traffic patterns typically associated with residential uses are generally considered to be intermittent. Additionally, the Negative Declaration prepared for the project does not find the projected traffic volumes and patterns to have a significant impact on the environment.

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

Noxious or offensive emissions are neither typically associated with the residential uses proposed nor with the types of commercial uses allowed as-of-right in the RC-3 District, even though a commercial tenant has not been identified.

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

Eleven street trees are proposed as required by the Planning Code. The garage entry is integrated with the main residential entry, which proposes landscaping to enhance and highlight the pedestrian entry while de-emphasizing the vehicular entrance. The roof of the garage in the area of the rear yard is proposed to be landscaped terraces for three dwelling units that open onto the level of the garage roof.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Residential District.

The proposed project is consistent with the stated purposes of the RC-3 District in that the intended use is a mixed-use development: primarily residential uses located above a ground floor commercial use.

- 10. **Bulk Exception.** Planning Code Section 271 establishes standards and criteria for the Commission to consider when an exception from the bulk limit is requested. On balance, the project does comply with said standards and criteria in that:

- A. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

- i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

The three main facades (Van Ness Avenue, Filbert Street and rear facades) feature bay window structures that vary the building wall planes in terms of depth of vertical surfaces and also by creating an architectural rhythm of bay windows at each façade. The wall surfaces are further articulated by proposed balconies that create “negative space” along the three main facades of the project. At the level of the sixth floor, the Van Ness Avenue, Filbert Street and rear facades are proposed to be set back a minimum of two feet from the main building wall, and thus creating a reduction in massing at the uppermost floor of the building in comparison with the main body of the building. The change in plane and exterior materials from the body of the building to the sixth floor further reduces the overall bulk of the building.

- ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

The four-story vertical massing of the bay structures and the setback and change of exterior materials at the sixth floor aids in altering the perceived building height and mass. The perceived building height and massing is mitigated by the architectural form of the building that proposes a top, middle and lower (podium) level, which is also archetypal of older/historic buildings along Van Ness Avenue.

- iii. Differences in materials, colors or scales of the facades that produce separate major elements;

A variety of complementary materials is effectively used to further break down the scale and massing of all facades. Two types of painted metal panels are proposed to distinguish the bay windows from the uppermost and ground floors. The middle portion (main body) of the building is proposed to be clad in stone, which reads as the main wall from which the bay windows project. The use of glazing also contributes to the variety of materials, colors and scales that help to separate the major elements of the building facades.

- iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted;

The bulk exception requested is to only exceed the maximum diagonal dimension by approximately five feet at the 5th floor and two feet at the 6th floor. The proposed building length is 100 feet which complies with the 110-foot maximum building length dimension required by the “A” Bulk District. As such, the building length is 10 feet under the maximum building dimension allowed by the Planning Code.

- v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

This criterion is not applicable as only one building structure is proposed.

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

- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

The building mass and the position of the building form (the longer dimension of the building parallel to Van Ness Avenue) are found to be harmonious with the natural land-form and building patterns in the vicinity. The proposed building silhouette is consistent with larger buildings that exist across Van Ness Avenue (Marina Heritage Hotel) and east along Filbert Street (two tall, large apartment-block style buildings) and uphill from the project site. The proposed building mass would continue the pattern of the existing urban forms created by large-scaled buildings that step down from the Russian Hill area into the Van Ness Avenue corridor. Furthermore, the location of the proposed rear yard, articulation of the rear façade, and the location of the residential entry creates a transition to the adjacent lower height limits that occur west of Van Ness Avenue and to the lower-scaled development (in height and density) that is typically associated with the nearby Marina Neighborhood.

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

The overall height of the proposed building is consistent with the character of buildings along Van Ness Avenue, which is an appropriate location for larger, stately buildings. At the same time, the proportions of the building (via a variety of exterior materials in combination with bay window and a tripartite design – top, middle and bottom) relate the project to the shorter buildings west on Filbert Street.

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

The window proportions/pattern, bay window patterns, proposed use of stone and scale and location of the residential entry relates the residential use of the project to nearby residential uses along Filbert Street and Van Ness Avenue.

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

A ground-floor commercial space is proposed along the length of the Van Ness Avenue façade to provide a continuous commercial area on the block face. A floor-to-ceiling height of approximately 14 feet and large areas of glazing at the ground floor allow the interior uses of the building to relate to the public right-of-way at the pedestrian level.

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

Only an exception to the diagonal bulk limit is requested.

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

HOUSING ELEMENT

Housing Supply

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

Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.

The project facilitates the conversion of an underutilized lot in an established neighborhood to more desirable residential and commercial/retail uses. The project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density limits of the RC-3 Zoning District.

Housing Density, Design and Quality of Life

OBJECTIVE 11. IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.

Policy 11.3. Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The project's architectural design is compatible with the existing scale and character of the neighborhood. The project includes public improvements including street trees, visible landscaped areas visible from the public right-of-way and payment of an in-lieu fee to meet the affordable housing requirement. The project is well-designed and will provide a quality living environment. The project further promotes neighborhood-serving commercial activities by providing ground floor commercial/retail space. No

affordable housing is displaced by the project as the existing use is a commercial use. The project will provide 27 two-bedroom units ranging in size from approximately 1,000 square feet to 2,500 square feet, with three of those units having a "bonus" office room.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 6. MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The project develops an underutilized lot with a desirable mix of residential and commercial/retail uses that will enhance the neighborhood. The project is consistent with the objectives of the RC-3 Zoning District by proposing a mixed-use development with ground floor retail/commercial and 27 dwelling units. The project's ground floor retail/commercial component will help the City maintain a viable neighborhood area that is accessible to City residents. The project minimizes parking problems by providing 31 parking spaces on one basement level and mitigates traffic impacts from the project site by removing curb cuts along Van Ness Avenue.

URBAN DESIGN ELEMENT

City Pattern

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 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The project will enhance this RC-3 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along its Van Ness Avenue street frontage. The project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the project site than the current unused gas station. The project will also continue the pattern of residential use over ground floor retail/commercial use that predominates along the Van Ness Avenue corridor.

Visual Harmony

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 3.3. Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Neighborhood Environment

OBJECTIVE 4. IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The project will improve the neighborhood environment by providing ground floor retail/commercial space with pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Further, curb cuts along Van Ness Avenue will be removed, increasing the personal safety and comfort of pedestrians along the sidewalk. Street trees will also be installed along both Van Ness Avenue and Filbert Street, beautifying a corner that was formerly used as a gas station.

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

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

The project could potentially enhance neighborhood-serving retail uses as a 2,700 square foot ground floor commercial space is proposed.

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

There is no existing housing at the project site.

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

The project sponsor has proposed to pay an in-lieu fee to meet the affordable housing requirement for the project.

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. Thirty-one off-street parking spaces are proposed. Traffic would not impede MUNI transit service along Van Ness Avenue (MUNI lines 47, 49 and 76) as the garage access is proposed from Filbert Street. No MUNI transit service occurs along the Filbert Street side of the project.

- 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 will displace a gasoline service station; however the current use is not located within or close to areas that are zoned for industrial or service uses. Furthermore, the project is not a commercial office development, rather the project proposes a mixed-use development consistent with the RC-3 Zoning District.

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

The project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

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

The project will have no negative impact on existing parks and open spaces. The project does not have an impact on open spaces. A shadow study was analyzed under Case No. 2009.0335K, and the project was determined to not have shadow impacts to properties under the jurisdiction of Recreation and Park Commission.

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use**

Application No. 2009.0335C subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on May 26, 2009 and stamped "EXHIBIT B", 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. _____. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 7, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 7, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Sections 228.3, 253, 271 and 303 of the Planning Code to allow change of use from a gasoline service station to mixed-use development; to allow a building over 40 feet in height in a residential district; and to allow an exception from the bulk limits for a project proposing new construction of a six-story, 27-unit building with approximately 2,700 square feet of ground floor commercial space and 31 basement-level parking spaces within the RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District, in general conformance with plans filed with the Application as received on May 26, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0335C**, reviewed and approved by the Commission on October 7, 2010.
2. Prior to the issuance of the Building Permit for the project the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's Block 0527, Lots 001 and 002), which notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 7, 2010 under Motion No. _____.
3. The Conditions of Approval under 'Exhibit A' of this Motion No. _____ shall be copied onto a full-sized sheet and made part of the plan set submitted as part of the Building Permit Application for the project.
4. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. 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 is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.
5. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code applicable to this project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1.
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 Planning Code Section 351(e)(1).
7. The project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

8. Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.
9. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

Design and Maintenance

10. Eleven, 24-inch box sized street trees shall be planted. The final location and number of street trees shall be determined by the Department of Public Works, Street Tree/Urban Forestry Division.
11. The curb cut shall be located along Filbert Street and limited to a maximum width of 12 feet including curb returns.
12. To reduce the perceived mass and bulk of the project and to better relate the building to surrounding, lower-scaled residential development, all facades at the sixth floor – with exception of the proposed corner bay at the intersection and the south side façade – shall be setback a minimum of two feet from the main façade. The finish exterior material at the sixth floor shall be visually distinct from the main façade to further aid in mitigating the mass and bulk of the project.
13. Rooftop stair, elevator and mechanical penthouses shall be of minimum size to only house the stairs, elevator and mechanical equipment. The massing of each stair penthouse shall be designed to provide the minimum headroom required for stair access to the roof.
14. Clear glazing shall be used on all facades. Mirrored, tinted or frosted/translucent glass shall not be permitted, with the exception of the southern side property line wall where obscure or frosted/translucent glass may be used.
15. An attractive ground floor commercial space shall be maintained by providing visibility of the commercial interior through clear storefront windows.
16. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
17. Signs and exterior lighting for the commercial use shall be reviewed and approved by the Planning Department before they are installed.
18. An enclosed garbage area shall be provided. All garbage containers shall be kept within the building until pick-up by the disposal company.

19. At the basement level, four (4) of the 31 parking spaces shall be designated at the completed project for the ground floor commercial use. The four commercial parking spaces shall be labeled on the basement level plan submitted as part of the Building Permit Application.
20. Fourteen (14) Class 1 bicycle spaces shall be provided at the basement level.

Affordable Housing

21. **Requirement.** Pursuant to Planning Code 415.7 (formerly Code Section 315.4), the Project Sponsor must pay an Affordable Housing fee at a rate equivalent to the applicable percentage of the number of units in the principle project to satisfy the Affordable Housing Requirement. The applicable percentage for this project is twenty percent (20%).
22. **Other Conditions.** The Project is subject to the requirements of the Affordable Housing Program under Section 415 et seq. of the Planning Code (formerly Code Section 315) including the Interim Controls contained in Board of Supervisors' Resolution No. 36-10 (BOS File No. 100047) entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" adopted on February 2, 2010 and the terms of the Residential 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 415 (formerly Code Section 315) (collectively the "Affordable 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 Affordable Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
 - a. The project sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by MOH prior to the issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
 - b. Prior to the issuance of the first site or building permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy 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.
 - c. If project applicant fails to comply with the Affordable 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 415 et seq.

(formerly Code Section 315) shall constitute cause for the City to record a lien against the development project.

- d. **Future Applicable Controls:** If the Interim Controls contained in Board of Supervisors Resolution No. 36-10 (BOS File No. 100047) entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in BOS File No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 415 et seq. (formerly Code Section 315) (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 415 et seq. (formerly Code Section 315).

23. Mitigation Measures

The following mitigation measures have been adopted by the Project Sponsor and are necessary to avoid potential significant effects of the Proposed Project (per Case No 2009.0335E).

- a. **Mitigation Measure Archeo-1 – Archeological Resources**

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.

b. Mitigation Measure M-HZ - 1 – Underground Storage Tanks

Permits from the San Francisco DPH Hazardous Materials Unified Program Agency (HMUPA), Fire Department (SFFD), and DPW shall be obtained for removal of any undiscovered or remaining underground storage tanks (USTs) (and related piping), if any exist. HMUPA, SFFD (and possibly MTA) will make inspections prior to removal and only upon approval of the inspector may the USTs and related piping be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged.

Because the project site is under the regulatory authority of the SFDPH-Environmental Health-Local Oversight Program (LOP) for the investigation and clean up of leaking underground storage tanks, all analytical data will be forwarded to the LOP. A "Notice of Completion" will not be issued for any area of the project site where soils contamination is documented. Rather, a "Remedial Action Completion Certification" (aka "certificate of closure" or "case closure") will be issued upon the site being remediated to the satisfaction of the LOP with the concurrence of the RWQCB. If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is submitted to LOP due to holes in previously undiscovered USTs or because of evident odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, then site remediation may involve additional investigation and cleanup of the soil and groundwater as directed by the LOP. In order to receive a case closure for this site from the

Local Oversight Program, all pertinent investigation and remediation must be completed to the satisfaction of the LOP that any residual petroleum hydrocarbon contamination in the soil and/or groundwater will not pose a threat to the public health and safety and the environment. In addition for future site development, the site may be required to meet residential land use Environmental Screening Levels (ESLs) for soil and groundwater (RWQCB Region 2), and may require vapor sampling to ensure that residences will not be exposed to elevated vapor levels as to be determined by the LOP. The building permit cannot be issued until the Project receives either case closure or the LOP allows conditional development of the site with ongoing investigation/remedial activities.

c. Mitigation Measure M-HZ-2 – Hazardous Materials: Testing for and Handling of Contaminated Soil

Step 1: Soil Testing. Prior to approval of a building permit for the Project, the Project Sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead and petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing for lead and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The Project Sponsor shall submit the report on the soil testing for lead and a fee of \$501 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Hazardous Waste Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of \$501 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the Project Sponsor for each additional hour of review over the first three hours, at a rate of \$167 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the Project Sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal Contaminated Soils.

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

Step 4: Preparation of Closure/Certification Report. After excavation and foundation construction activities are completed, the Project Sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

d. Mitigation Measure M-HZ-3 – Hazards (Decontamination of Vehicles)

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.

24. Improvement Measures (pursuant to 2009.0335E)

a. Improvement Measure I-TR-1 – Loading: Yellow Zone Provision

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor should seek the approval from the San Francisco Municipal Transportation Authority for

the creation of a yellow zone either on Van Ness Avenue or on Filbert Street, where curb cuts currently exist.

b. Improvement Measure I-TR-2 – Loading: Monitoring on Filbert Street

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor and/or tenants occupying the retail spaces on the ground floor, should notify vendors to use Filbert Street during pick up and deliveries.

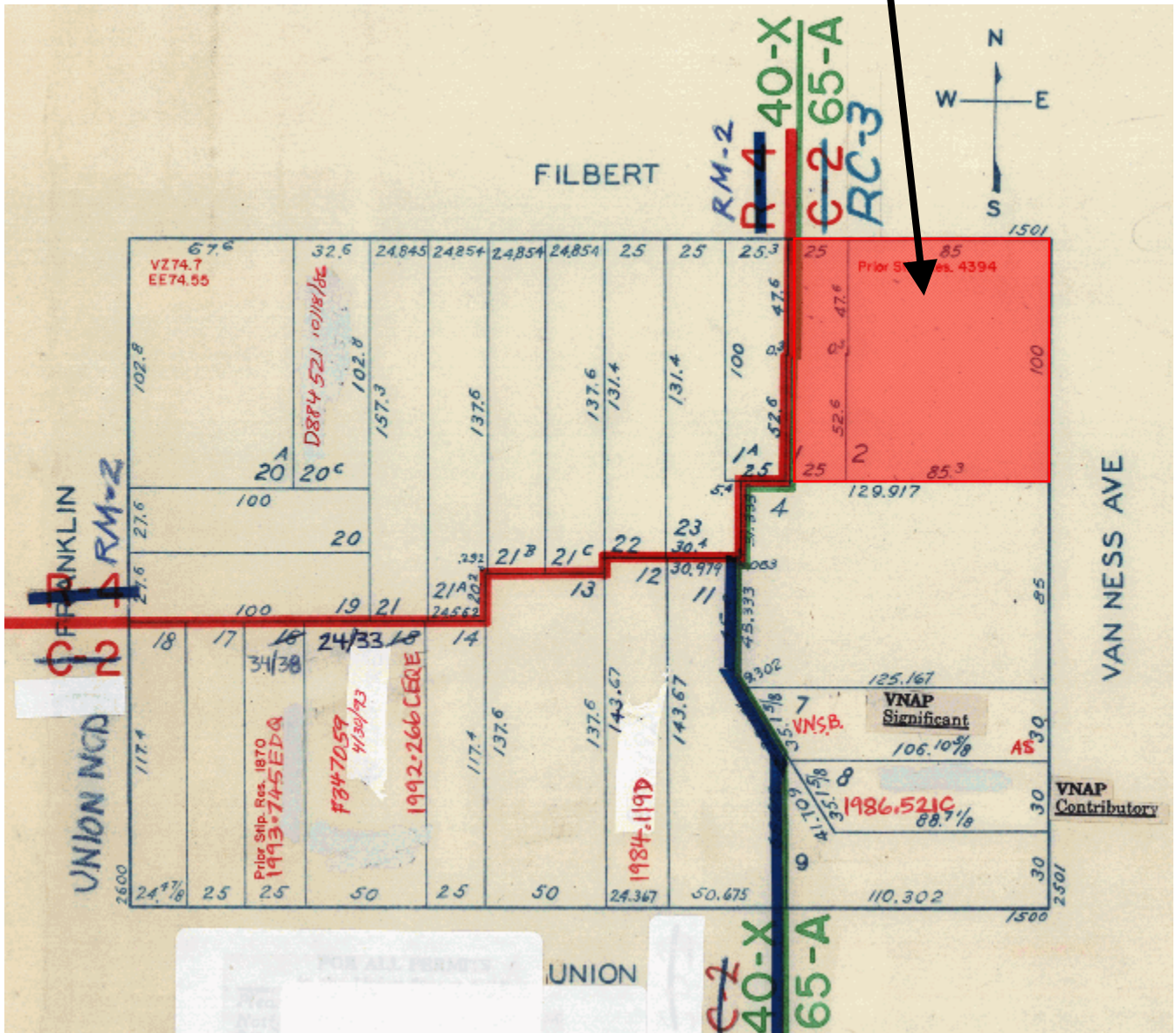
c. Improvement Measure I-TR-3 – Construction-Period Traffic Planning

The Project Sponsor would meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible improvement measures to reduce traffic congestion and pedestrian circulation impacts during construction of the Project. Also, the Project Sponsor should coordinate with Muni's Chief Inspector prior to construction to avoid significant impacts on transit during the construction period.

GC G:\Documents\2009\CU\2559 Van Ness\2559 Van Ness - hearing materials\2009.0335 - 2559 Van Ness - Draft Motion.doc

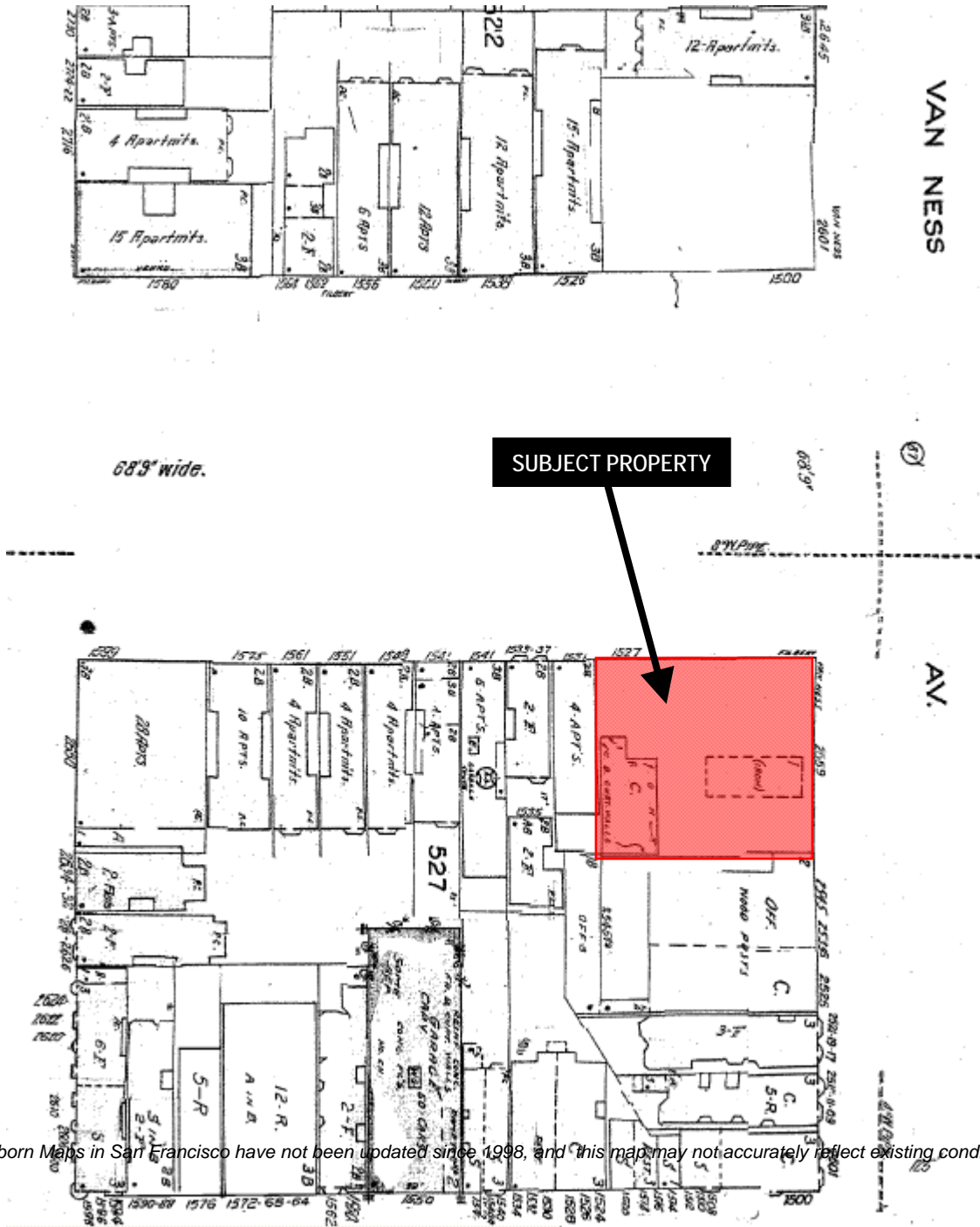
Parcel Map

SUBJECT PROPERTY



Conditional Use Hearing
 Case Number 2009.0335C
 2559 Van Ness Avenue and
 1527 Filbert Street

Sanborn Map*

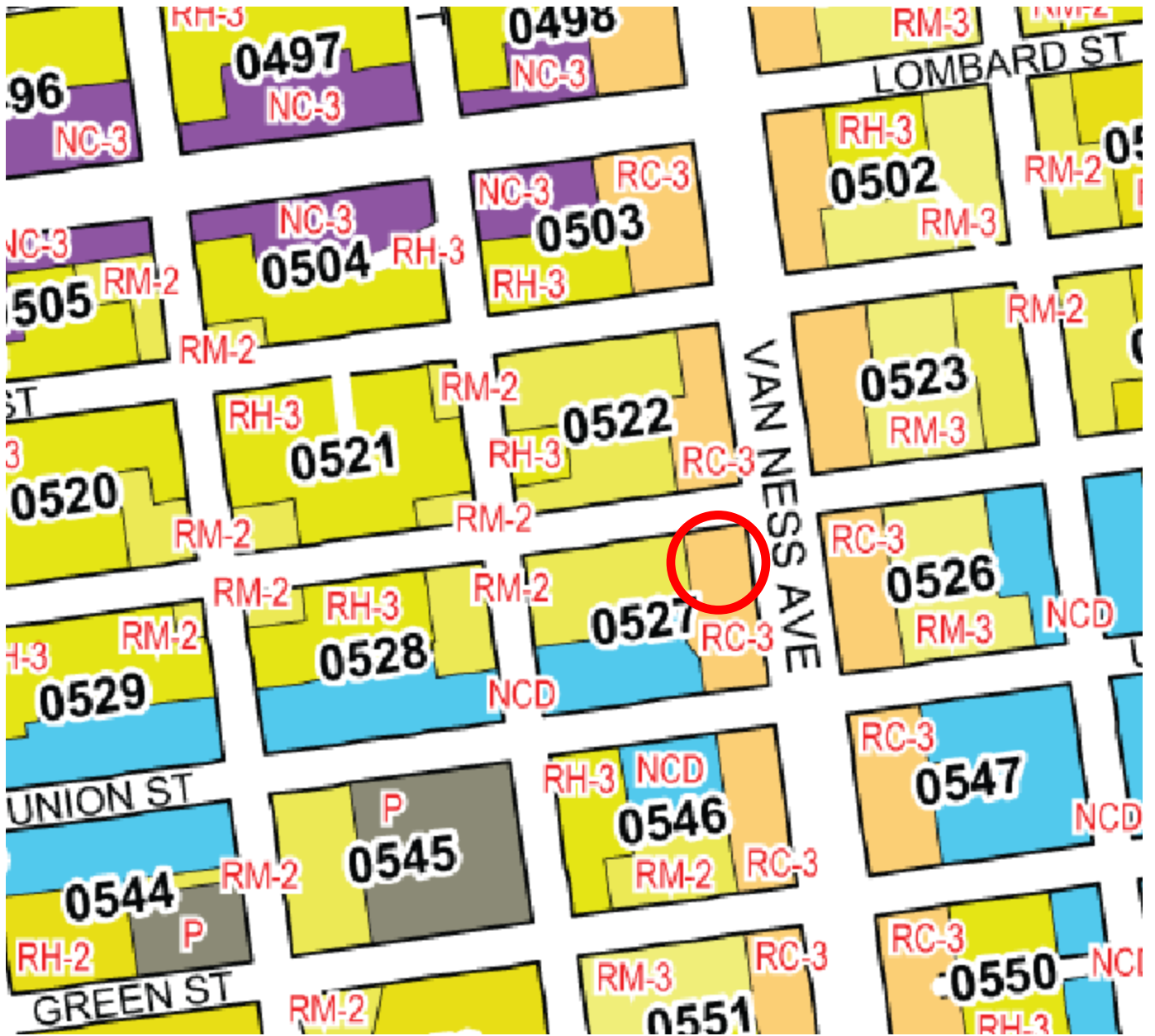


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
 Case Number 2009.0335C
 2559 Van Ness Avenue and
 1527 Filbert Street

Zoning Map



Conditional Use Hearing
Case Number 2009.0335C
2559 Van Ness Avenue and
1527 Filbert Street

Aerial Photo 1

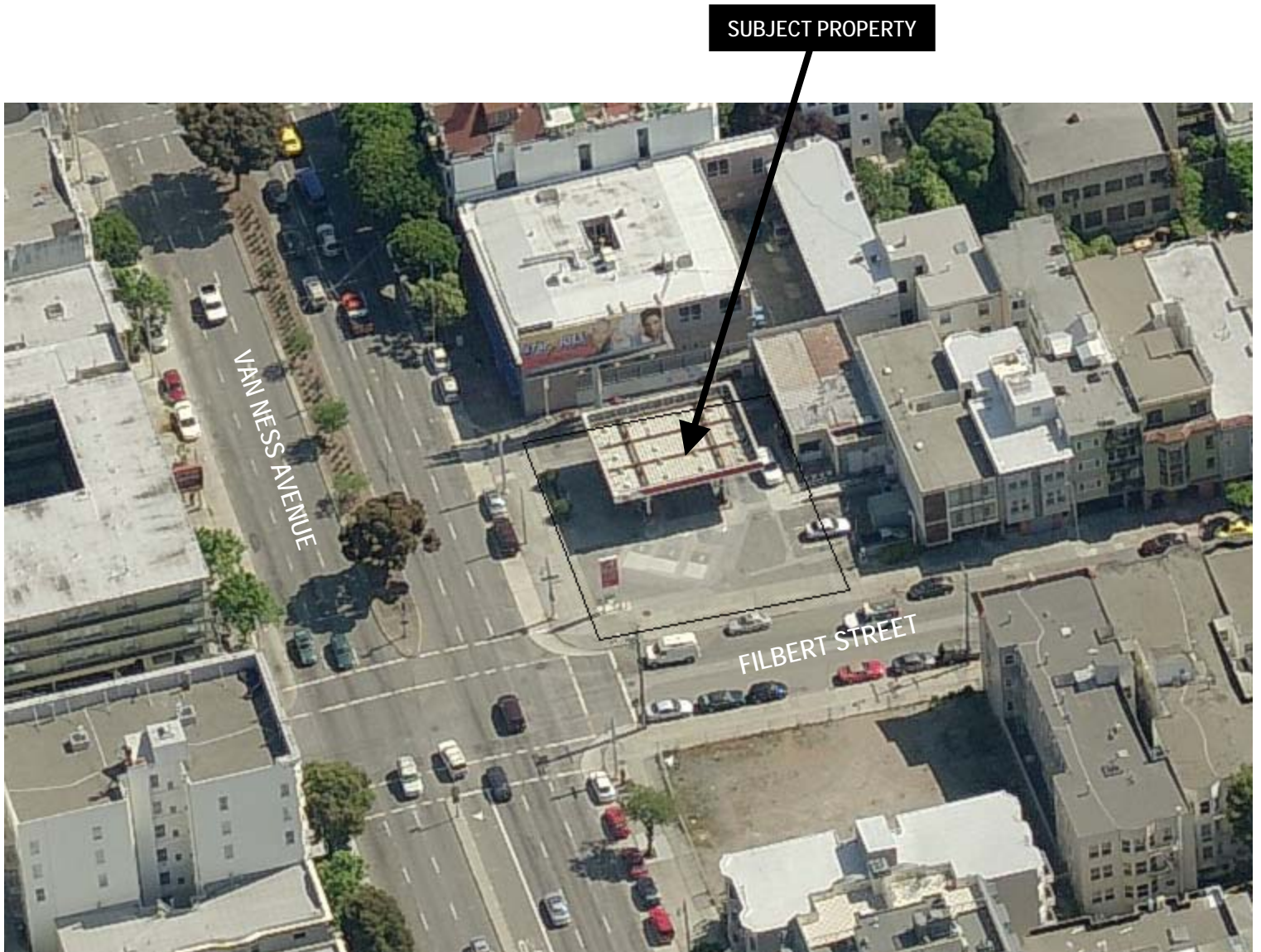


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2009.0335C
2559 Van Ness Avenue and
1527 Filbert Street

Aerial Photo 2



Conditional Use Hearing
Case Number 2009.0335C
2559 Van Ness Avenue and
1527 Filbert Street



Aerial Photo 3



SUBJECT PROPERTY



CU APPLICATION
Case No. 2009.0335C
2559 Van Ness Avenue and 1527 Filbert Street
Filing Date: May 26, 2009

A. INTRODUCTION

1501 Filbert, LLC (“Project Sponsor”) is the owner of 1527 Filbert Street and 2559 Van Ness Avenue (Block 0527, Lots 001 and 002) (“Property”), and the project sponsor for a proposal to convert the existing gasoline service station into another use consisting of 27 residential dwelling units, approximately 3,000 square feet of ground floor retail/commercial space, and 38 off-street parking spaces at the Property (“Project”).

The Project Site is located within the RC-3 (Residential-Commercial Combined: Medium Density) zoning district and the 65-A height and bulk district, at the southwest corner of the intersection at Filbert Street and Van Ness Avenue. The Project requires conditional use authorization by the Planning Commission to (a) permit construction of a residential building that exceeds 40 feet in height in an R District pursuant to Section 253, and (b) to permit conversion of a gasoline station into another use pursuant to Sections 228.2 and 228.3.

This application (“Application”) pursuant to Planning Code Section 303 is being filed concurrently with an application to the Zoning Administrator for variance under Section 305 from (a) Section 134 rear yard requirement, and (b) Section 140 dwelling unit exposure requirement. An environmental evaluation application was submitted to the Planning Department on April 23, 2009.

B. OWNER/PROJECT SPONSOR INFORMATION

Project Sponsor/ Owner: 1501 Filbert, LLC
775 Monterrey Blvd.
San Francisco, CA 94127
Tel: 415-334-0100
Attn: Tim Brown

Project Contact: Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Tel: 415-567-9000
Fax: 415-399-9480
Attn: Tuija I. Catalano

Project Architect: Naylor & Chu Architects
1515 Vallejo Street
San Francisco, CA 94109
Tel: 415-749-6500
Fax: 415-749-5266
Attn: David McAdams

C. SITE INFORMATION

Street Address: 1527 Filbert Street and 2559 Van Ness Avenue
Cross Streets: Franklin Street and Van Ness Avenue; Filbert Street and Union Street
Assessor's Block/Lot: Block 0527, Lots 001 and 002
Zoning District: RC-3 (Residential-Commercial Combined: Medium Density)
Special Use District: None
Height/Bulk District: 65-A
Site Size: 11,006 square feet
Site Dimensions: Approx. 110 feet x 100 feet
Existing Improvements: Gasoline station, including pump structures and one-story "76" station building, not currently use

D. PROJECT SUMMARY

Proposed Use:	Mixed-use building with 27 residential dwelling units, 3,000 sq.ft. of ground floor retail/commercial space, 38 parking spaces.
Building Height:	65'
Number of Stories:	6 stories over single below-grade basement level.
Square Footage:	Approx. 39,000 sq.ft. of residential; approx. 3,000 sq.ft. of retail/commercial, approx. 9,000 sq.ft. of parking, and approx. 1,000 sq.ft. of storage/mechanical space.
Open Space:	All units are provided with a private balcony satisfying open space requirement. In addition, the project includes a 3,375-sq.ft. common roof deck.
Rear Yard:	25% of lot depth is required (approx. 27'-6"); 25'-0" is provided. (The Project requires a variance from the rear yard setback requirement.)
Off-street Parking:	27 spaces are required; 38 spaces are provided (27 required + 11 accessory per 204.5(c))
Freight Loading:	None required or provided.

E. DESCRIPTION OF THE PROPOSED PROJECT

The Project is located on the southwest corner of Filbert Street and Van Ness Avenue. The site is zoned for the RC-3 (Residential-Commercial: Medium Density) Zoning District. Aerial photographs and maps are attached as **Exhibit A**. The proposed Project would construct a mixed-use building with commercial/retail uses on the ground floor and 27 residential units on floors one through six. The proposed uses would be classified as residential and retail/commercial uses. The proposed mixed-use building would contain a total of approximately 52,000 square feet of area which can be broken down in the following manner: approx. 39,000 square feet of residential area, 3,000 square feet of retail/commercial ground floor space, approx. 9,000 square feet of parking area, and approximately 1,000 square feet of other service, storage and common areas. The Project also includes 38 off-street parking spaces on one below-grade basement level.

The surrounding land uses are primarily residential with some commercial uses. In the immediate site vicinity, residential uses are primary elements of the streetscape along Filbert Street. Van Ness Avenue at Filbert Street is a mixed-use corridor, including both residential and ground floor commercial uses. Another gas station is located a block south on Van Ness Avenue. The existing gas station at the Property is no longer in service. The Project would provide much needed residential and ground floor commercial space by proposing an infill project at an underutilized property. Project plans and renderings and photographs of the site are attached as **Exhibit B**.

F. ENVIRONMENTAL REVIEW

The Project Sponsor filed an environmental evaluation application for the Project on April 23, 2009 under Planning Department Case No. 2009.0335E.

G. COMPLIANCE WITH ADDITIONAL CRITERIA PER SECTION 228.3 FOR CONVERSION OF A GASOLINE STATION

Pursuant to Planning Code Section 228.3, a conditional use authorization by the Planning Commission to permit a "conversion," or change in use from gasoline service station¹¹ use is required. Currently there is no operational gasoline service station at the Property, although some of the improvements relating to the previous use are still on the Property. The gas station ceased its operation in ----the fall of 2008.

The Planning Commission shall approve the “conversion” if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public because either:

(a) Comparable automotive goods and services are available at other reasonably accessible locations; or

(b) the benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

(c) In making determinations under Subsection (a), the Planning Commission shall consider the following factors:

(1) The types of services offered by the gasoline station sought to be converted and the hours and days during which such goods and services are available.

A “76” gas station was previously operated on the Property. Currently there are no services offered by the gasoline service station because the operation ceased in the fall of 2008.

(2) The volume of gasoline and other motor fuels sold and the number of vehicles serviced at each gasoline station during each of the 24 months preceding the filing of the conditional use authorization application.

No gasoline and other motor fuels are currently sold at the gasoline service station. The gas station ceased to operate in the fall of 2008.

(3) Whether the volume of gasoline and other motor fuels sold and the number of vehicles serviced each month has increased or decreased during the 24 month period immediately preceding the conditional use authorization.

No gasoline and other motor fuels are currently sold at the gasoline service station. The gas station ceased to operate in the fall of 2008.

(4) The accessibility of comparable automotive goods and services offered by other gasoline service stations and repair garages which serve the same geographic area and population segments (e.g., neighborhood residents, in-town our out-of-town commuters, tourists) as the service station sought to be converted.

*The accessibility of goods and services offered by other gasoline service stations and repair garages is good. There are approx. 4-7 gasoline stations within less than one mile from the Project Site, including a Chevron station one block away at the intersection of Van Ness Avenue and Union Street. A map showing the locations of the nearby gasoline stations and a chart showing the services they offer is attached as **Exhibit C**.*

(d) In making determinations under Subsection (b), the Planning Commission shall consider the following factors:

(1) If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

The Project will make a significant contribution to the City's housing supply by providing 27 residential dwelling units. The Project will also positively contribute to the City's affordable housing supply by either providing 4 affordable units onsite, 5 units off-site, or by payment of an in lieu fee.

(2) If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The Project includes approximately 3,000 square feet of ground floor commercial/retail space. The retail/commercial area frontage will be provided on Van Ness Avenue as well as Filbert Street. The types of goods and services to be offered by the retail/commercial space will be determined at a later time.

(3) The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.

The Project will consist of high quality residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the Project objectives. The proposed uses will replace the prior gasoline station use and related improvements, which may have generated offensive emissions, noise, or odors. The underground storage tanks at the Property will be removed soon, and a soil assessment will be conducted subsequently during the entitlement/construction process.

(4) The relative employment opportunities offered by the gasoline service station and the proposed new use.

No current employment opportunities are offered by the gasoline station because it is no longer in service. The Project will provide employment opportunities in its ground floor commercial/retail space. Thus, the Project provides employment opportunities while none are provided by the former gasoline station.

(5) The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The amount of taxes or other revenues received by the City from the gasoline station is currently zero, because the gasoline station is no longer in service. The City and County of San Francisco will receive substantial property tax revenue from the Project that includes 27 residential dwelling units, and ground floor commercial/retail uses. Thus, both proposed uses provide taxes and revenues to the City, while only minimal property taxes are currently provided by the existing property previously operated as a gasoline station.

(6) Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.

The former gasoline station was a non-conforming use pursuant to Planning Code Sections 209.8(c) and 223(f).

Residential use is a principally permitted use in the RC-3 Zoning District pursuant to Planning Code Section 209.1(k) and retail/commercial use is a principally permitted use pursuant to Planning Code Section 209.8(c).

As outlined above, the proposed Project satisfies all criteria in the alternative subsections (a) and (b) for conditional use authorization for “conversion” of a gasoline service station to other uses.

H. COMPLIANCE WITH SECTION 303 (CONDITIONAL USE) CRITERIA

The Project requires conditional use authorization by the Planning Commission to permit construction of a residential building that exceeds 40 feet in height in an R District. Under Section 303(c), the City Planning Commission shall approve the application and authorize a conditional use if the facts presented establish the following:

1. Desirability and Compatibility of Project

Planning Code section **303(c)(1)** requires that facts be established which demonstrate the following:

That 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 Project is desirable because it would add 27 new residential units to the City’s housing supply. The Project Site, due to its location, size and topography, is well suited for this mixed-use residential and retail/commercial infill development. The Project Sponsor has carefully designed the Project to ensure that the development plan is compatible with the scale and architecture of the surrounding area.

The Project provides the opportunity for an underutilized property in San Francisco to be developed to include housing units to meet the growing needs of the City’s residents. The Project Site benefits from a convenient location at a major transit thoroughfare on Van Ness Avenue. The surrounding area is diversely zoned for a variety of residential and neighborhood-commercial districts, and is developed with other multi-family housing projects.

Under the base RC-3 zoning (Section 209.1), this Site would allow up to one unit per 400 square feet of lot area (or, in this case, up to 27 units). The Project proposes to construct 27 units. The height designation allows for buildings up to 65 feet in height. The Project proposes a 65 foot, 6-story building over one underground parking level.

The Project is also desirable because of its 3,000-square foot retail component. The ground floor will provide needed retail services to the neighborhood. The ground floor retail uses will also create active pedestrian-friendly uses on Van Ness Avenue.

The Project is necessary, desirable and compatible with the neighborhood and the community for the following reasons:

- (a) The Project is necessary and desirable because it will create 27 new dwelling units in an in-fill project within an established residential and mixed-use neighborhood, fulfilling General Plan policies that encourage provision of new housing;
- (b) The Project will make a contribution to the City's housing supply;
- (c) The approximately 3,000 square feet of new retail/commercial space will provide services to the immediate neighborhood, and will create pedestrian oriented, active uses on Van Ness Avenue;
- (d) The Project will aesthetically enhance the neighborhood and create a continuous street wall along Van Ness Avenue and remove existing curb cuts along Van Ness Avenue; and
- (e) The design of the Project is compatible with the neighborhood character and respects the existing buildings along Van Ness Avenue.

2. Effect of Project on Health, Safety, Convenience or General Welfare

Planning Code section **303(c)(2)** requires that facts be established which demonstrate the following:

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

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.
- (b) 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.

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

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

(a) The Nature of the Project Site is appropriate for the Project

The Project Site is well suited for mixed-use multi-unit residential and retail/commercial development. The Project Site fronts Van Ness Avenue and allows vehicle ingress and egress from Filbert Street, eliminating the existing curb cuts on Van Ness Avenue. The design of the Project is compatible with the scale and context of the surrounding neighborhood, and will result in a continuous and unified street wall on Van Ness Avenue.

(b) The Project has adequate off-street parking given the accessibility of the Site and Traffic Patterns

The Project provides a total of 38 off-street parking spaces for the residential uses. One space per dwelling unit is required in the RC-3 District. In addition to the 27 required parking spaces, the Project also provides accessory parking pursuant to Section 204.5. The Project's parking spaces will be contained within one below-grade level, with ingress and egress off of Filbert Street. Some of the parking spaces will be stored on mechanical stackers. The Project also includes 7 off-street bicycle parking spaces.

(c) The Project will not Produce Noxious Emissions

The Project will consist of high quality residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the Project objectives. The proposed uses will replace the prior gasoline station use and the related improvements, which may have generated offensive emissions, noise, or odors.

(d) Appropriate Treatment has been Given to Landscaping, Open Space, Parking, Loading, Service Areas and Lighting

The Project is intended to produce an environment where residents can enjoy an attractive, safe and comfortable environment. The Project has been designed to create an exceptional residential project in every respect. Off-street parking will be provided at one below-grade level accessible from an entrance on Filbert Street.

The Project will include an abundant amount of open space. Projects in an RC-3 District must provide either 60 square feet of private open space, or, alternatively,

80 square feet of common open space, per dwelling unit. All 27 dwelling units include varying amounts of private open space in the form of balconies, which will provide the opportunity for residents to enjoy open space adjacent to their dwellings and satisfy the open space requirements. The Project also proposes a 3,375 sq.ft. roof deck of common open space, providing well over the 2,155 sq.ft. of common open space that would be required for 27 dwelling units if no private open space were provided.

Lighting along the building façade and at the street level will be consistent with the neighborhood character.

3. Compliance with the General Plan

Planning Code Section **303(c)(3)** requires that facts be established that demonstrate the following:

That 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 will comply with the Planning Code and will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including among others, the following objectives and policies:

Housing Element Objectives and Policies

The objectives and policies of the Housing Element of the General Plan encourage the provision of new housing, the affordability of housing and a quality living environment.

Housing Supply

Objective 1. Provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing created by employment demand.

Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.

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

Housing Density, Design and Quality of Life

Objective 11. In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.

Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.

Policy 11.3. Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

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

Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project facilitates the conversion of an underutilized lot in an established neighborhood to more desirable residential and commercial/retail uses. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density limits of the RC-3 Zoning District. The Project is also consistent with the City's policies of providing housing appropriate for families: twelve of the 27 units range in size from approximately 1,700 sq.ft. to 2,285 sq.ft., and 9 of those units have three bedrooms.

The Project's architectural design is compatible with the existing scale and character of the neighborhood. The Project is well designed and provides a quality living environment. The Project further promotes neighborhood-serving commercial activities by providing ground floor commercial/retail space.

Commerce and Industry Element Objectives and Policies

Objective 6. Maintain and strengthen viable neighborhood commercial areas easily accessible to City residents.

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The Project develops an underutilized lot with a desirable mix of residential and commercial/retail uses that will enhance the neighborhood. The Project is consistent with the objectives of the RC-3 Zoning District by proposing a mixed-use development with ground floor retail/commercial and 27 dwelling units. The Project's ground floor retail/commercial component will help the City maintain a viable neighborhood area that is accessible to City residents. The Project minimizes parking problems by providing 38 accessible parking spaces on one below grade level and mitigates traffic impacts from the Property by removing curb cuts along Van Ness Avenue.

Urban Design Element Objectives and Policies

The Project promotes the Urban Design Element's objectives and policies as follows:

City Pattern

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 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will enhance this RC-3 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along its Van Ness Avenue street frontage. The Project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the Project Site than the current unused gas station. The Project will also continue the pattern of residential use over ground floor retail/commercial use that predominates along the Van Ness Avenue corridor.

Visual Harmony

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 3.3. Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Neighborhood Environment

Objective 4. Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood environment by providing ground floor retail/commercial space with pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Further, curb cuts along Van Ness Avenue will be removed, increasing the personal safety and comfort of pedestrians along the sidewalk. Street trees will also be installed along both Van Ness Avenue and Filbert Street, beautifying a corner that was formerly used as a gas station.

I. MASTER PLAN PRIORITY POLICIES

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

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

The Project Site is partially improved with a gasoline station, including pump structures and one-story “76” station building, that is not currently in use. Currently, no neighborhood-serving retail uses exists on the Project Site and therefore the proposed use will not displace any such uses. The Project will provide approximately 3,000 square feet of retail/commercial space on the ground floor, and thus could provide new resident employment and ownership opportunities of such businesses.

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

The Project will have no impact on existing housing as none currently exists on the Property. The Project Site is partially improved with a gasoline station, including pump structures and one-story “76” station building, that is not currently in use. The Project Site is located within the RC-3 District which is a mixed-use area consisting of residential and commercial uses. The new dwelling units will provide opportunities for 27 families to move into the building. The Project will contribute to the neighborhood character and will preserve and enhance the cultural and economic diversity of the neighborhood by redeveloping a corner lot from a non-operational gas station to a residential building, with ground floor retail consisting of “active” uses, and removing curb cuts along Van Ness Avenue. The Project is compatible with the scale and design of the neighborhood within which the Project Site is located.

3. That the City’s Supply Of Affordable Housing Be Preserved And Enhanced

The Project will enhance the City’s affordable housing supply by either providing 4 affordable units on-site, 5 affordable units off-site or by payment of an in lieu fee.

4. That Commuter Traffic Not Impede MUNI Transit Service Or Overburden Our Streets or Neighborhood Parking

This is primarily a residential Project, and will therefore not create significant new commuter traffic that could overburden local streets or neighborhood parking. Residential projects do not create jobs, and therefore do not generate commuter traffic. To the contrary, the housing created by the Project will be in close proximity to downtown near many jobs, and is conveniently located along a transit thoroughfare on Van Ness Avenue. The Project provides sufficient parking for its occupants and complies with all Code parking requirements.

5. That A Diverse Economic Base Be Maintained By Protecting Our Industrial And Service Sectors From Displacement Due To Commercial

Office Development, and That Future Opportunities for Resident Employment and Ownership in These Sectors Be Enhanced

The Property currently consists of a gas service station that is no longer in operation and the Project proposes new construction of a 6-story residential building with ground floor retail uses, and will have no impact on office or industrial uses.

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

7. That Landmarks And Historic Buildings Be Preserved

This policy does not apply, since the Project Site is not located in a historic district or conservation district, and does not contain any landmark or historic buildings.

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

The Project will not impact parks, open space, or their access to sunlight or vistas.

VARIANCE:

The numbers and figures changed over time a bit on the rear yard and DU exposure.

G. PROPOSED ACTION

Variance - Rear Yard Requirement (Section 134). Section 134(a)(1) requires residential developments in RC-3 Districts to provide a minimum rear yard depth equal to 25% of the total depth of the lot, but in no case less than 15 feet. In this case, with a lot depth of 110 feet, a rear yard of 27.5' would be required. The Project provides a rear yard with a depth of 25', or 22.7%. Although not technically compliant, the Project substantially complies with the rear yard setback requirement, and provides a significant amount (3,375 sq.ft.) of additional common open space on the roof top.

Variance - Dwelling Unit Exposure (Section 140). Planning Code Section 140 requires that at least one room at least 120 square feet in area within a dwelling unit must face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. With a non-compliant rear yard, the Project does not have a rear yard that fully meets the requirements of the Planning Code, and thus units facing the rear yard must comply with the 5-foot incremental increase for every floor above the first required floor. Six of the units, (unit nos. 8, 9, 10, 18, 19, and 20 units), or 22% of all units, face

onto the rear yard, and require variance from Section 140 requirement. All of the units that require a variance to the dwelling unit exposure requirement will receive adequate light and air, and are provided with private open space directly accessible from the unit, and some common open space within the Project.

H. COMPLIANCE WITH VARIANCE CRITERIA (SECTION 305 FINDINGS)

Subsection 305(a) provides that the Zoning Administrator shall grant a variance to the extent such variance furthers the purpose and intent of the Code. In determining whether to grant a variance, the Zoning Administrator must examine the five criteria set forth in Subsection 305(c), which are addressed in detail below.

1. There Are Exceptional or Extraordinary Circumstances Applying to the Property Involved and to the Intended Use of the Property that Do Not Apply Generally to Other Property or Uses in the Same Class of District.

The Project is exceptional in that it involves a corner lot along Van Ness Avenue, a major thoroughfare. The Property has a 100-foot frontage along Van Ness Avenue wherein a unified street wall is desired and provision of vehicular access is discouraged. Thus the rear yard is most appropriately located on the eastern portion of the Property. The Property is also unique in that it is surrounded by other properties that are built with structures that provide minimal open areas and do not connect to a larger, uniform mid-block open space. The Property does not abut a uniform mid-block open space that is typically the area sought to be preserved with the rear yard setback requirement.

The Project provides a rear yard that is substantially compliant by providing a depth of 25', or approximately 22.7%. However, because the rear yard is not fully compliant, 6 units facing the rear yard area also require variance from the dwelling unit exposure requirement under Section 140.

2. Owing to Such Exceptional or Extraordinary Circumstances, the Literal Enforcement of Specified Provisions of the Planning Code Will Result in Practical Difficulty or Unnecessary Hardship Not Created by or Attributable to the Applicant or the Owner of the Property.

The exceptional circumstances applicable to the Project are attributable to the Property's corner lot location, as well as the adjacent close-to full coverage lots with no established mid-block open space immediately adjacent to the Property. Instead of providing an "L" shaped building typical for many corner lots, the Project provides a more standard rear yard that seeks to match to the extent possible the limited open space areas located on the adjacent properties and provide appropriate transition to the residential buildings to the west (along Filbert). Requiring compliance with the normal criteria for rear yards would result in a less practical and less enjoyable rear yard for the Project occupants, and would reduce the Project's ability to provide for functional family-sized housing. Requiring compliance with the normal dwelling unit exposure requirement for all units would similarly result in a less than ideal building design that would have immaterial impact on the units' access to light and air for those units.

3. The Variance Is Necessary For Preservation and Enjoyment of a Substantial Property Right of the Subject Property, Possessed by Other Property in the Same Class of District.

Other existing buildings in the Project vicinity that may be suitable for residential use may be able to comply with the provisions of Sections 134 and 140 to the extent they do not

involve similarly situated corner lots. Strict application of these Code requirements would reduce the opportunity to provide an exceptionally designed configuration that works best with the existing Property and the adjacent properties, and maximizes the ability to provide family-sized housing at this location. With a proposed depth of approximately 25 feet, the Project will provide a rear yard setback of approximately 2,500 square feet in area. The standard 25% rear yard requirement would produce a rear yard with an area of only approximately 250 additional square feet. The Project will provide over 5,800 square feet of private open space, and over 3,300 square feet of common open space, well in excess of the required open space amount or the rear yard setback requirement. The proposed configuration of the rear yard is the best possible configuration for the subject property. The siting and configuration of the rear yard also triggers a need for dwelling unit exposure variance for 6 units facing the rear yard.

4. The Granting of Such Variance Will Not Be Materially Detrimental to the Public Welfare or Materially Injurious to the Property or Improvements in the Vicinity.

The granting of the variance will allow the Project Sponsor to create a more usable open space and a better designed Project. The intent of the rear yard requirement is to assure the protection and continuation of established mid-block, landscaped areas, and maintenance of a scale of development appropriate to each district. The properties that abut the Property do not contain a connected interior or mid-block open space immediately adjacent to the Property. The property to the east (along Filbert) is improved with a residential building that covers the lot substantially without any windows facing the Property. The property to the south (along Van Ness) is a mixed-use building is also substantially built-out and does not provide an abutting large green open area. Therefore, due to the existing configuration of the surrounding properties, granting of an exception from the 25% rear yard requirement will have no effect on the abutting properties' interior block open space. All of the units that require an exception to the dwelling unit exposure requirement will receive adequate light and air, and are provided with adequate open space amenities.

In sum, the granting of the variances for these requirements will have no effect on the neighboring properties. Not granting the minor relief from the Section 134 and 140 requirements would mean the Project could not proceed as proposed and would be required to be altered in a way that would minimize the residential floor area and the ability to provide family-sized units.

Tuija I. Catalano, Esq.

One Bush Street, Suite 600
San Francisco, CA 94104

Tel: 415-567-9000 Fax: 415-399-9480

Email: tcatalano@reubenlaw.com

PRIVILEGE AND CONFIDENTIALITY NOTICE - The information and any attachments contained in this email may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination or copying is strictly prohibited. If you think that you may have received this email message in error, please notify the sender at the email address above. If you have received this email in error, you are instructed to delete all copies and discard any printouts without reading the information contained within.

[\[1\]](#) “Gasoline Service Station” means an establishment that sells and dispenses gasoline directly into motor vehicles. (S.F. Pl. Code Section 228.1.)

REUBEN & JUNIUS^{LLP}

September 29, 2010

VIA MESSENGER

Glenn Cabreros
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: 2559 Van Ness Avenue and 1527 Filbert Street
Planning Dept. Case No.: 2009.0335CEKV
Amendment to Conditional Use Application
Our File No.: 5051.04**

Dear Mr. Cabreros:

This office represents 1501 Filbert, LLC, the Project Sponsor for the proposed conversion of the prior gasoline service station site including new construction of a 27-unit mixed use building with ground floor commercial and below-grade parking at 2559 Van Ness Avenue and 1527 Filbert Street ("Project"). On May 26, 2009, the Project Sponsor filed an Application for a Conditional Use Authorization pursuant to Planning Code Section 228.3 to allow conversion of a gasoline service station into another use, and Section 253 to allow construction of a building exceeding 40 feet in height in a residential district. Please accept this letter as an amendment to the previously filed Conditional Use Application to include a request for an exception from the bulk requirements under Planning Code Section 271, restating the rest of the previously filed application. A description of the requested bulk exception along with required findings is detailed below. Revised plans showing the bulk dimensions have been provided to you separately.

A. SUMMARY OF RELIEF SOUGHT.

The Project will require an exception from the diagonal bulk dimension limits under Section 271. Planning Code Section 270 establishes maximum building length and diagonal dimensions that regulate building bulk. The Project is located in the 65-A height and bulk district, which limits the property into maximum length dimension of 110 feet and a maximum diagonal dimension of 125 feet for building height exceeding 40 feet in height. The Project involves construction of a 65-foot tall building, with a 100' length dimension, and a diagonal dimension that exceeds 125' above 40' height. The proposed diagonal dimension is approximately 126'6" at the sixth floor, which is at 55'4" and above height, and approximately 129'8" at the fifth floor, which is at 46' height, and at a small portion of the fourth floor which is above 40' height. Thus, the Project complies with the length dimension, but requires an exception to the diagonal dimension pursuant to Planning Code Section 271.

One Bush Street, Suite 600
San Francisco, CA 94104

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

B. COMPLIANCE WITH SECTION 271 (BULK) CRITERIA.

In considering an application for exceptions from the normally applicable bulk limits, the Planning Commission may permit the bulk limits to be exceeded to a certain degree when for one or both of the following positive reasons is applicable: (1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan, or (2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

In acting upon any application for a conditional use to permit the bulk limits to be exceeded, the Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

(1) The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

- (A) **Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;**
- (B) **Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;**
- (C) **Differences in materials, colors or scales of the facades that produce separate major elements;**
- (D) **Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and**
- (E) **In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.**

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

- (A) **A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;**
- (B) **Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;**

One Bush Street, Suite 600
San Francisco, CA 94104

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

REUBEN & JUNIUS^{LLP}

www.reubenlaw.com

- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and**
- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.**

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

RESPONSE: The Project is located in the 65-A height and bulk district wherein 100-foot maximum length and 125-foot maximum diagonal dimensions are normally applied above 40-foot height. The Project's proposes a maximum length of approximately 100 feet, and a maximum diagonal of approximately 126'6" above 55'4" height, and a maximum diagonal of approximately 129'8" above 40' height. Thus, the Project will require a conditional use authorization to allow exceptions to the normally applicable bulk dimensions by exceeding the maximum diagonal by 2 feet 6 inches at the sixth floor height, and by 4 feet 8 inches at the fifth floor height.

Other buildings along Van Ness Avenue consist of a variety of building shapes, sizes and styles. The Project is consistent with the neighborhood in terms of scale and design. The proposed building height, which is also the zoned height, is appropriate for the Property's corner lot location. The building design incorporates many features that break down the scale of the building. The design features include a glass corner bay feature at the intersection of Van Ness and Filbert, and bay window features (along three of the building's four façades) that project out from the building wall and balconies that are set back from the façade, providing greater depth and variation on the building's vertical walls.

The top (sixth) floor at the primary Van Ness and Filbert façades is set back with the exception of the glass corner bay feature. The mass of the building is reduced in appearance by these setbacks in addition to changes in material at the top level. The entire building is also held off the property line along Van Ness to allow for projecting balconies and bays which create a desirable modulation of the front façade and further breaking down the mass of the building.

At the pedestrian level, the entire Van Ness façade and a portion of the Filbert façade is proposed for ground floor commercial space with a 14-foot floor-to-ceiling height providing pedestrian interest. The building accentuates the pedestrian environment through the planting of street trees and encourages pedestrian activity by providing retail at the ground level. The building's residential entrance is located along Filbert Street to preserve the residential character of that street and the development respects the scale of the adjacent neighborhood by creating a

One Bush Street, Suite 600
San Francisco, CA 94104

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

REUBEN&JUNIUS_{LLP}

www.reubenlaw.com

20' side yard from its neighbor along Filbert. The light and warm color palette of the surrounding buildings is the basis for the similar colors and textures chosen for the Project.

Overall, the requested bulk exemption is minimal, and provides for an opportunity to provide for a more interesting building design. We have worked closely with you and other Department staff in arriving at the proposed design, and understand that staff is supportive of the proposed building design with the bulk exceedance instead of some of the other prior reiterations of the design which did not require a bulk exception.

Please contact us if you have any questions or concerns about this amendment to the Project's Application for Conditional Use Authorization or if you need additional information.

Very truly yours,

REUBEN & JUNIUS, LLP



Tuija I. Catalano

One Bush Street, Suite 600
San Francisco, CA 94104

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

REUBEN & JUNIUS^{LLP}

www.reubenlaw.com



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

Date: July 15, 2010
Case No.: 2009.0335E
Project Titles: 1527 Filbert Street and 2559 Van Ness Avenue
BPA Nos.: NA
Zoning: RC-3 (Residential-Commercial Medium Density District)
65-A Height and Bulk District
Block/Lot: 0527, Lots 001 and 002
Lot Size: 11,006 square feet
Project Sponsor: 1501 Filbert, LLC.
Lead Agency: San Francisco Planning Department
Staff Contact: Monica Pereira - (415) 575-9107
Monica.Pereira@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

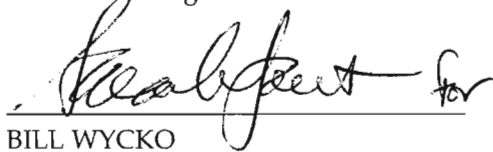
PROJECT DESCRIPTION:

The project site is located on the southwest corner of Van Ness Avenue and Filbert Street in the Marina District. The site was most recently used as a gasoline service station. Currently there is only a general advertising 14'x48' sign structure, on an approximately 25' pole, at the site. Prior to July 2009, the site contained a 14'x48' sign structure, a one-story service station building, a customer fueling area canopy structure, fueling pump structures, and three underground storage tanks (USTs). In July 2009, as part of the USTs' removal, the building and all structures associated with the gas station operation were demolished. The project sponsor, 1501 Filbert, LLC., proposes to remove the general advertising sign and construct a single six-story, 65-foot-tall building with one basement level. This building would have twenty-seven (27) 2 to 3-bedroom residential units on the Filbert Street façade on floors one through six; retail space on the ground-floor on the Van Ness Avenue façade; and an off-street parking garage in the basement. The below-grade parking garage would contain 38 off-street vehicle parking spaces (some of which would be created by mechanical stackers), 13 bicycle parking spaces, and mechanical areas for building operations. The residential use, the retail space, and the below-grade parking garage would occupy approximately 40,000 square feet (sf), 3,000 sf, and 9,200 sf of area, respectively. The Project would provide an approximately 3,000 sf common roof deck for residential use and 5,400 sf of private open space in the form of balconies, patios or roof decks. The site is zoned RC-3 (Residential-Commercial Medium Density District) and is in a 65-A Height and Bulk District. The Proposed Project would require conditional use authorization for the conversion of a gasoline service station to another use (per Planning Code Sections 228.2 and 228.3) and for the construction of a structure over 40 ft tall (per Planning Code Section 253) with an exception to the bulk limits (per Planning Code Section 271). The Proposed Project would also require variances for constructing a building that does meet rear yard (per Planning Code Section 134) and dwelling unit exposure (per Planning Code 140) requirements in the RC-3 district.

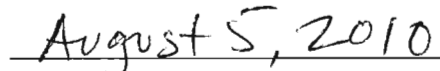
FINDING:

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 pages 97 through 100.

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



BILL WYCKO
Environmental Review Officer



Date of Adoption of Final Mitigated
Negative Declaration

cc: Adam Varat, Neighborhood Planner



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

Date: July 15, 2010
Case No.: 2009.0335E
Project Titles: 1527 Filbert Street and 2559 Van Ness Avenue
BPA Nos.: NA
Zoning: RC-3 (Residential-Commercial Medium Density District)
65-A Height and Bulk District
Block/Lot: 0527, Lots 001 and 002
Lot Size: 11,006 square feet
Project Sponsor: 1501 Filbert, LLC.
Lead Agency: San Francisco Planning Department
Staff Contact: Monica Pereira - (415) 575-9107
Monica.Pereira@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

To Whom It May Concern:

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a Preliminary Mitigated Negative Declaration, containing information about the possible environmental effects of the proposed project. The Preliminary Mitigated Negative Declaration documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a Mitigated Negative Declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

Project Description: The project site is located on the southwest corner of Van Ness Avenue and Filbert Street in the Marina District. The site was most recently used as a gasoline service station. Currently there is only a general advertising 14'x48' sign structure, on an approximately 25' pole, at the site. Prior to July 2009, the site contained a 14'X48' sign structure, a one-story service station building, a customer fueling area canopy structure, fueling pump structures, and three underground storage tanks (USTs). In July 2009, as part of the USTs' removal, the building and all structures associated with the gas station operation were demolished. The project sponsor, 1501 Filbert, LLC., proposes to remove the general advertising sign and construct a single six-story, 65-foot-tall building with one basement level. This building would have twenty-seven (27) 2 to 3-bedroom residential units on the Filbert Street façade on floors one through six; retail space on the ground-floor on the Van Ness Avenue façade; and an off-street parking garage in the basement. The below-grade parking garage would contain 38 off-street vehicle parking spaces (some of which would be created by mechanical stackers), 13 bicycle parking spaces, and mechanical areas for building operations. The residential use, the retail space, and the below-grade parking garage would occupy approximately 40,000 square feet (sf), 3,000 sf, and 9,200 sf of area, respectively. The Project would provide an approximately 3,000 sf common roof deck for residential use and 5,400 sf of private open space in the form of balconies, patios or roof decks. The site is zoned RC-3 (Residential-Commercial Medium Density District) and is in a 65-A Height and Bulk District. The Proposed Project would require conditional use authorization for the conversion of a gasoline service station to another use (per Planning Code Sections 228.2 and 228.3) and for the construction of a

structure over 40 ft tall (per Planning Code Section 253) with an exception to the bulk limits (per Planning Code Section 271). The Proposed Project would also require variances for constructing a building that does not meet rear yard (per Planning Code Section 134) and dwelling unit exposure (per Planning Code 140) requirements in the RC-3 district.

If you would like a copy of the Preliminary Mitigated Negative Declaration or have question concerning environmental review of the proposed project, contact the Planning Department staff contact listed above. Within 20 calendar days following publication of the Preliminary Mitigated Negative Declaration (i.e., by close of business on **August 4, 2010** any person may:

- 1) Review the Preliminary Mitigated Negative Declaration as an informational item and take no action.
- 2) Make recommendations for amending the text of the document. The text of the Preliminary Mitigated Negative Declaration may be amended to clarify or correct statements and/or expanded to include additional relevant issues or cover issues in greater depth. One may recommend amending the text without the appeal described below. -OR-
- 3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a check for \$500 payable to the San Francisco Planning Department.¹ An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Bill Wycko, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **The letter must be accompanied by a check in the amount of \$500.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on August 4, 2010** The appeal letter and check may also be presented in person at the Planning Information Counter on the first floor at 1660 Mission Street, San Francisco.

In the absence of an appeal, the Mitigated Negative Declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the Preliminary Mitigated Negative Declaration.

¹ Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Mitigated Negative Declaration

Date: July 15, 2010
Case No.: 2009.0335E
Project Titles: 1527 Filbert Street and 2559 Van Ness Avenue
BPA Nos.: NA
Zoning: RC-3 (Residential-Commercial Medium Density District)
65-A Height and Bulk District
Block/Lot: 0527, Lots 001 and 002
Lot Size: 11,006 square feet
Project Sponsor: 1501 Filbert, LLC.
Lead Agency: San Francisco Planning Department
Staff Contact: Monica Pereira - (415) 575-9107
Monica.Pereira@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site is located on the southwest corner of Van Ness Avenue and Filbert Street in the Marina District. The site was most recently used as a gasoline service station. Currently there is only a general advertising 14'x48' sign structure, on an approximately 25' pole, at the site. Prior to July 2009, the site contained a 14'X48' sign structure, a one-story service station building, a customer fueling area canopy structure, fueling pump structures, and three underground storage tanks (USTs). In July 2009, as part of the USTs' removal, the building and all structures associated with the gas station operation were demolished. The project sponsor, 1501 Filbert, LLC., proposes to remove the general advertising sign and construct a single six-story, 65-foot-tall building with one basement level. This building would have twenty-seven (27) 2 to 3-bedroom residential units on the Filbert Street façade on floors one through six; retail space on the ground-floor on the Van Ness Avenue façade; and an off-street parking garage in the basement. The below-grade parking garage would contain 38 off-street vehicle parking spaces (some of which would be created by mechanical stackers), 13 bicycle parking spaces, and mechanical areas for building operations. The residential use, the retail space, and the below-grade parking garage would occupy approximately 40,000 square feet (sf), 3,000 sf, and 9,200 sf of area, respectively. The Project would provide an approximately 3,000 sf common roof deck for residential use and 5,400 sf of private open space in the form of balconies, patios or roof decks. The site is zoned RC-3 (Residential-Commercial Medium Density District) and is in a 65-A Height and Bulk District. The Proposed Project would require conditional use authorization for the conversion of a gasoline service station to another use (per Planning Code Sections 228.2 and 228.3) and for the construction of a structure over 40 ft tall (per Planning Code Section 253) with an exception to the bulk limits (per Planning Code Section 271). The Proposed Project would also require variances for constructing a building that does meet rear yard (per Planning Code Section 134) and dwelling unit exposure (per Planning Code 140) requirements in the RC-3 district.

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 pp. 97-100.

Notification of Environmental Review
07/15/2010

CASE NO. 2009.0335E
1527 Filbert & 2559 Van Ness Avenue, San Francisco, CA

cc: Distribution List
Master Decision File
Sue Hestor

INITIAL STUDY
1527 FILBERT STREET/2559 VAN NESS AVENUE PROJECT
PLANNING DEPARTMENT CASE NO. 2009.0335E

Table of Contents

A.	PROJECT DESCRIPTION	3
B.	PROJECT SETTING	4
	REQUIRED APPROVALS	
C.	COMPATIBILITY WITH EXISTING ZONING AND PLANS	23
D.	SUMMARY OF ENVIRONMENTAL EFFECTS	25
E.	EVALUATION OF ENVIRONMENTAL EFFECTS	26
	E-1. LAND USE AND LAND USE PLANNING	26
	E-2. AESTHETICS	28
	E-3. POPULATION AND HOUSING	34
	E-4. CULTURAL AND PALEONTOLOGICAL RESOURCES	36
	E-5. TRANSPORTATION AND CIRCULATION.....	39
	E-6. NOISE	47
	E-7. AIR QUALITY	52
	E- 8. GREENHOUSE GAS EMISSIONS	57
	E- 9. WIND AND SHADOW	68
	E- 10. RECREATION	69
	E-11. UTILITIES AND SERVICE SYSTEMS	71
	E-12. PUBLIC SERVICES.....	74
	E-13. BIOLOGICAL RESOURCES	75
	E-14. GEOLOGY AND SOILS	77
	E-15. HYDROLOGY AND WATER QUALITY	79
	E-16. HAZARDS AND HAZARDOUS MATERIALS.....	83
	E-17. MINERAL AND ENERGY RESOURCES.....	93
	E-18. AGRICULTURE RESOURCES	94
F.	MITIGATION MEASURES AND IMPROVEMENT MEASURES	97
G.	PUBLIC NOTICE AND COMMENT.....	101
H.	DETERMINATION	102
I.	INITIAL STUDY PREPARES	102

TABLES

TABLE 1 - PROPOSED LAND USES.....	3
TABLE 2 - TRIP GENERATION PERSON TRIPS.....	41
TABLE 3 - GHG REDUCTIONS	63

FIGURES

FIGURE 1 PROJECT LOCATION	8
FIGURE 2 PROJECT AREA SITE	9
FIGURE 3 SITE PLAN	10
FIGURE 4 GARAGE FLOOR PLAN	11
FIGURE 5 FIRST FLOOR PLAN	12
FIGURE 6 MEZZANINE FLOOR PLAN	13

FIGURE 7 SECOND FLOOR PLAN14
FIGURE 8 THIRD FLOOR PLAN15
FIGURE 9 FOURTH FLOOR PLAN16
FIGURE 10 FIFTH FLOOR PLAN17
FIGURE 11 SIXTH FLOOR PLAN18
FIGURE 12 ROOF PLAN19
FIGURE 13 TYPICAL SECTION 1.....20
FIGURE 14 TYPICAL SECTION 2.....21
FIGURE 15 TYPICAL SECTION 3.....22

INITIAL STUDY
1527 FILBERT STREET/2259 VAN NESS AVENUE PROJECT
PLANNING DEPARTMENT CASE NO. 2009.0335E

A. PROJECT DESCRIPTION

PROJECT LOCATION AND SITE CHARACTERISTICS

The Proposed Project is located at the southwest corner of Filbert Street and Van Ness Avenue on 1527 Filbert Street, Lot 001 of Assessor's Block 0527, and 2559 Van Ness Avenue, Lot 002 of Assessor's Block 0527. The approximately 11,006-square foot project site has about 100 feet (ft) of street frontage on the west side of Van Ness Avenue and about 110 ft of street frontage on the south side of Filbert Street, and is on a block bounded by Filbert Street to the north, Franklin Street to the west, Union Street to the south, and Van Ness Avenue to the east in San Francisco's Marina District (see Figure 1, Project Location Map, p. 6). The site was most recently used as a gasoline service station. Currently there is only a general advertising 14'x48' sign structure, on an approximately 25' pole on an otherwise vacant lot that is enclosed by a cyclone fence. Prior to July 2009, the site contained a sign structure, a one-story service station building, a customer fueling area canopy structure, fueling pump structures, and three USTs. In July 2009, as part of the UST removal, the building and all structures associated with the prior gasoline station operation were demolished.

PROPOSED PROJECT

The Proposed Project involves the removal of a sign structure and cyclone fence. The Project would also entail the construction of a six-story, 65-foot-tall, approximately 54,000-gsf, mixed-use residential building. The proposed building would contain 3,000 sf of retail space on its ground floor and about 40,000 square feet (sf) of residential use for 27 dwelling units, 12 three-bedroom units and 15 two-bedroom units, on floors one through six, and would include approximately 3,000 sf of common open space, 5,400 sf of private open space, in the form of balconies, and 9,200 sf of parking space for 38 vehicles (some of which would be stored by mechanical stackers) and 13 Class I bicycle parking¹ spaces in an enclosed basement-level garage (Table 1, p. 3).

¹ Per *Planning Code* Section 155.5: Bicycle Parking Required for Residential Uses, Class I bicycle parking spaces are facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking and (5) personal storage.

Table 1. Proposed Land Uses	
USE	TOTAL (in square feet)
Parking Area	9,200 square feet
Residential Units (27 2- to-3- Bedroom)	40,000 square feet (floors 1-6)
Retail Space	3,000 square feet (ground floor only)
Mechanical/Storage Area	1,700 square feet (basement and roof top levels)
Common Open Space	3,000 square feet (roof deck)
Private Open Space	5,400 square feet in total
Total Building Square Footage	54,000 square feet
PARKING AND BICYCLE SPACES (minimum)	
Parking Spaces	38
Bicycle Parking Spaces	13

The proposed building's residential lobby and vehicular garage entrance would be accessible from Filbert Street. The ground floor retail area would be accessed from Van Ness Avenue. The basement parking garage would contain 38 parking spaces, some of which would be stored on parking stackers. At least one parking space would be accessible to individuals with a disability, per the Americans with Disabilities Act (ADA) of 1990. The basement parking garage would contain 13 Class I bicycle parking spaces.

Residential uses would be located on floors one- through- six and accessible by an elevator and staircase. Retail uses would be located on the ground-floor. The dwelling unit size would range from approximately 1,000 gross square feet (gsf) to 2,500 gsf. The proposed building would include private balconies or patios for all dwelling units. Common open space would be provided in the form of a 3,000-sf rooftop deck. The Site Plan (Figure 3, p. 10), Garage Floor Plan (Figure 4, p.11), First Floor Plan (Figures 5 and 6, pp. 12-13), Second through Sixth Floor Plan (Figures 7 - 11, pp. 14-18), Roof Plan (Figure 12, p. 19), and Typical Building Sections (Figures 13 - 15 ,pp. 20-22), illustrate the Proposed Project's site plan, ground-floor and typical upper-floor plans, elevations and sections, respectively.

The proposed building would be supported on a mat foundation which would require 17 feet of excavation throughout the project site. The total volume of excavated material would be approximately 6,900 cubic yards. Project construction is anticipated to begin in Spring 2011 and is estimated to take 12- to 18 months, with building occupancy anticipated for late 2012 or early 2013.

B. PROJECT SETTING

The project site is comprised of two adjacent relatively level² corner lots in the Marina District of San Francisco, at the southwest corner of Filbert Street and Van Ness Avenue. The Marina District is a low-to-moderate-density urban neighborhood located in the northwestern quadrant of San Francisco, roughly bounded by the San Francisco Bay to the north, Van Ness Avenue to the east, Green Street to the south and Lyon Street to the west. The site has two street frontages; one on Filbert Street and one on Van Ness Avenue, which is a major thoroughfare in San Francisco.

The project site is located in a Residential-Commercial Combined, Medium Density (RC-3) Zoning District with several zoning districts in its vicinity. Properties in the Van Ness corridor, from Broadway to Chestnut Street, are zoned RC-3. Properties on Filbert Street, between Webster and Hyde Streets, are zoned in one of the following four zoning categories:

- Mixed-Apartments and Houses, Low Density (RM-1) Zoning.
- Mixed-Apartments and Houses, Moderate Density (RM-2) Zoning.
- House-Two family (RH-2) Zoning.
- House-Three family (RH-3) Zoning.

Other properties one block east of the site (on Polk Street) are zoned for the Polk Neighborhood Commercial Zoning District (Polk NCD), and properties to the southwest of the site, on Union Street between Van Ness and Gough, include RC-3, RM-2, RH-3 Zonings, and Union NCD Zoning District.

The project site is in a 65-A Height and Bulk District, which extends for two and one-half blocks north and one and one-half blocks east of the project site parallel to Van Ness Avenue. The 65-A height and bulk district permits building heights up to 65 feet, and allows a maximum length of 110 feet and a maximum diagonal dimension of 125 feet above 40-foot height.

Immediately south of the site, on the west side of Van Ness Avenue between Filbert and Union Streets, there are a two-story commercial/office building (2525, 2529, and 2545 Van Ness Avenue), a four story building with commercial uses on the lower floors and residential uses above (2509, 2511, 2517, 2519, and 2521 Van Ness Avenue), a three-story building with a bar on the first floor and residential uses above (2513 Van Ness Avenue), and a three-story building with a grocery store on the first floor and residential uses above (2501 Van Ness Avenue). Please refer to Figure 2, p.9.

Immediately north of the project site, on Van Ness Avenue between Filbert Street and Greenwich Street, is a vacant lot. North of this lot there are multi-family residential buildings of three to seven stories. At the southwest corner of Van Ness Avenue and Greenwich Street is a six-story

² Relative elevation ranges from 0.0 feet at the northeast to about 3 feet at the northwest corner of the site respectively. Rollo and Ridley, Geotechnical Investigation 1527 Filbert Street & 2559 Van Ness Avenue, San Francisco, California, Project No. 1040.1, February 25, 2009. This report is available for review in the Planning Department's office.

multi-family residential building (The Greenwich, 1501 Greenwich Street). At the northwest corner of Van Ness Avenue and Greenwich Street is a seven-story multi-family residential building, the Chateau Apartments, (2701 Van Ness Avenue). Please refer to Figure 2, p.9.

On the east side of Van Ness Avenue, between Filbert and Union Streets, are a seven-story hotel (2550 Van Ness Avenue), three four-story apartment buildings (2526, 2510, and 2500 Van Ness Avenue). East of the Van Ness Avenue corridor, Filbert Street contains four- to seven-story multi-family residential buildings (on the south side of Filbert Street, 1455 Filbert Street and 2459 Polk Street; on the north side of Filbert Street, 2600 Van Ness Avenue and 1472, 1440-1450, 1438, 1424, and 1400 Filbert Street). Filbert Street, west of Van Ness Avenue, contains three to four story multi-family residential buildings (1526, 1549, and 1558 Filbert Street) along with a vacant lot located at the northwest corner of Van Ness Avenue and Filbert Street (1518 Filbert Street). Please refer to Figure 2, p.9.

Immediately south of the project site, on Van Ness Avenue, between Filbert and Union Streets, there are three to seven story buildings occupied by residential, retail, commercial, and gasoline service station uses. Union Street, east of Van Ness Avenue, is occupied by multi-family residential buildings, ranging from three to seven stories. West of Van Ness Avenue, Union Street is occupied by one to two story buildings with residential, commercial, retail, gasoline service station, and auto service uses. One block east of the project site, Polk Street is lined with two- to six-story buildings occupied by office, retail, and residential uses. Fort Mason is approximately five blocks north of the project site, San Francisco Bay is eight blocks north, and the Presidio is fourteen blocks west.

Required Approvals

The Project would require the following approvals by the Planning Commission, the Zoning Administrator, the San Francisco Department of Building Inspection and the San Francisco Department of Health:

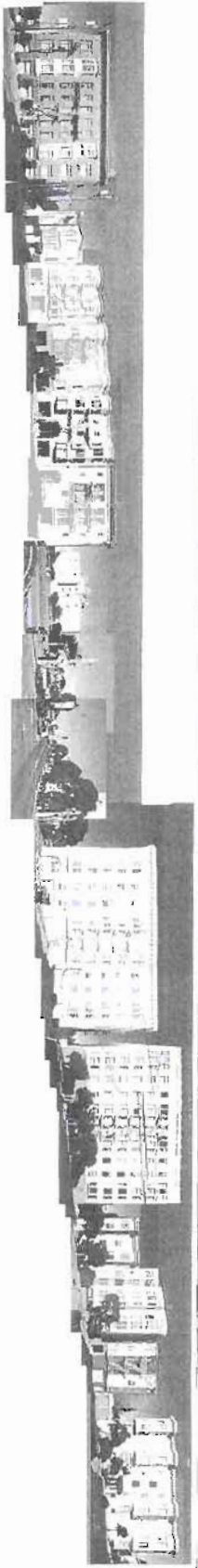
1. **Planning Commission:** Conditional use authorizations for the conversion of a gasoline service station to another use (per *Planning Code* Sections 228.2 and 228.3) and for the construction of a structure over 40 ft tall in an R district (per *Planning Code* Section 253), with an exception to the bulk limits (under *Planning Code* Section 271).
2. **Zoning Administrator:** A variance pursuant to *Planning Code* 140 for dwelling unit exposure and pursuant to *Planning Code* Section 134(a)(1) for rear yard setback.³

³ Section 140, requires dwelling units of residential developments with a non-compliant rear yard setback to face directly on an open area that is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Nine out of the total 27 units do not meet this requirement. Section 134,

3. **The San Francisco Department of Building Inspection (DBI):** Building permits for construction of one new building.
4. **The San Francisco Department of Public Health (DPH):** The project site is listed as "active" on San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) Leaking Underground Storage Tank (LUST) site register. Thus, prior to start the construction work DPH shall approve a Work Plan for a Phase II environmental site assessment for the Project.

INTENTIONALLY LEFT BLANK SPACE

requires residential developments in the RC-3 district to provide a minimum rear depth equal to 25 percent of the total depth of the lot, but in no case less than 15 feet. The Proposed Project provides a rear yard setback of approximately 20 feet instead of the required 27.5 feet.



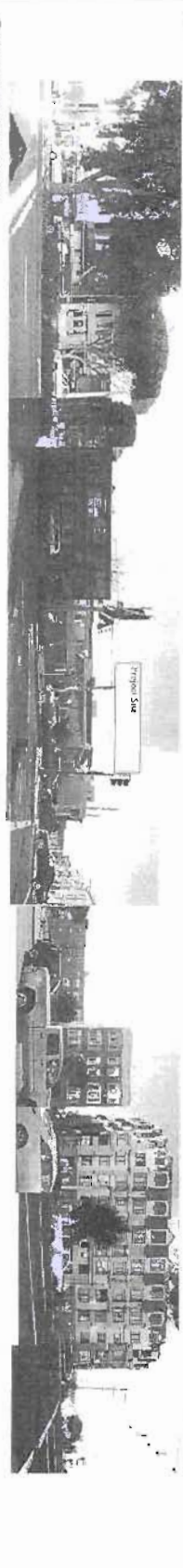
1 VIEW FACING NORTH ON FILBERT



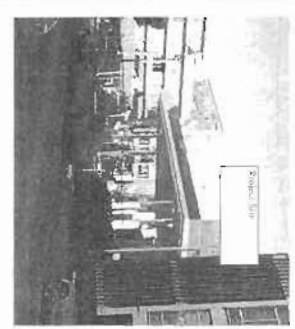
2 VIEW FACING SOUTH ON FILBERT



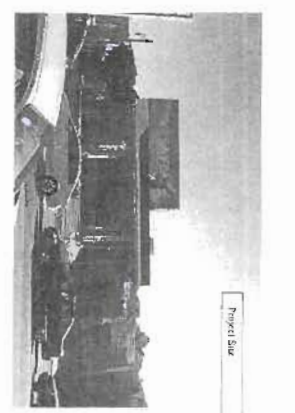
3 VIEW FACING EAST ON VAN NESS



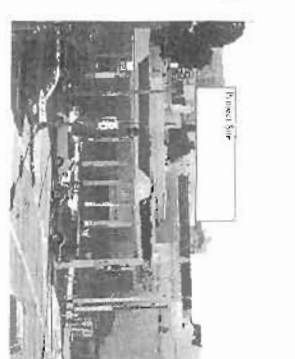
4 VIEW FACING WEST ON VAN NESS



5 VIEW 1



6 VIEW 2



7 VIEW 3



Figure 2 - Area Photos

nav|or&chu
ARCHITECTS

1515 VAN Ness Blvd
San Francisco, CA 94108
Tel: 415.749.8286
www.nav|orandchu.com

1501 FILBERT, LLC.
14811 River Dr
San Francisco, CA 94134

VAN NESS

2250 Van Ness Ave
San Francisco, CA 94109

NO.	DATE	ISSUE
1	08/13/10	IF Planning
2	08/22/10	IF Planning
3	06/03/11	IF Planning

SCALE: 1/8" = 1'-0"

DATE: 08/13/10

PROJECT: 1501 FILBERT

ARCHITECT: nav|or&chu

NOT ISSUED FOR CONSTRUCTION

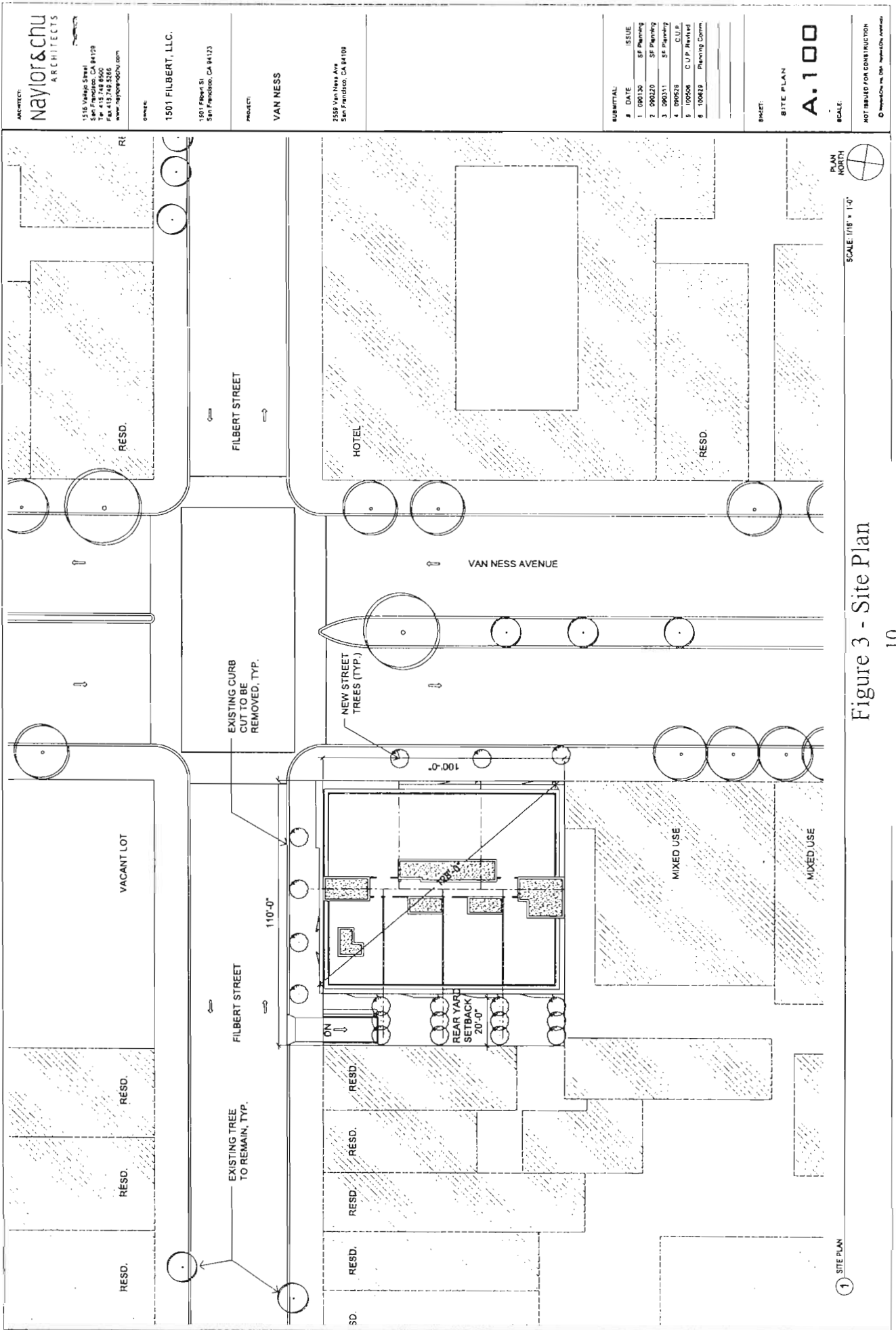


Figure 3 - Site Plan

SUBMITTAL	#	DATE	ISSUE
1	080130	SF Planning	
2	090220	SF Planning	
3	090311	SF Planning	
4	090328	C.U.P.	
5	100506	C.U.P. Revised	
8	100828	Planning Comm	

NOT BEBUILT FOR CONSTRUCTION
 © 2010 Naylor & Chu Architects

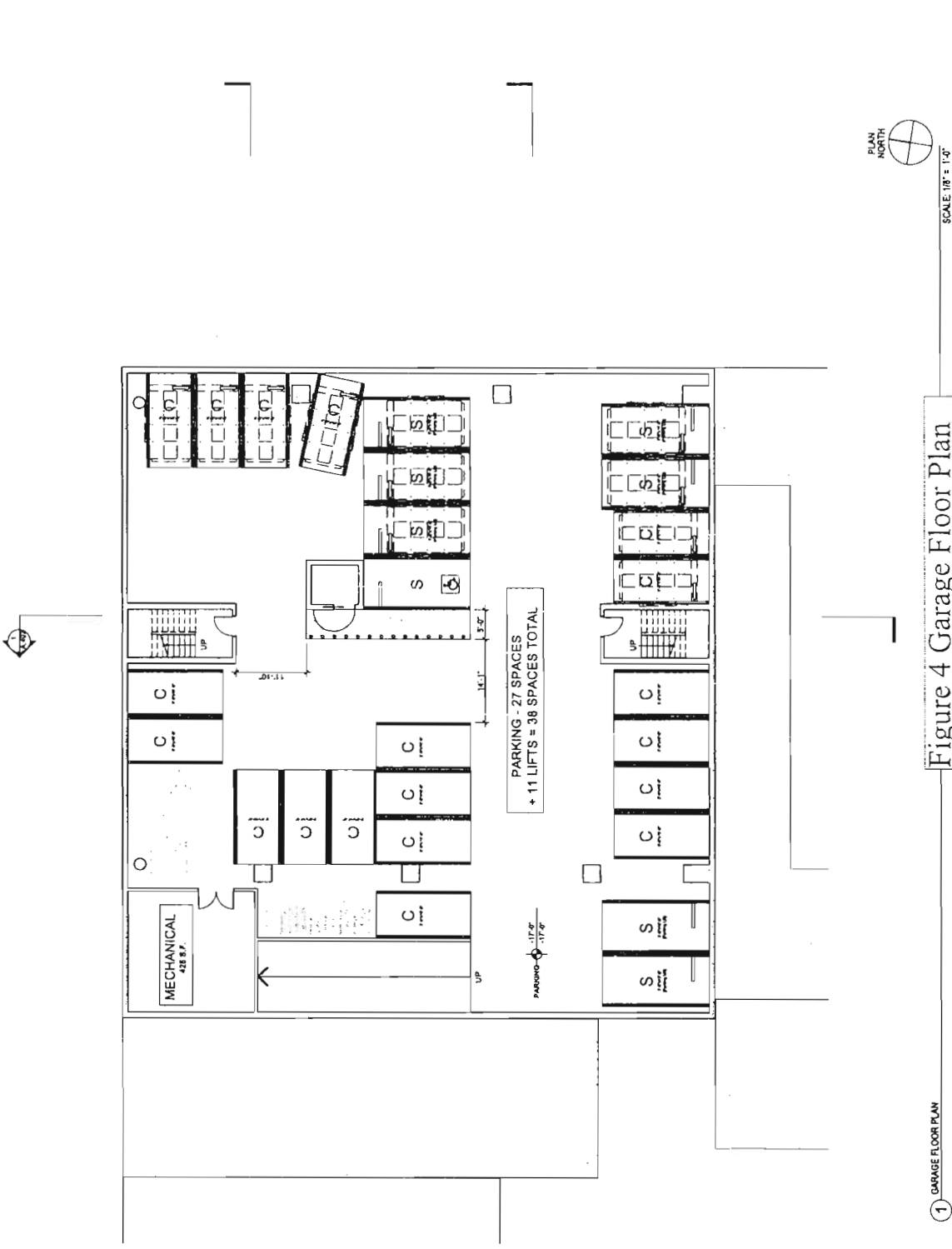


Figure 4 Garage Floor Plan
 11

① GARAGE FLOOR PLAN

SUBMITTAL:

#	DATE	ISSUE
1	08/01/10	SF Planning
2	08/02/10	SF Planning
3	08/03/11	SF Planning
4	08/02/16	C.U.P.
5	10/05/16	C.U.P. Revised
6	10/06/18	Planning Comm.

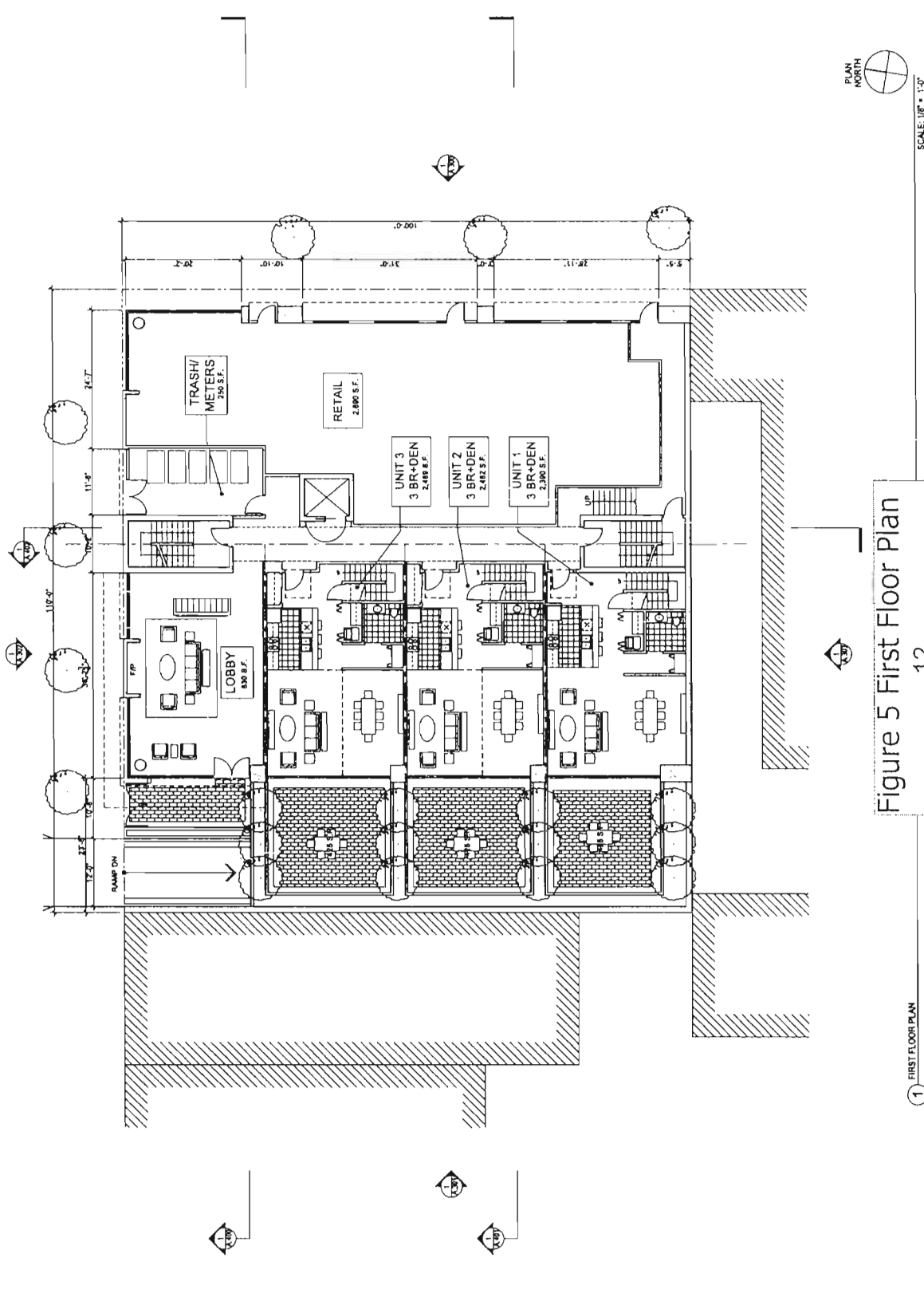


Figure 5 First Floor Plan
 12

SUBMITTAL #	DATE	ISSUE
1	09/01/10	SF Planning
2	09/02/10	SF Planning
3	09/03/11	SF Planning
4	09/05/12	C.U.P.
5	10/07/08	C.U.P. Revised
6	10/08/12	Planning Comm

SHEET:
**MEZZANINE LEVEL
FLOOR PLAN**

A.201.1

SCALE: 1/8" = 1'-0"
NOT ISSUED FOR CONSTRUCTION
© Naylor & Chu, Inc. All rights reserved.

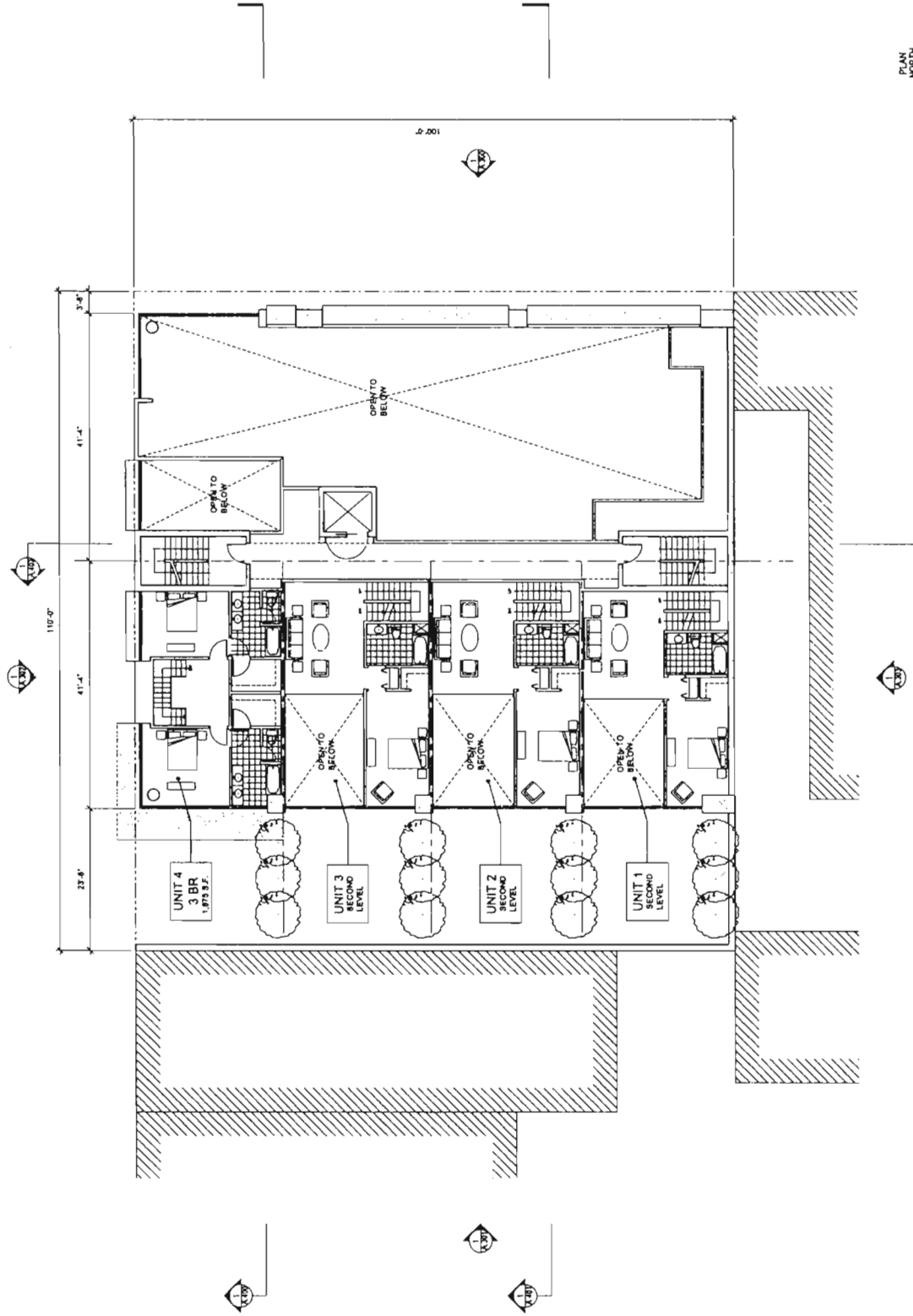
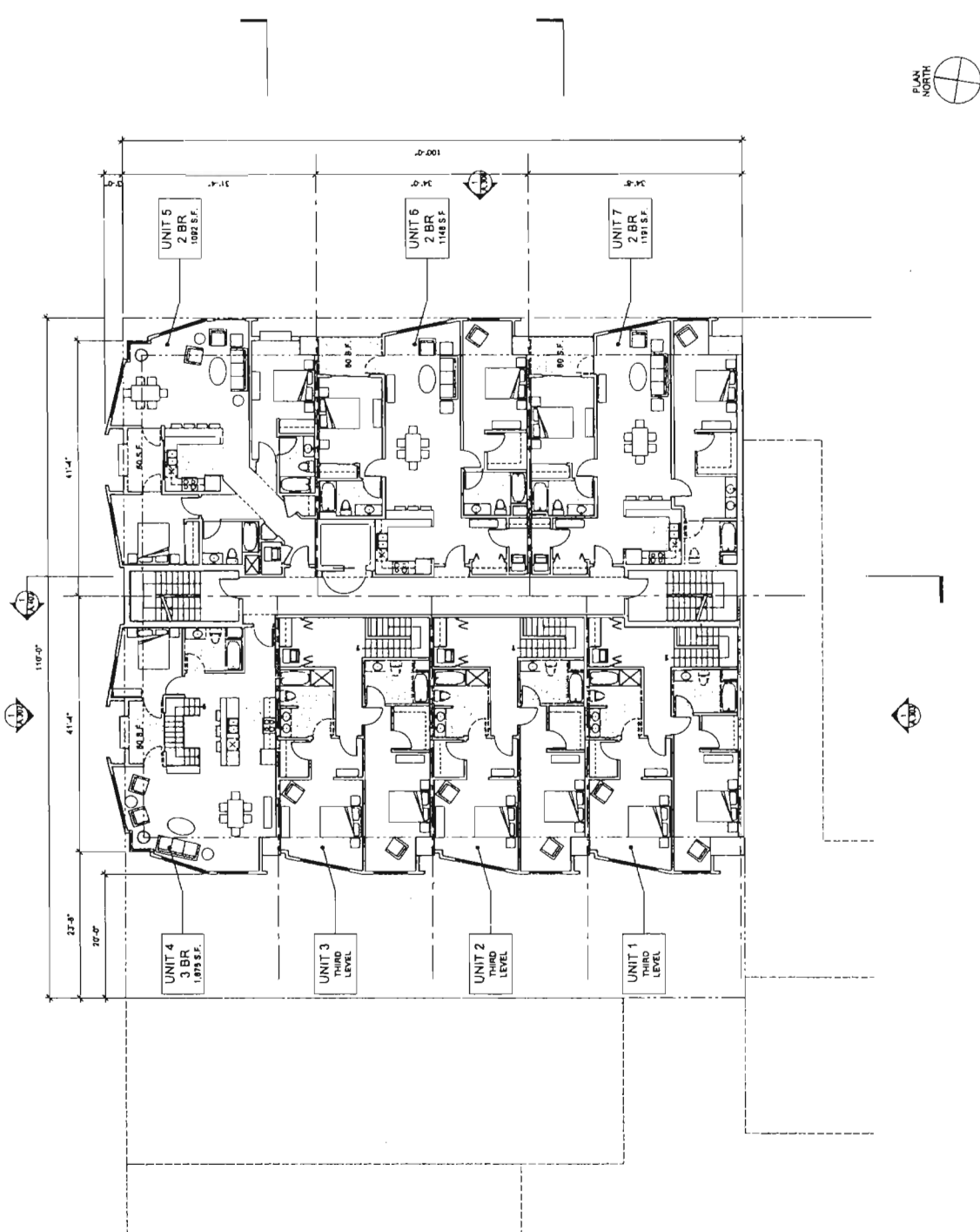


Figure 6 Mezzanine Floor Plan

SUBMITTAL:	#	DATE	ISSUE
	1	09/01/10	SF Planning
	2	09/02/10	SF Planning
	3	09/01/11	SF Planning
	4	09/02/12	C.U.P.
	5	10/05/08	C.U.P. Revised
	6	10/06/12	Planning Comm.



SCALE: 1/8" = 1'-0"

Figure 7 Second Plan
 14

1 SECOND FLOOR PLAN

SUBMITTAL:	#	DATE	ISSUE
	1	09/03/10	SF Planning
	2	09/02/10	SF Planning
	3	09/03/11	SF Planning
	4	09/05/12	C.U.P.
	5	10/05/08	C.U.P. Revised
	6	10/08/08	Planning Comm.

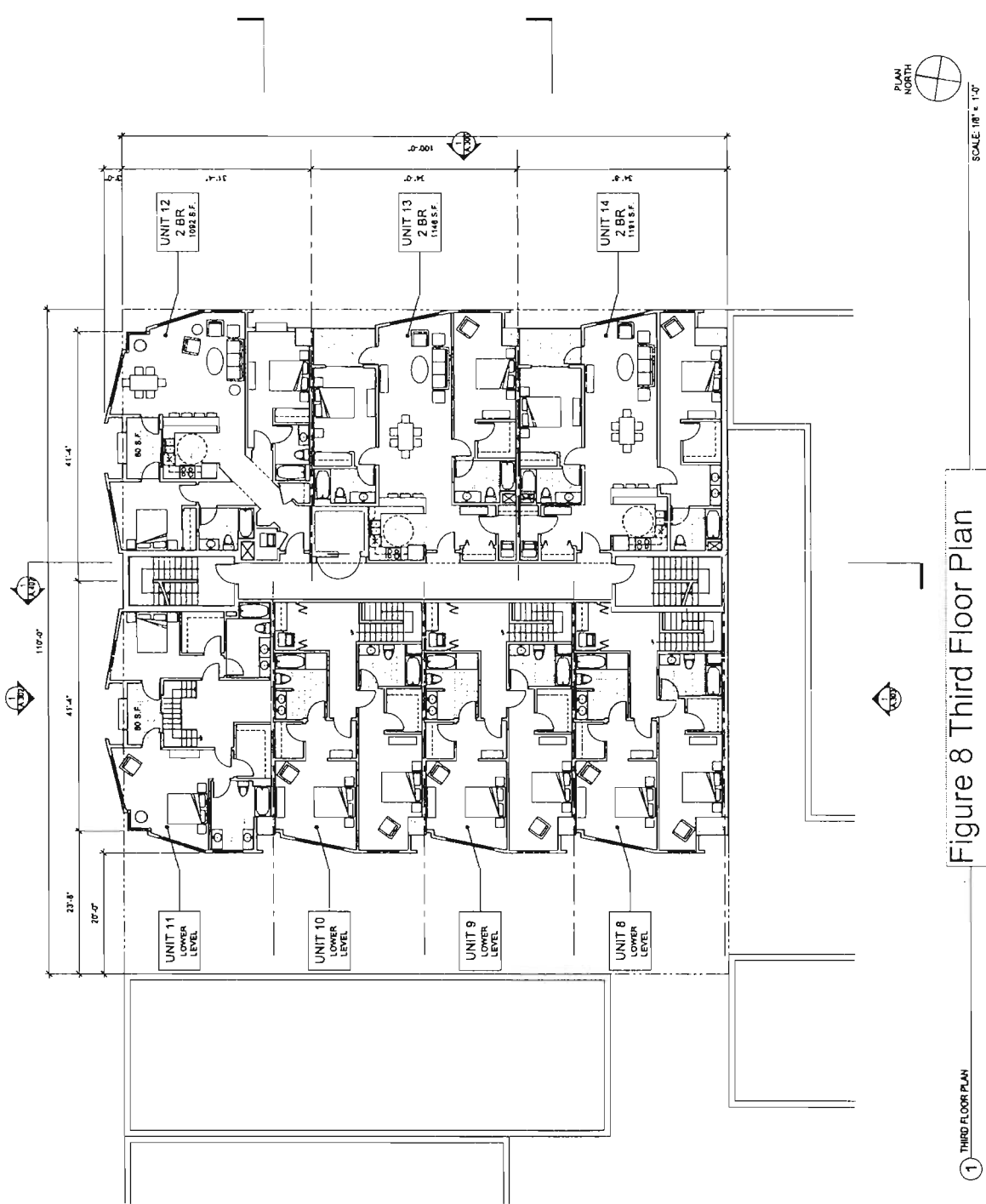


Figure 8 Third Floor Plan
 15

① THIRD FLOOR PLAN

SUBMITTAL:	#	DATE	ISSUE
	1	09/13/10	SF Planning
	2	09/22/10	SF Planning
	3	09/23/11	SF Planning
	4	09/05/12	C.U.P.
	5	10/05/08	C.U.P. Revised
	6	10/04/12	Planning Comm.

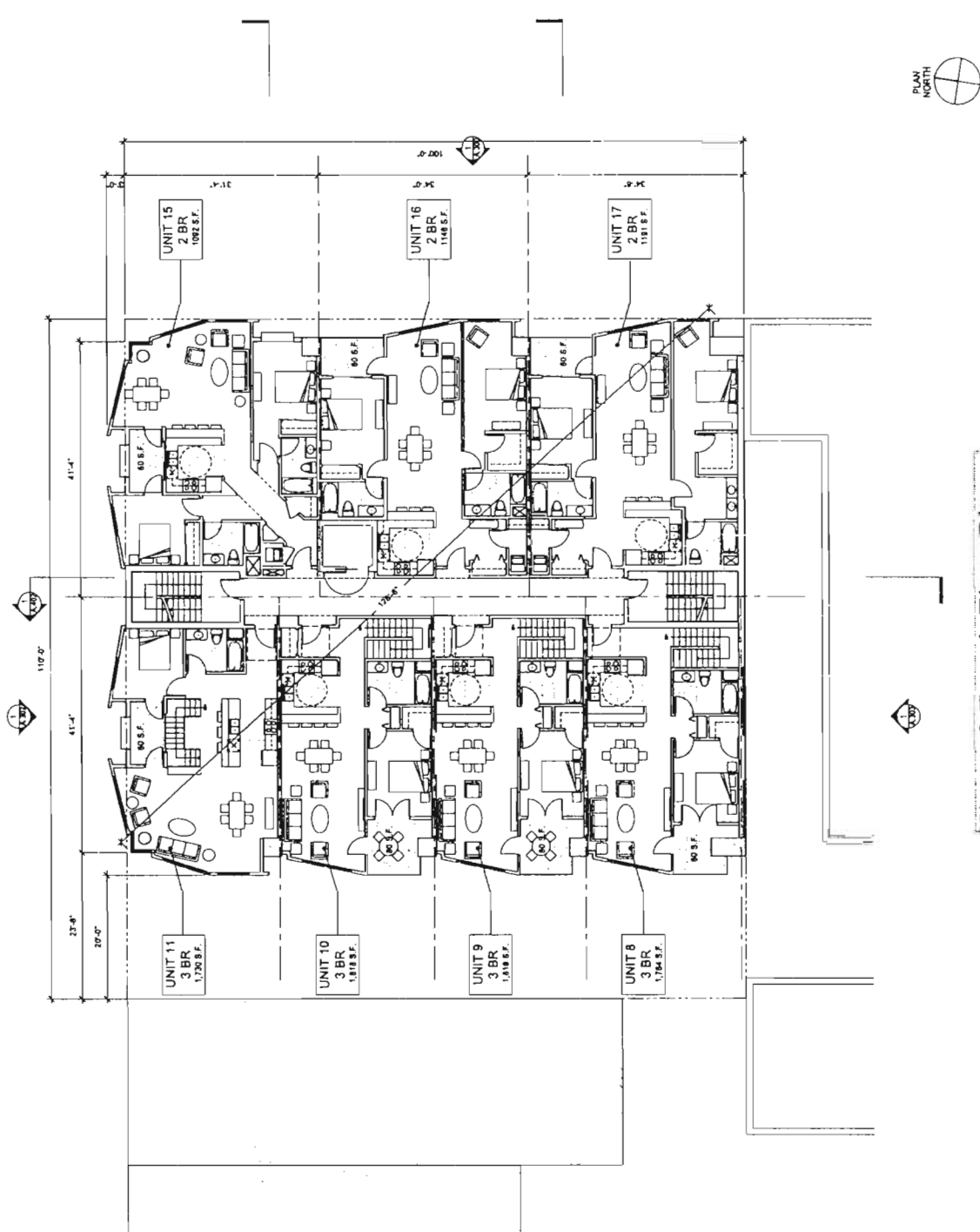


Figure 9 Fourth Floor Plan

SUBMITTAL:	#	DATE	ISSUE
	1	09/03/10	SF Planning
	2	09/02/10	SF Planning
	3	09/03/11	SF Planning
	4	08/05/12	C.U.P.
	5	10/05/08	C.U.P. Revised
	6	10/06/12	Planning Comm.

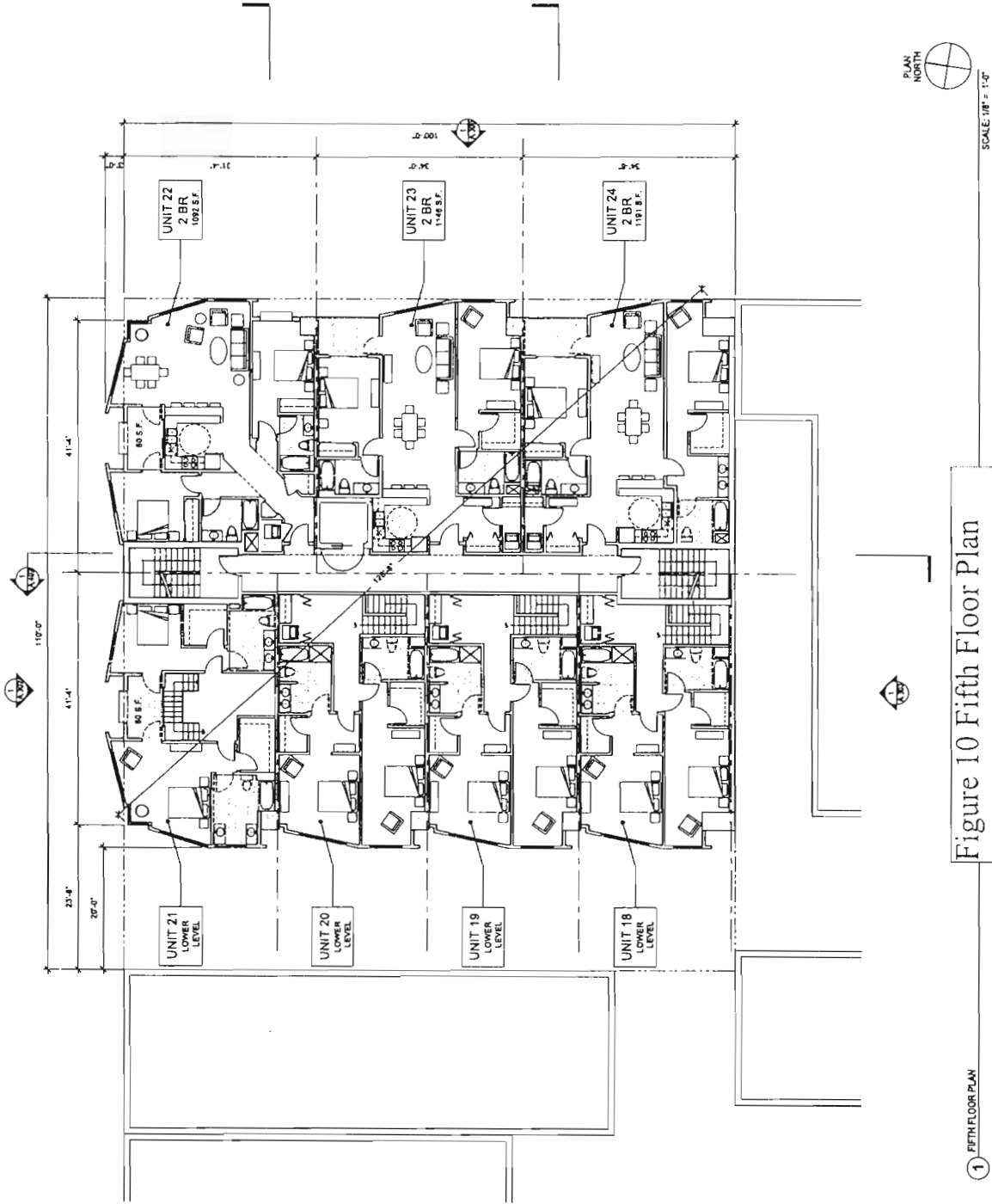


Figure 10 Fifth Floor Plan
 17

SUBMITTAL	#	DATE	ISSUE
1	090130	SF Planning	
2	090220	SF Planning	
3	090311	SF Planning	
4	090528	C.U.P.	
5	100508	C.U.P. Revised	
6	100619	Planning Comm.	

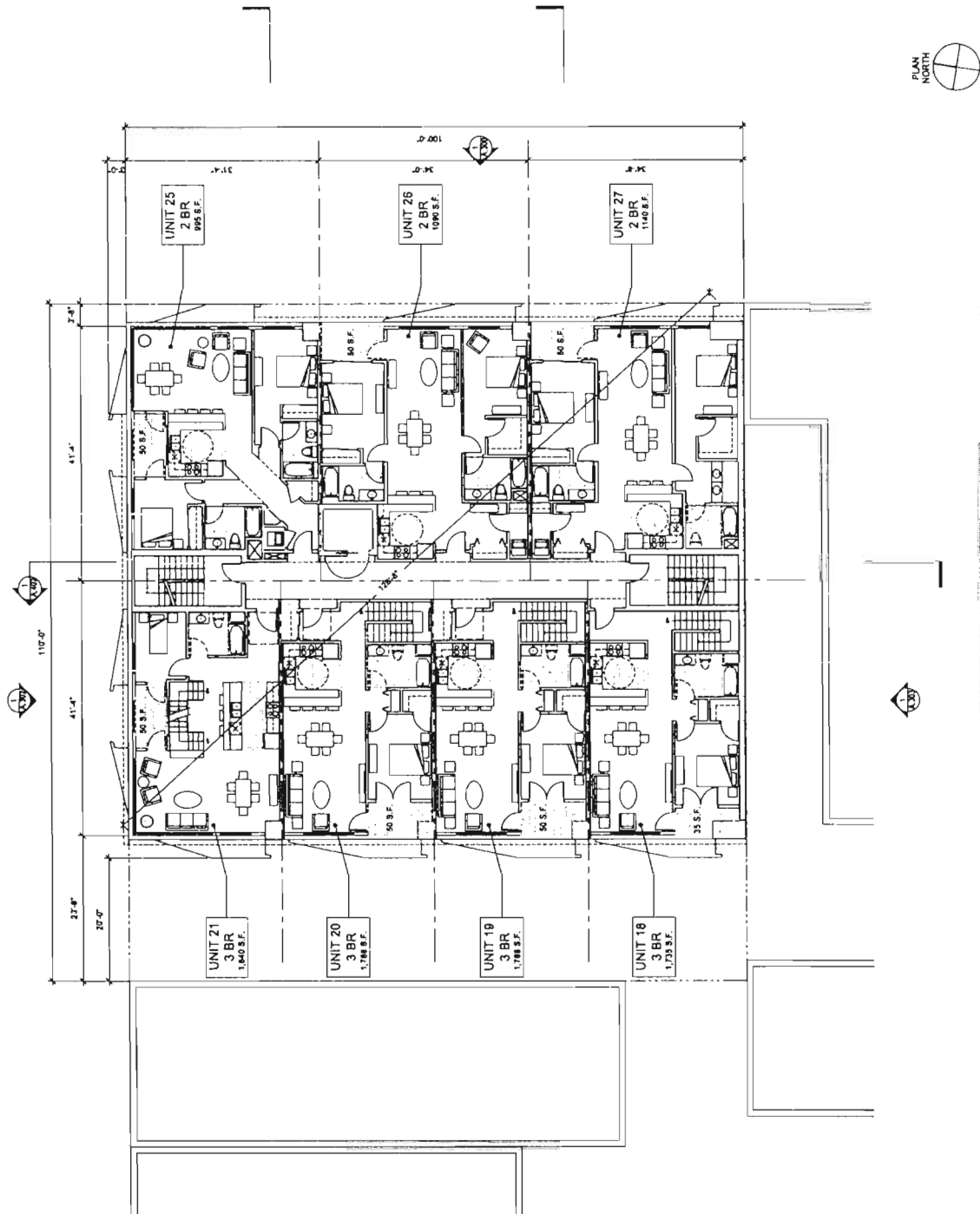


Figure 11 Sixth Floor Plan
 18

① SIXTH FLOOR PLAN

NO.	DATE	ISSUE
1	09/1/10	IF Planning
2	09/02/10	SF Planning
3	09/03/11	IF Planning
4	09/05/11	IF Planning
5	10/05/11	C.U.P. Revised
6	10/08/12	Planning Comm

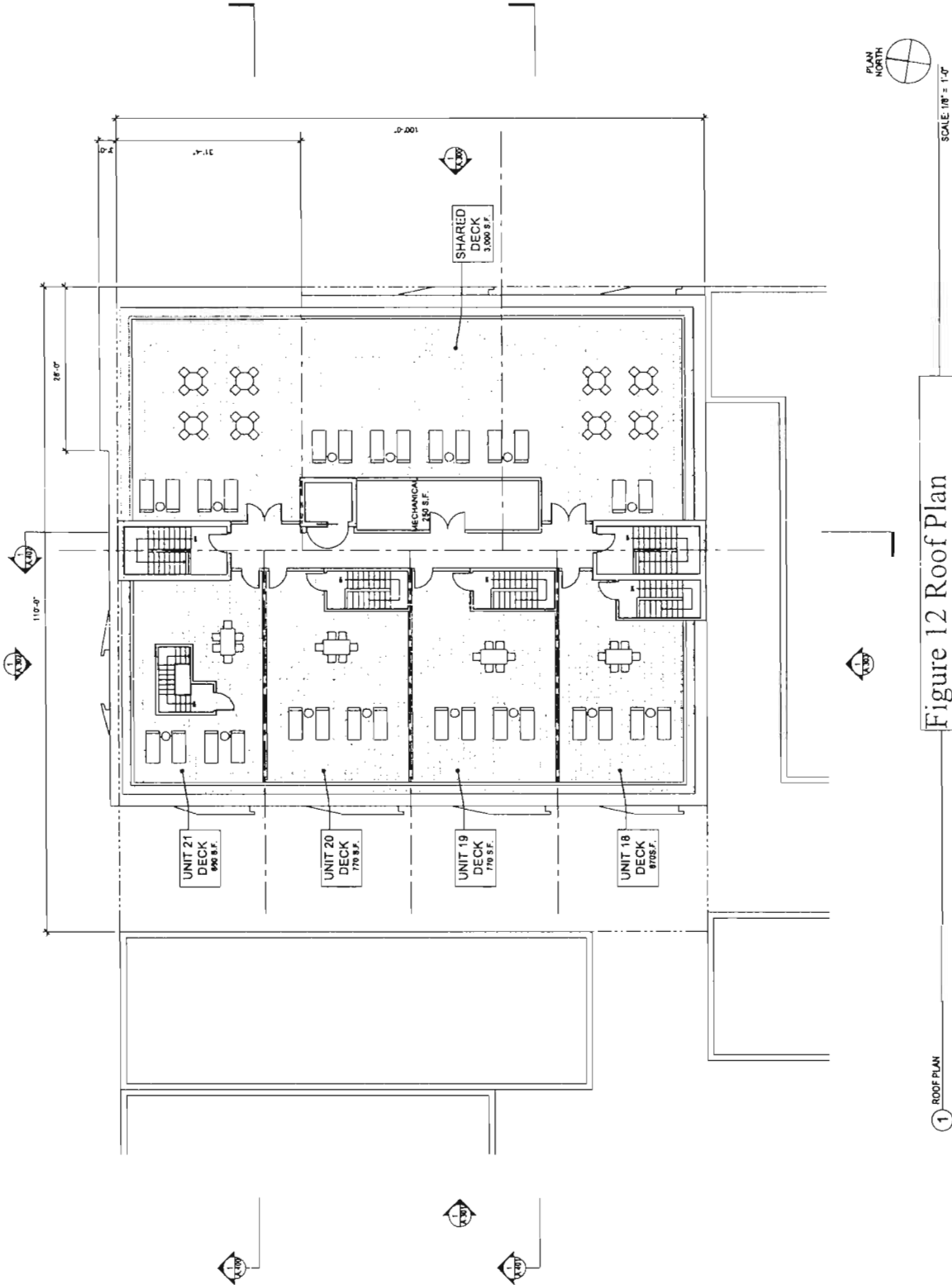
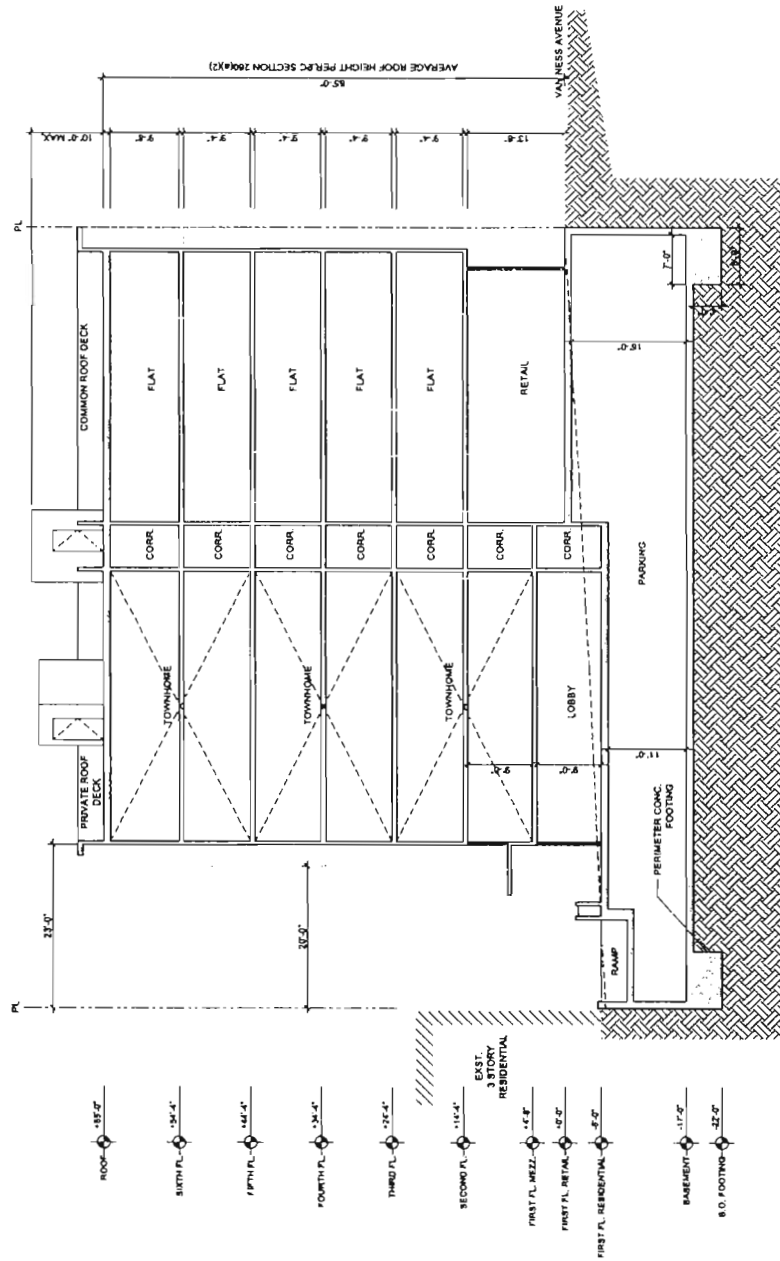


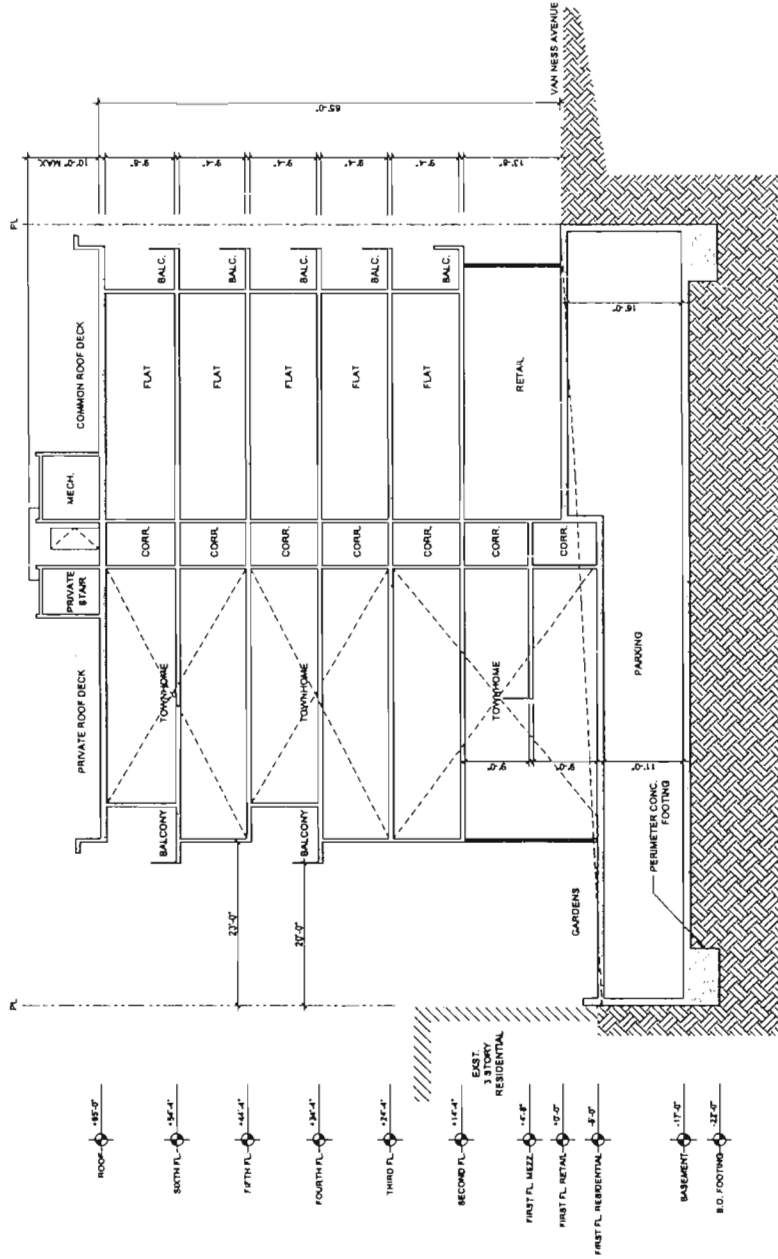
Figure 12 Roof Plan
 19

SUBMITTAL	#	DATE	ISSUE
1	080130	SF Planning	
2	080220	SF Planning	
3	080311	SF Planning	
4	080328	C.U.P.	
5	100508	C.U.P. Revised	
6	100829	Permitting Comm	



1 TYPICAL BUILDING SECTION
 SCALE: 1/8" = 1'-0"
 Figure 13 Typical Section I
 20

SUBMITTAL	#	DATE	ISSUE
	1	09/01/00	SF Planning
	2	09/02/00	SF Planning
	3	09/03/11	SF Planning
	4	09/05/18	C.U.P.
	5	10/05/18	C.U.P. Revoke
	6	10/08/19	Planning Comm



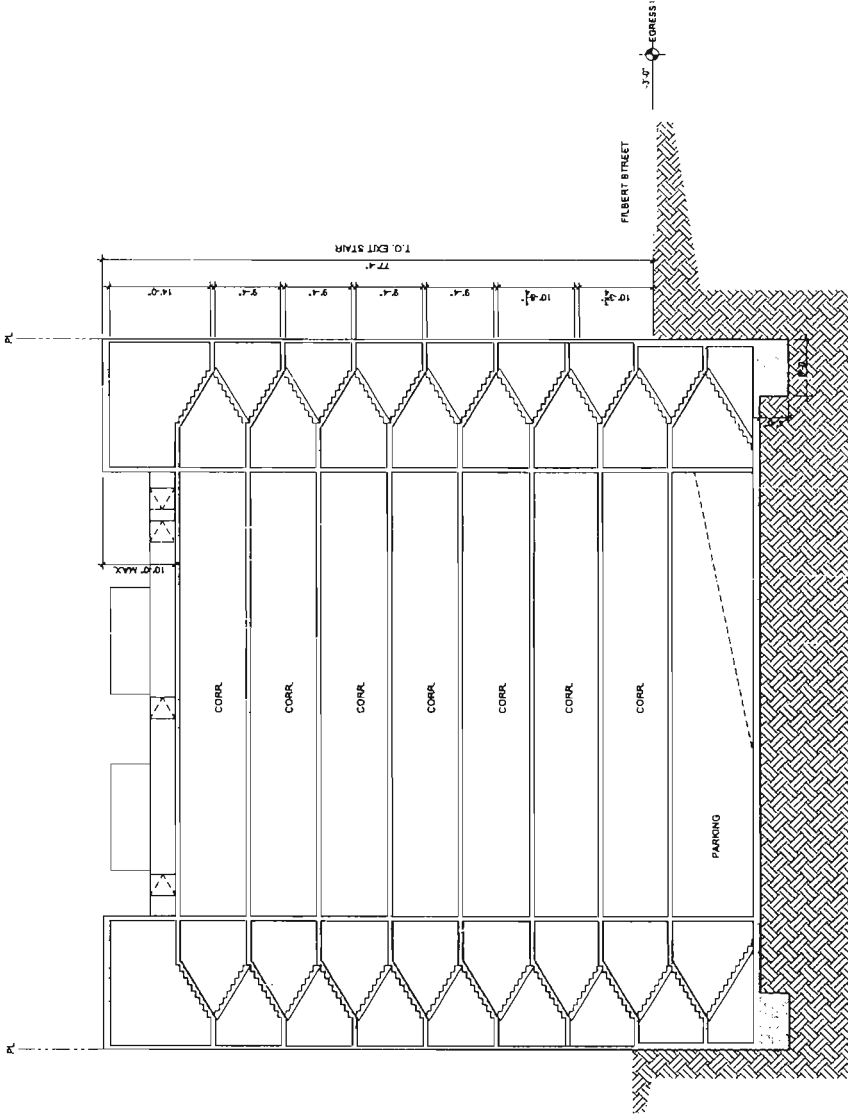
1 TYPICAL BUILDING SECTION

SCALE 1/8" = 1'-0"

Figure 14 Typical Section
 21

SUBMITTAL:

#	DATE	ISSUE
1	09/13/0	SF Planning
2	09/22/0	SF Planning
3	09/31/1	SF Planning
4	09/25/8	C.U.P.
5	10/04/8	C.U.P. Revised
8	10/04/8	Planning Comm.



① TYPICAL BUILDING SECTION

Figure 15 Typical Section 3

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 type="checkbox"/>	<input checked="" 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 Zoning

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

Uses. The project site is within an RC-3 (Residential-Commercial Combined, Medium Density) zoning district. RC-3 Districts encourage a combination of "medium-density dwellings... with supporting commercial uses... located in or below the ground story... and excluding automobile-oriented establishments... Open spaces are required for dwellings... except that rear yards need not be at ground level and front setback areas are not required." (*Planning Code*, Section 206.3). The Proposed Project's residential and ground-level retail uses would be permitted in the RC-3 District. The surrounding properties to the east, south and northwest of the project site are zoned RM-2 (Residential Mixed District). The Proposed Project would require conditional use authorization for the conversion of a service station to another use (per *Planning Code* Sections 228.3 and 228.3) and for the construction of a structure over 40 ft tall in an R district (per *Planning Code* Section 253), with an exception to the bulk limits (per *Planning Code* Section 271).

Height and Bulk. The project site is located in the 65-A height and bulk district. The Proposed Project does not comply with the controls of the 65-A height and bulk district in which the Project is located, which permits building heights up to 65 feet and allows a maximum length of 110 feet and a maximum diagonal dimension of 125 feet above 40 feet in height (*Planning Code* Section 270(a)). The Proposed Project would be 65-feet tall, 100 feet long, and 128 feet 8 inches measured diagonally above 40-foot height. Therefore the Project does not comply with the *Planning Code's* bulk requirement. Thus, the Project would require a conditional use authorization to the bulk and height limits under *Planning Code* Section 271.

Rear yard. Section 134 of the *Planning Code*, requires residential developments in RC-3 district to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot. In this case, with a lot depth of 110 feet, a rear yard of 27.5 feet would be required. The Proposed Project provides a rear yard with a depth of 20 feet, or 18.2 percent. The Proposed Project would not comply with the rear yard (Section 134) requirement for RC-3 district. The Project would therefore require a variance from the Zoning Administrator.

Dwelling Unit Exposure. *Planning Code* Section 140, requires that at least one room (a minimum 120 sf in area) within a dwelling unit must face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the *Planning Code*; or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The Proposed Project's rear yard does not meet the rear yard requirements of the *Planning Code* with respect to size or dimensions, and thus units facing the rear yard must comply with 5-foot incremental increase for every floor above the first required floor. Nine of the units, (unit nos. 1, 2, 3, 8, 9, 10, 18, 19 and 20 units), or 33.3 percent of all units, face onto the non-conforming rear yard; thus, these units require a variance from *Planning Code* Section 140 requirement.

Open Space. Section 135 of the *Planning Code* requires that 60 sf per dwelling unit of private open space be provided per unit in RC-3 districts, or alternatively, the project may provide 80 sf of common open space per unit, or some combination thereof. Thus, the Proposed Project requires either 1,620 sf of private open space, 2,155 sf⁴ of common open space, or some combination thereof. Each of the 27 units in the Project is provided with a private balcony; however some of the balconies do not comply with the Code provisions with respect to size or dimensions to qualify as private open space. The Proposed Project would also include a roof deck with a total 3,000 sf of common open space, and thus the Project would comply with the *Planning Code's* open space requirements.

Parking. *Planning Code* Section 151 requires residential projects in the RC-3 zoning district to provide off-street parking at the rate of one space for every dwelling unit and one space for every 500 sf of retail use if the total retail square footage exceeds 5,000 sf. The proposed combination of retail/ commercial uses would not exceed 5,000 sf, therefore, the Project would need to provide 27 parking spaces (one for each dwelling unit). The Proposed Project satisfies this *Planning Code* requirement by providing the required 27 spaces for the 27 units, with the remaining 11 off-street parking spaces (which would be stored by mechanical stackers) being provided pursuant to accessory parking regulations per *Planning Code* Section 204.5(c), which allows up to 150 percent of the required number of parking spaces to be provided as accessory uses.

Loading. *Planning Code* Section 152 requires that a retail use over 10,000 gsf have one freight loading space. The Proposed Project includes 3,000 sf of retail space, and therefore is not required to provide a freight loading space. No freight loading is provided as part of the Project.

San Francisco General Plan and Priority Policies

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

Proposition M. In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's *Planning Code* to establish eight Priority Policies. These policies, and the select sections of the portion of this

⁴ *Planning Code* Section 135, Table 135 A. $27 \times 60 \times 1.33 = 2,155$ sf

environmental document (or "Initial Study") 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 13 a-d, Geology, Soils, and Seismicity); (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.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The Proposed Project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- | | | |
|---|--|---|
| <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 checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Cultural and Paleo. 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 type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Mandatory Findings of Signif. |
-

This Initial Study examines the Proposed Project to identify potential effects on the environment. For each item on the Initial Study Checklist, the evaluation has considered the impacts of the Proposed Project both individually and cumulatively. All items on the Initial Study Checklist that have been checked "Less-than-Significant-Impact", "No Impact" or "Not Applicable" indicates that, upon evaluation, staff has determined that the Proposed Project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked "Less-than-Significant-Impact" and for most items checked with "No Impact" or "Not Applicable". For all items checked "Not Applicable" or "No Impact" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material

available within the Department, such as the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Database and maps, published by the California Department of Fish and Game.

On the basis of this Initial Study, Project-specific effects that have been determined to be potentially significant include: cultural and paleontological resources, and hazards/hazardous materials. These issues are discussed in Section E below. This Initial Study identifies mitigation measures which would reduce impacts to cultural resources and hazards/hazardous materials to a less-than-significant level. These mitigation measures are described in Section E under each applicable topic area and in Section F, Mitigation Measures and Improvement Measures, of this document.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

<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>
E-1. LAND USE AND LAND USE PLANNING—					
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 general plan, 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 checked="" type="checkbox"/>	<input 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. Division of an Established Community. The Proposed Project is located within a medium-density residential area. The area is primarily characterized by multi-family residential uses with pedestrian level commercial uses along Van Ness Avenue. The nearby commercial uses include a laundry-mat, fitness center, hotel, office, beauty-school, retail including grocery store, and bar.

The Project Sponsor proposes to construct a mixed-use building on the site. While the Project proposes a new use on the subject property it would not cause a significant land use impact. The proposed mixed-use residential building would be incorporated within the established street network, and it would not disrupt or divide the physical arrangement of existing use on or adjacent to the project site or impede the passage of persons or vehicles.

The Proposed Project would add residential and commercial uses to the project site, which is compatible with uses in the site vicinity. The surrounding uses and activities would continue without disruption from the Proposed Project. Because the Project would be constructed within the existing lot configuration, it would not physically divide the arrangement of existing uses and

activities that surround it. Therefore, land use impacts on the existing community would be less-than-significant.

b. Consistency with Land Use Plans Policies and Regulations. The provision of higher-density residences adjacent to downtown and in an area well served by transit is a stated goal of the 1990 Residential Element, the 2004 Housing Element, and the *Notice of Preparation of an Environmental Impact Report for the San Francisco 2004 and 2009 Housing Element*. The Project would meet the goal by providing more housing close to Downtown. The provision of affordable housing is consistent with the Accountable Planning Initiative of 1986 ("Prop M"). The Project therefore would not conflict with any applicable land use plans and policies, and thus would have a less-than-significant impact.

c. Character of Project Vicinity. The area surrounding the project site consists of residential and commercial buildings that range from one to seven stories, with heights of about 15 to 70 feet. The properties in the immediate vicinity of the project site (one to two blocks) consist of one- to seven-story residential buildings; one- to three-story residential buildings with ground-floor retail; and a seven-story hotel. The blocks along the Van Ness Avenue corridor, from Union Street to Lombard Street, contain commercial, residential, and office uses. The properties immediately south of the site are Big Bubble Laundromat and its associated parking lot, Curves, California Beauty College, and Silver Platter Delicatessen (2526, 2529 and 2501 Van Ness Avenue). North of the project site, across Filbert Street, there is an empty lot. East of the project site, across Van Ness Avenue, are three- to four-story residential buildings (2526, 2510, and 2500 Van Ness Avenue) and a seven-story hotel (Heritage Marina Hotel, 2550 Van Ness Avenue). Please refer to Figure 2, p.9 for site area details. The Proposed Project contains residential and commercial land uses that would be generally compatible with the existing land uses in the vicinity.

The Proposed Project would be six-stories tall, which would be taller than the buildings immediately adjacent to the site, but shorter than the buildings to the north and east of the project site (see Figure 2, p.9). The proposed building would comply with height limitations set forth in the *Planning Code* and would be similar in scale to other buildings in the vicinity such as the 1501 Greenwich Street building. The Proposed Project would be compatible with the mixed-use character of the Project vicinity. It would replace a gasoline service station use on the project site with a primarily residential building that would contain ground-floor commercial and underground parking area. The Proposed Project would not introduce new land uses to the project vicinity, since medium-density multi-family residential, commercial, and parking uses are already present. Although the Project would intensify use on the project site, the Proposed Project would be compatible with the existing character, size and uses of existing structures of the Van Ness Avenue commercial corridor in the vicinity of the project site. Therefore, the Proposed Project would not have a substantial adverse impact on the land use character of the site's vicinity, and would result in less-than-significant impacts to the character of the project site's vicinity.

Cumulative Land Use Changes. The 2550 Van Ness Avenue project, located on the east side of the Project block, has been proposed for the conversion of 135 hotel rooms into 120 dwelling units and 3,100 sf of retail space. This project is currently undergoing environmental review and has not yet been approved. The project area, like the rest of the City, is experiencing a trend towards infill developments that maximize allowable density on underutilized parcels. Both, the

2550 Van Ness Avenue and the Proposed Project, would be constructed within their respective lot configurations and the buildings would be incorporated within the established street network. Thus, together, they would not be expected cumulatively to change the neighborhood character, divide an established neighborhood or conflict with any applicable land use plans, policies, or regulations. For the reasons discussed above, the Proposed Project's related impacts to land use would not be cumulatively considerable.

<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>
E-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. Scenic Vistas. Due to the site's relatively flat topography and obstruction by existing buildings, no major scenic vistas are available from the project site or the surrounding area. There are limited scenic views from public streets and sidewalks in the Project vicinity (four- to- five blocks east or north of the project site on Van Ness Avenue)⁵ but there are no views from the project site. There are no scenic corridors near the project site that would be substantially affected by the Proposed Project. The proposed building would be visible from nearby portions of Van Ness Avenue and Filbert Street, but most views of the project site from more distant street-level points are screened by intervening buildings.

The nearest public open spaces located within the Project vicinity include Allyne Park and the Alice Marble Tennis Courts. Allyne Park is located approximately four blocks southwest of the project site, at the southeast corner of Gough and Green Streets. The topography in the vicinity of Allyne Park is essentially flat, which, in combination with the mature trees on the site and the existing multi-story development east of the park, screens views from the park toward the project site. As a result, the Project would not have a significant impact on views from Allyne Park. From Van Ness Avenue and Filbert and Union Streets near the project site, transient public views to the

⁵ Four- to- five blocks east or north of the site, there are vistas to the Bay from City streets.

west toward Allyn Park are obstructed by the visual barrier created by intervening buildings. The proposed building would not obstruct these views.

The Alice Marble Tennis Courts, located in the block bounded by Larkin, Lombard, Hyde, and Greenwich Streets, are approximately two and one-half blocks east of the project site, and two blocks north. Intervening buildings and street trees and landscape would screen most or all views of the Project from the Tennis Courts. The distance between the Tennis Courts and the project site would reduce the visual impact of any portion of the Project that may be visible from the Tennis Courts. As a result, the Proposed Project would not have a significant impact on views from the Alice Marble Tennis Courts. For similar reasons, the Proposed Project would not have a significant impact on views from more distant public open spaces such as: Hyde-Vallejo Mini-Park, located five blocks to the southeast of the project site; Michelangelo Playground, located five blocks to the northeast; Russian Hill Open Space, located six blocks to the northeast; Helen Wills Playground, located approximately six blocks to the southeast; Fort Mason, located approximately five blocks to the north; and the Presidio of San Francisco, located approximately fourteen blocks to the west. The Proposed Project would not result in an adverse effect on scenic vistas from adjacent public open spaces.

b. Scenic Resources. Scenic resources include trees, rock outcroppings, and other features of the built or natural environment that contribute to a scenic public setting. The project site would not be considered a scenic resource as its a flat lot with an advertising sign structure, on an approximately 25' pole (See Site Photos, pp.33-34). The Filbert Street and Van Ness Avenue frontages contain no street trees or other distinguishing landscape features. The Proposed Project would be built within the existing street pattern, and would be consistent with surrounding building placements that define the Van Ness Avenue and Filbert Street view corridors. The neighborhood is densely developed, and many buildings extend to lot lines. The Proposed Project would similarly be built to the lot lines. All or portions of the proposed building would be visible from nearby segments of Van Ness Avenue and Filbert and Union Streets, but most views of the project site from more distant street-level points are screened by intervening buildings. Therefore, northward and southward views of surrounding urban development along Van Ness Avenue, and eastward and westward views of surrounding urban development along Filbert Street, would not be substantially affected. The Proposed Project would be 65-feet high and there are no public views that would be considered scenic in the area. The Proposed Project would not substantially alter existing views of surrounding development in this urban area. Thus, the Proposed Project would have no impact on scenic resources.

c.i. Visual Character. The visual setting of the area surrounding the project site is urban, characterized by mixed residential, office, retail, bar, hotel, and grocery store uses, providing an urban and developed visual character consistent with that of the Proposed Project. The site currently has an urban visual character, as previously stated, it consists of a fenced lot with a general advertising 14'x48' sign structure on a 25' pole.

There are no trees or other vegetation at the site. The Proposed Project would include a landscaped rear yard and the planting in conformity with the *Planning Code* and the San Francisco Department of Public Works (DPW) requirements, which include street trees every 20 feet along Van Ness Avenue and Filbert Street.

In the project vicinity, building heights range from about 30 ft to 70 ft. Most buildings are three- to seven-story multi-family residential buildings and of rectilinear massing. Immediately south of the site, on Van Ness Avenue, is a two-story commercial building of mid-twentieth century design. Further south are three more two- to four-story buildings of early to mid-twentieth century design, and occupied by residential, commercial, office, beauty-school, fitness center, laundry mat, retail, and bar. The east side of Van Ness Avenue between Filbert and Union Streets, facing the project site, has one seven-story building, of mid-twentieth century design, occupied by a 135-room hotel. Also, located on this side of Van Ness Avenue there are three four-story multi-family residential buildings of early twentieth century design. Immediately west of the site, on the south side of Filbert Street, there is a three-story residential building of mid-twentieth century design. Further west, there are nine three- to four-story residential buildings of early- to mid-twentieth century design. On the north side of Filbert Street between Van Ness Avenue and Franklin Street, there are six three- to four-story residential buildings of early- to mid- twentieth century design (See Figure 2, pX).

Prominent buildings in the Project vicinity include the seven-story hotel at the northeast corner of Van Ness Avenue (Heritage Marina Hotel, 2550 Van Ness Avenue), the six-story multi-family residential building at the northeast corner of Van Ness Avenue and Filbert Street (2600 Van Ness Avenue), the adjacent seven-story multi-family residential building to the east of Filbert Street (La Perlita Apartments, 1472 Filbert Street), the six-story multi-family residential building at the southwest corner of Van Ness Avenue and Greenwich Street (The Greenwich, 1501 Greenwich Street), the seven-story multi-family residential building at the northwest corner of Van Ness Avenue and Greenwich Street (the Chateau Apartments, 2701 Van Ness Avenue), and the seven-story multifamily residential building on the west side of Van Ness Avenue south of Union Street (2415 Van Ness Avenue). All of these buildings, with the exception of 1501 Greenwich Street, have an early twentieth century design character (See Figure 2, pX)..

The design of the Proposed Project building would be contemporary in character, with rectilinear form and massing, and, similar in form and placement to most existing buildings in the neighborhood. The proposed building would be built to lot lines on Van Ness Avenue and Filbert Street, except for a 25-foot wide unbuilt area parallel to the interior lot line along Filbert Street. The Van Ness Avenue and Filbert Street frontage would be articulated by balconies and windows. Although the proposed building would be taller than the majority of the buildings in the immediate vicinity, its height would not exceed that of the largest buildings in the vicinity. The visual character and massing of the proposed building would be aesthetically consistent with the mixed-use urban form of the Project vicinity and existing neighborhood.

Though evaluations of visual quality are to some extent subjective, it is reasonable to conclude that the Proposed Project would not have a significant adverse effect on visual character. Thus, the implementation of the Proposed Project would have a less-than-significant impact to the neighborhood visual character.

c.ii. Views from Private Residences. The upper portion of the proposed building would be visible from portions of commercial and residential buildings in the area, along the west side of

Van Ness Avenue south of Filbert Street (two to three units); the side and rear windows and decks of residential buildings along the south side of Filbert Street west of Van Ness Avenue (one to two units); the south-and west-facing seven-story Heritage Marina Hotel located across Van Ness Avenue. The proposed building could block private views of a portion of the sky or views that exist across the project site from some of the northeast corner apartments in 2600 Van Ness Avenue building; some of the apartments facing south in the 2645 and 2655 Van Ness Avenue building; and from the residential units in the Project block north of the project site (See Figure 2, pX). The reduced private views would be an undesirable change for those individuals whose views would be blocked by the proposed building. However, the reduction of private views and the change in views from private residences are a consequence of living in an urban environment. The change in private views would be considered to be a less-than-significant impact.

d. Light and Glare. The project site is located in an urban setting with numerous existing sources of electronic light. Additional ambient light sources would be introduced by the Project. New lighting would include light within the dwelling units and commercial/retail spaces and light fixtures at the building entrances and pedestrian walkways typical of residential and commercial development. However, the changes in light and glare due to a project would not exceed that expected in an urban environment. The Project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass, and would not generate obtrusive light or glare that would substantially impact other properties. Thus, the impacts of light or glare are considered less-than-significant.

Cumulative Aesthetic Impacts. The 2550 Van Ness Avenue project has been proposed as a 9-story, 65-foot tall building immediately east of the project site. If both projects were built, they would collectively increase the scale and intensity of the existing built environment along Van Ness Avenue, with the introduction of larger mixed-use buildings into the project area. The projects would change the pattern of the block, with the newer buildings of contemporary design more visible on the local skyline of Van Ness Avenue, Filbert and Union Streets. The change in aesthetic, although noticeable, would be consistent with the mixed-use nature and dense urban context of the project area. Thus, cumulative development would not be expected to substantially degrade views, damage scenic resources, or degrade the existing visual character of the area. While the 2550 Van Ness Avenue project could generate additional night light, the two projects would comply with City regulations regarding light and glare and cumulatively would not result in obtrusive light and glare in amounts unusual for a developed urban area. Thus, when taken together, the combined effects from light and glare from the two projects would not be significant. For the reasons discussed above, the Proposed Project's impacts related to aesthetics would not be cumulatively considerable.

Site Photo 1: *Site View Looking East on Van Ness Avenue*



Source: Planning Department

Site Photo 2: *Site View Looking East on Filbert Street*



Source: Planning Department

Site Photo 3: *Site View Looking West on Filbert Street*



Source: Planning Department

Site Photo 4: *Site View Looking North on Van Ness Avenue*



Source: Planning Department

<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>
E-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"/>

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. Based on the Project's provision of up to 27⁶ dwelling units and roughly 3,000 sf of retail space, the Proposed Project would result in an on-site population increase of 44 residents⁷ and nine employees.⁸ This population increase would not result in a significant effect because the subject property is within a densely populated urban area. While potentially noticeable to immediately adjacent neighbors, this increase would not substantially change the existing area-wide population characteristics, and the resulting residential density would not exceed levels that are common and accepted in urban areas such as San Francisco. Construction of the Proposed Project would not be expected to generate substantial growth or concentration of population in the project area, which contains multi-family residential, hotels, offices, and retail consumer uses. Therefore, the Proposed Project would have less-than-significant impacts on population growth.

b and c. Population Displacement. The project site is currently vacant, and therefore no residential displacement would result. The Proposed Project would remove the existing general advertising 14'x48' sign structure on the site. If the existing general advertising structure ceases operations, no employees would be displaced since there are no employees at the site. The prior gasoline service stations ceased to exist when the USTs and other improvements were removed in July 2009, and thus the conversion of the gasoline service station to another use would also not

⁶In May 2008, the Association of Bay Area Governments projected regional needs in the Regional Housing Needs Determination 2007-2014 allocation and calculated the jurisdictional need of the City as 31,193 dwelling units (rounded to 32,000), or an average yearly need of 4,000 net new dwelling units. www.aba.ca.gov/planning/housingneeds. Viewed November 2009.

⁷The Project Site is located in Census Tract 130, which according to Census 2000 data, has an average household size of 1.63 persons (1.88 per owner occupied and 1.54 per rental unit).

⁸Number based on the City of San Francisco Transportation Guidelines rates.

result in any displacement of employees since the gasoline service station is no longer operational. The Project's proposed retail uses would generate approximately nine (9) new jobs,⁹ a potential net increase in employment. Thus, the Project would have no displacement impact.

Affordable Housing. Residential uses proposed on the project site would help address the City's broader need for additional housing. In a Citywide context, job growth and in-migration outpace the provision of new housing. The proposed development would be required to contribute to the City's supply of affordable, or below-market rate ("BMR") housing. Under *Planning Code* Section 4315.4(a)(2), the requirement applies to projects having five or more units. The Project Sponsor is required to pay an Affordable Housing Fee unless they qualify and select an alternative. If the Project Sponsor was eligible and selected an alternative that would provide the BMR units on-site, they would have to be ownership only for the life of the project, and they would include two two-bedroom and two three-bedroom BMR units based on the current overall unit mix of 15 two-bedroom and 12 three-bedroom units. In the event that the Project Sponsor was eligible for and selected an alternative that would provide the BMR units off-site, a total of two three-bedroom and three two-bedroom BMR units would be required. To date, the Project Sponsor has not demonstrated that he is eligible for nor selected an alternative to the Affordable Housing Fee. The Project Sponsor has not committed to whether to locate the BMR units on- or off-site or pay an in lieu fee. The Project Sponsor will have to make this decision prior to any project approval action. The Project Sponsor will have to prove eligibility for an alternative prior to any project approval action.

Cumulative Population and Housing Impacts. The 2000 U.S. Census indicates that the population of the subject property's census tract, Census Tract 130, is 4,130 persons. Based on 2000 population totals, the Proposed Project would increase the residential population in Census Tract 130 by 44 persons or 1.06 percent.

Cumulative development in the Project vicinity, including the 2550 Van Ness Avenue project, would add residents to the neighborhood. The 2550 Van Ness Avenue project is expected to add 196 persons (residents)¹⁰ and nine employees to the area.¹¹ The combined population increase for these two projects would be 240 residents and 18 employees. Population growth in this area is planned by the City, and is consistent with the Association of Bay Area Government's projections for citywide growth. The cumulative increase in population for Census Tract 130 would be from 4,130 to 4,370 or 5 percent. As such, cumulative population and housing impacts would be less-than-significant. Thus, for the reasons discussed above, the Proposed Project's impacts, combined with the 2550 Van Ness Avenue project, related to population and housing would not be cumulatively considerable.

⁹ Based on a standard multiplier of 350 gsf per general retail employee, per San Francisco Planning Department Transportation Impact Analysis Guidelines for Environmental Review, October, 2002.

¹⁰ The Project Site is located in Census Tract 130, which according to Census 2000 data, has an average household size of 1.63 persons (1.88 per owner occupied and 1.54 per rental unit). This calculation is based on the proposed 120 dwelling units described in the project application file 2005.0474E. This file is available for review in at the Planning Department Office.

¹¹ Calculations based on proposed 120 dwellings and 3,100sf retail using the City of San Francisco Transportation Guideline rates.

<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>
E-4. CULTURAL AND PALEONTOLOGICAL 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 archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Historical Resources. Prior to July 2009, the project site contained a 14'X48' sign structure on a 25 ft poll, a one-story service station building, a customer fueling area canopy structure, fueling pump structures, and three USTs. In July 2009, as part of the UST removal, the building and all structures associated with the gas station operation were demolished. These structures were not included in, or determined eligible for inclusion in, any federal, state, or adopted local register of historic resources (including *Planning Code* Articles 10 and 11), pursuant to *CEQA Guidelines*, Section 15064.5(a)(1) and 92).

The West Slope of Russian Hill Potential Historic District is located three blocks east of the project site.¹² Also, *Planning Code* Article 10 Local Landmark No. 232, 1338 Filbert Street, is located two blocks east of the project site.

The proposed building could potentially be viewed from Local Landmark No. 232 which would constitute a change in the vista from the landmark building. However, this vista change from the landmark building would be consistent with the existing urban setting surrounding Landmark No. 232. Thus, the impact to Landmark No. 232 would be less than significant. As discussed in Section E-1, Land Use Planning and Section E-2 Aesthetics, the size and scale of the proposed building would be consistent with the existing scale of surrounding development. The Proposed Project is also located three blocks from the nearest Potential Historic District. Therefore, the construction of a new building at the project site would not have a significant impact on a historic

¹² The Russian Hill Potential Historic Districts is generally bound by Larkin Street to the east; Polk Street to the west; Lombard Street to the north and Greenwich Street to the South. This area is currently under a study sponsored by the Russian Hill Historic Resource Inventory Committee for consideration by the San Francisco Historic Preservation Commission. (*The West Slope of Russian Hill a Historic Context and Inventory of Historic Resources for Residential Buildings around Lombard and Larkin Streets*. William Kostura, 2006 updated in 2009. Planning Department's I Drive Preservation Files - Accessed 01/27/10.)

architectural resource or potential historic district. Thus, the Proposed Project's impacts related to historical resources are considered less-than-significant.

b. Archeological Resources. Factors considered in determining the potential for encountering archeological resources include the depth and areal extent of soils disturbance resulting from the Project, as well as information about known archeological resources in the Project vicinity and the historical development of the project site.¹³

The Proposed Project would require excavation of the site to a maximum depth of about 17 feet below ground surface and the proposed building would be supported by five-foot-deep spread footings.¹⁴ Thus, the Proposed Project could potentially disturb or destroy subsurface cultural resources, if any exist. However, the implementation of **Mitigation Measure M-Archeo-1-Archeological Resources**, presented below and on pp. 97-100, would reduce any potentially significant disturbance, damage, or loss of archeological resources to a less-than-significant level.

Mitigation Measure M-Archeo-1 – Archeological Resources

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

¹³ Don Lewis/Randall Dean. Preliminary Archeologic Review Checklist. June 29, 2009. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco, CA 94103 as part of Case File No. 2009.0335E.

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 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.

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.

c. Paleontological and Geological Resources. Paleontological resources are the fossilized remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains, such as bones, teeth, shells, and wood, are found in geologic deposits (rock formations). Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithologic unit in which they occur. If the rock types representing a deposition environment conducive to deposition and preservation of fossils are not favorable, fossils will not be present. Lithological units which may be fossiliferous, include sedimentary and volcanic formations. The project site is generally underlain by deposits of fill, Colma Formation soil and Franciscan complex bedrock. The site is blanketed by up to approximately 14 feet of fill. The fill is underlain by sand with clay, claye sand and sandy clay (Colma Formation) to a maximum depth explored of 30.5 feet.¹⁵ Bedrock, in the vicinity of the site was encountered at depths ranging from about 40 to 50 feet. Project excavation is expected to reach 17 feet in depth. The proposed excavation is not deep enough to reach geologic formations containing lithological units containing fossils. Therefore paleontological resources would not be disturbed and the impact on these resources would be less-than-significant.

¹⁵ Rollo & Ridley, *Geotechnical Investigation, 1527 Filbert Street/2559 Van Ness Avenue*, San Francisco, February 2009. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco, CA 94103 as part of Case No. 2009.0335E.

d. **Human Remains.** Although no known human remains are anticipated to be found at the project site, it is possible that such resources may be found at depths greater than previously disturbed during past development. Adoption of **Mitigation Measure M-Archeo-1**, discussed above, would reduce any potentially significant disturbance, damage, or loss of human remains to a less-than-significant level.

Cumulative Cultural Resources Impacts. The Proposed Project and the 2550 Van Ness Avenue project are situated three blocks from a potential historic district and two blocks from an Article 10 Historic Landmark, but not within any existing or proposed historic districts. Neither site supports architectural resources. Thus, the Proposed Project and 2550 Van Ness Avenue jointly would not have a cumulatively considerable adverse effect on architectural resources.

In addition, any future projects in the vicinity would be subject to City review, both in the context of a potential and/or adopted historic district, and thus would also not be expected to adversely affect the architectural resources in the vicinity of the project site. The Proposed Project design would be consistent with the context of the neighborhood and its historic architectural resources. Therefore, the Project would not contribute to any cumulative impact to historic resources.

The presence of subsurface archeological resources on the project site or in its vicinity is uncertain. However, as with the Proposed Project, 2550 Van Ness Avenue and any future projects in the project vicinity would be subject to guidelines similar to **Mitigation Measure M-Archeo-1**. Implementation of **Mitigation Measure M-Archeo-1**, above and on pp.97-100 would reduce potential impacts related to archaeological resources to a less-than-significant level. Thus, potential impacts to archaeological resources related to the implementation of the Proposed Project in combination with other projects, would not be cumulatively considerable.

<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>
E-5. TRANSPORTATION AND CIRCULATION—					
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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) 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section describes the existing transportation conditions in the vicinity of the project site and assesses the transportation impacts associated with the Proposed Project's construction.

a – b. Traffic and Level of Service

Operational Impacts. The project site is located on the southwest corner of Van Ness Avenue and Filbert Street. In the Project vicinity, Van Ness Avenue is a two-way, north-south roadway with three travel lanes in each direction and metered parking on both sides of the street. In the vicinity of the project site, Filbert Street is a two-way, east-west roadway with one travel lane in each direction and parking on both sides of the street. Southbound Muni lines 41-Union, 45-Union/Stockton, 47-Van Ness, 49-Van-Ness/Mission, and Golden Gate Transit routes 76-Marin Headlands 10-San Francisco Strawberry, and 70, 80, 101-San Francisco/Santa Rosa run along Van Ness Avenue.

In the San Francisco *General Plan* Van Ness Avenue is designated as a Major Arterial, Metropolitan Transportation System (MTS) Street, Neighborhood Commercial Street, and a Transit Important Street. Filbert Street west of Polk Street and Union Street west of Van Ness Avenue are designated as local access streets of generally lower capacity.

As set forth in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the Planning Department evaluates traffic conditions for the weekday PM peak period to determine the significance of an adverse environmental impact. Weekday PM peak hour conditions typically represent the worst conditions of the local transportation network. Table 2 presents trip generation rates for the residents and employees of the Proposed Project.

Table 2 – Trip Generation (Person Trips)

	Daily	PM Peak Period
44 Residents¹⁶		
Person trips	720	87
Auto	434	51
Transit	131	20
Walking	137	14
Other (e.g., bicycle, motorcycle)	18	2
9 Employees		
Person trips	18	2
Auto	10	1
Transit	6	1
Walking	2	1
Other(e.g., bicycle, motorcycle)	1	0

The Proposed Project is estimated to generate 720 average daily person-trips,¹⁷ including about 87 in the P.M. peak hour (4:30 to 5:30 P.M.). These trips would be distributed among various modes of transportation, including single occupancy vehicles, carpools, public transit, walking, and bicycling. Of the estimated 87 P.M. peak hour person trips, approximately 51 would be vehicular trips, 20 would be transit trips, 14 would be walking trips, and two would be trips by other means that include bicycling and motorcycles.¹⁸ Based on the mode split and average automobile occupancy for the Proposed Project’s location, there would be 18 employee daily vehicle trips, of which 10 would be automobile trips, six trips by transit, two pedestrian, and one other trip. During the PM peak hour there would be one vehicle trip, about one transit trip, and one walking trip. Overall, the Project would generate 52 PM peak-hour vehicle trips. These vehicle trips generated by the Project would not be considered a substantial traffic increase relative to the existing capacity of the local street system. Residents and businesses along Van Ness Avenue and Filbert Streets could thus experience an increase in vehicular activity as a result of the Proposed Project; however, it would be a less-than-significant increase relative to the existing capacity of the local street system. The Project would not contribute significantly to a Level of Service (LOS) decline at adjacent roadway intersections, per LOS standards considered acceptable by the San Francisco Planning Department. The change in traffic in the project area as a result of the Proposed Project would be undetectable to most drivers, particularly given the

¹⁶ Average household size of 1.63 persons (See footnote 7 of this report),

¹⁷ Residential trips were calculated at 10 trips per three- and two-bedroom units and 7.5 trips per two-bedroom or more units.

¹⁸ Mode split data for the uses were obtained from the *Transportation Impact Analysis Guidelines for Environmental Review* values for Census Tract 130.

relatively high volume of traffic on Van Ness Avenue during the PM peak period. Therefore, the increase in traffic caused by the Project would be considered a less-than-significant impact.

Loading During Project Operation. Planning Code Section 152 does not require a loading space for under 100,000 sf of residential use. The Proposed Project would include 40,000 sf of residential space; thus, off-street freight loading is not required. The number of delivery service vehicles generated by the Proposed Project would be, on average, one truck trip per day for the retail use. Other deliveries would include limited instances of residents moving into or out of the 27-unit building and residents occasional personal delivery services (Fedex, UPS, and food). Occasionally double-parking of delivery trucks on the street would impede traffic flow on Van Ness Avenue. However, all loading activity should be accomplished along Filbert Street and due to the Project's proposed uses, service-calls and deliveries would be relatively low and the effect on traffic flow would be considered less-than-significant.

Improvement Measure I-TR-1 – Loading: Yellow Zone Provision

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor should seek the approval from the San Francisco Municipal Transportation Authority for the creation of a yellow zone either on Van Ness Avenue or on Filbert Street, where curb cuts currently exist.

Improvement Measure I-TR-2 – Loading: Monitoring on Filbert Street

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor, and/or property owner, and/or tenants occupying the retail spaces on the ground floor, should notify vendors to use Filbert Street during pick up and deliveries.

Construction Impacts. During the projected 12- to- 18 month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts 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 meet with the City's Transportation Advisory Staff Committee (TASC) to determine feasible measures to reduce traffic congestion, including effects on the transit system and pedestrian circulation impacts during construction of the Proposed Project. TASC consists of representatives from the Traffic Engineering Division of the Department of Parking and Traffic (DPT), the Fire Department, MUNI, and the Planning Department.

Construction of the Proposed Project could potentially affect traffic and parking conditions in the vicinity during the 12 to 18-month construction period. The construction work would be performed in phases. During the excavation phase, the Project Sponsor estimates the presence of 20-25 construction workers on site daily. During the building phase, 30-40 construction workers are expected to be on site daily. Trucks¹⁹ would deliver and remove materials to and from the

¹⁹ According to Sponsor, there's no estimated number of trucks nor stage area location available yet, as the construction documents and other data have not yet been prepared.

site during working hours, and construction workers would likely drive to and from the site. However, these effects, although a temporary inconvenience to local residents and workers, would not substantially change the capacity of the existing street system or considerably alter the existing parking conditions. Therefore, no significant impacts related to construction traffic would result from the Project.

Improvement Measure I-TR-3 Construction-Period Traffic Planning: The Project Sponsor would meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible improvement measures to reduce traffic congestion and pedestrian circulation impacts during construction of the Project. Also, the Project Sponsor should coordinate with Muni's Chief Inspector prior to construction to avoid impacts on transit during the construction period.

5c. Air Traffic. The project site is not located within an airport land use plan area, within 2 miles of a public airport, or in the vicinity of a private airstrip. Therefore, this significance criterion would not apply to the Proposed Project.

5d. Traffic Hazards. The Proposed Project does not include any features that would alter the existing street pattern nor increase transportation hazards (e.g., creating a new sharp curve or dangerous intersections). Thus, this topic does not apply to the Proposed Project.

e. Emergency Access Impacts. As discussed under Topic 1, Land Use and Land Use Planning (p.26), the Proposed Project would not introduce any incompatible uses to the Project vicinity. The Proposed Project would be incorporated within an established street plan and would not create an impediment to the passage of persons or vehicles. Similarly, the Proposed Project would not result in a significant impact with regard to emergency access, as the project site is accessible from major streets. In light of the above, the Proposed Project would not result in an inadequate emergency access and therefore, would not result in an impact to emergency access.

f. Plans and Policies Regarding Transit, Bicycle and Pedestrian Facilities.

Transit Conditions. Muni provides transit service within the City and County of San Francisco, including bus (both diesel and electric trolley), light rail (Muni Metro), cable car, and electric streetcar lines. Within one block of the site Muni operates lines 41-Union, 45-Union/Stockton, 47-Van Ness, 49-Van-Ness/Mission.

Golden Gate Transit (GGT) provides transit service within Marin County and from Marin County (starting in Santa Rosa) to and from the City and County of San Francisco. Within one block from the site GGT operates routes 76-Marin Headlands, 10-San Francisco Strawberry, and 70, 80, 101-San Francisco/Santa Rosa.

It is estimated that 21 project-generated peak-hour trips would utilize public transit. These trips would be distributed among the Muni and GGT transit lines providing service to the vicinity of the project site.

Capacity utilization relates the number of passengers per transit vehicle to the design capacity of the vehicle. Muni's established capacity utilization standard for peak period operations is 85 percent. With several Muni lines operating in the project vicinity, it is anticipated that most riders would choose the closest and least crowded lines depending upon their direction of travel. Currently, the Muni routes in the vicinity of the project site operate under or around capacity during PM peak hour. Overall, the addition of 21 project-generated transit trips would result in a less-than-significant impact on transit service.

Bicycle Conditions. There are two bicycle routes in the vicinity of the project site: (1) Route 6, two blocks south of the project site on Green Street; and (2) Route 25, one block east of the site on Polk Street. The Proposed Project would not interfere with bicycle access. No bicycle parking spaces are required pursuant to *Planning Code* Section 155.4 for the retail/commercial uses onsite, however 13 spaces are required for the residential units per Section 155.5, and the Project Sponsor will provide the required 13 bicycle parking spaces in the basement level.

Planning Code Section 155.5, Bicycle Parking Required for Residential Uses, requires that residential projects of up to 50 dwelling units provide one Class I bicycle parking space for every two dwelling units. Per Section 155.5, the proposed 27-unit project would be required to provide 13 Class I bicycle parking spaces. The Project Sponsor proposes 13 Class I bicycle parking spaces and would meet Section 155.5 of the *Planning Code*.

It is not anticipated that the Proposed Project would have an adverse impact on bicycle conditions in the project area. Most bicyclists are expected to continue using the existing bike lanes and routes in the vicinity.

Pedestrian Conditions. Sidewalks adjacent to the project site, on Van Ness Avenue and Filbert Street, have substantial excess capacity as evidenced by the lack of pedestrian crowding or queuing. The Proposed Project would generate approximately 15 PM peak-hour pedestrian trips. This increase in pedestrian activity, as a result of the Project, could be accommodated on local sidewalks and would not result in safety concerns related to pedestrian movements. The Proposed Project would not cause a substantial amount of pedestrian and vehicle conflict since there are currently limited pedestrian volumes. Sidewalk widths are sufficient to allow for the free flow of pedestrian traffic. Pedestrian activity would increase as a result of the Project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

Plans and Policies. One of the eight Priority Policies added to Planning Code Section 101.1 by Proposition M, the Accountable Planning Initiative, is discouragement of commuter automobiles. In addition, the City's "Transit First" policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well-served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is well-served by transit, and the Proposed Project contains on-site bicycle parking to encourage alternative transportation use; thus the Proposed Project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

Cumulative Impacts. The Proposed Project would not cause a substantial increase in traffic, in relation to the existing traffic load and capacity of the street system. As reflected in the trip generation explained in Section 5a and 5b, Effects of Existing Traffic and LOS, the Proposed Project would result in less-than-significant increase in traffic and less-than-significant contribution to LOS decline at surrounding intersections. The Proposed Project would not include any hazardous design features or incompatible uses and would not result in inadequate emergency access to the site itself, or any surrounding sites. The Proposed Project would not cause a substantial increase in transit demand that could not be accommodated by existing and proposed transit capacity, and alternative travel modes. With the addition of 52 PM peak-hour vehicle trips, the Proposed Project would have a less-than-significant cumulative impact, because it would add a negligible number of PM peak-hour vehicle trips to the long-term increase in vehicle traffic in the surrounding street network.

Project construction activities, in combination with other development in the project area, including the proposed 2550 Van Ness Avenue project, would incrementally increase the demands on the City's transportation network, but not beyond levels anticipated and planned for by local transportation and transit agencies. Construction schedules of both projects could overlap resulting in a temporary increase of construction workers and delivery trucks to the area. However, construction work is temporary by nature, and therefore all impacts related to it would be temporary. Thus, Project-related impacts to transportation and circulation would not be cumulatively considerable.

Parking. San Francisco does not consider parking supply as part of the permanent physical environment and therefore does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The San Francisco Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision makers. Therefore, the parking analysis and discussion are included here for informational purposes.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA.

Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (*CEQA Guidelines* Section 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other

modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." Alternative transportation, such as transit, bicycle, and pedestrian conditions, are discussed above under Question 5f.

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

San Francisco Planning Code Section 151 requires residential projects in the RC-3 zoning district to provide off-street parking at the rate of one space for every dwelling unit and one space for every 500 sf of retail use if the total square footage exceeds 5,000 sf. The proposed combination of retail/ commercial uses would not exceed 5,000 sf; therefore, the Project would need to provide 27 parking spaces (one for each dwelling unit). The Proposed Project satisfies the *Planning Code* requirement by providing 38 off-street parking spaces (some of which would be stored by mechanical stackers). Based on the October 2002 *Transportation Impact Analysis Guidelines for Environmental Review*, demand for residential parking would be 41 spaces: 1.1 spaces for each single bedroom unit, and 1.5 spaces for each multiple bedroom unit. The parking demand for the commercial use would be 17 spaces. The Proposed Project would thus produce a total unmet demand of about 3 daily spaces.²⁰ The unmet parking demand generated by the Proposed Project would have to compete for on-street parking. On-street parking spaces were not available on neighboring streets, Van Ness Avenue and Filbert Street, during the weekday morning that the Planning Department staff visited the project site.²¹ Therefore, off-street spaces would not fully meet the parking demand of the Proposed Project, which would cause increased competition for available spaces.

While the 38 off-street parking spaces proposed would not accommodate all visitors to the project site, the resulting parking deficit would not in itself be considered a significant effect. San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

²⁰ 40 - 38 (provided by the project) = 2

²¹ Monica Pereira and Kristina Hallett's Site visit on 1/22/09 at 10:45 AM.

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 20-40 construction workers²² would likely park in existing on-street parking spaces in the Project vicinity. Although construction workers may have to circulate on streets in the vicinity of the project site to find available parking, the temporary anticipated parking deficit would not substantially change the capacity of the existing street system or alter the existing parking conditions in the area.

<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>
E-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 general plan 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 checked="" type="checkbox"/>	<input 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"/>

e. Airport Land Use and f. Private Airstrip. The Proposed Project is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. As such, topics 6e and f are not discussed in detail below.

Van Ness Avenue is heavily travelled and generates moderate to high levels of traffic noise. Thus, ambient noise levels in the project vicinity are typical of noise levels in greater San

²² The construction work would be performed in phases. During the excavation phase, the Project Sponsor estimates the presence of 20-25 construction workers on site daily. During the building phase, 30-40 construction workers are expected to be on site daily

Francisco, which are dominated by vehicular traffic, including cars, Muni buses and emergency vehicles. Site observation indicated that surrounding land uses did not noticeably conduct noisy operations.

a-b. Noise Levels in Excess of Standards. Applicable noise standards are contained within the California Code of Regulations Title 24, Part 2 (known as the California Building Code), local *General Plan* policies, and standards in local noise ordinances. The Proposed Project could potentially expose people to, or generate, noise levels in excess of the above-mentioned standards in two ways. First, the Project could expose people to noise above applicable standards by introducing land uses that are incompatible with the existing noise environment of the site. Second, the Project itself could lead to an increase in ambient noise levels, thereby affecting existing sensitive receptors in the project vicinity. The closest sensitive noise receptors to the project site are the residential dwelling units located directly next door, at 2525 Van Ness Avenue and 1531 Filbert Street, although there are sensitive noise receptors (residences) generally surrounding the project site to the north, east, south and west. These potential impacts are discussed below.

The project site is located within an RC-3 (Medium-Density Residential Combined Neighborhood) Zoning District, which supports a mix of neighborhood-serving commercial and residential uses. The Environmental Protection Element of the *San Francisco General Plan* contains guidelines for determining the compatibility of various land uses with different noise environments. The *General Plan* recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. For residential uses such as dwelling units and group housing, the guidelines indicate that a noise environment of the Day Night Average Noise Levels (Day-Night Sound Level [DNL])²³ of 60 dBA²⁴ or less is generally considered “satisfactory” with no special noise insulation requirements, and approximately 67.5 dBA for commercial uses such as retail.

Based on modeling of noise volumes conducted by the San Francisco Department of Public Health (DPH),²⁵ the ambient noise level in the project area vicinity is generally 70 dBA. Therefore, the Proposed Project would locate the proposed new residential units, in an environment with noise levels above those considered normally acceptable for residential use and near the threshold acceptable for retail use per *General Plan* standards. The Proposed Project would be subject to the requirements of Title 24 of the California Code of Regulations, which require an interior standard of DNL 45 dBA in any habitable room, and require an acoustical analysis demonstrating how the residential units have been designed to meet this interior standard. To meet this standard, incorporation of adequate noise insulation features into the Project’s design would be required to provide a noise level reduction sufficient enough to reach

²³ Day Night Average Noise Levels (DNL) is a 24-hour time-averaged sound exposure level with a 10 decibel nighttime (10 pm to 7 am) weighting.

²⁴ dBA refers to “A-weighted decibel(s)”, which is the unit used to measure the relative intensity of sound. The dBA scale ranges from zero (denotes the average least perceptible sound) to about 130 (denotes the average pain level in humans).

²⁵ Traffic noise map presented on DPH website: <http://www.sfdph.org>

the 45 dBA interior noise level. Design and construction in accordance with Title 24 standards, and enforced through the Department of Building Inspection's (DBI) permit review process, would reduce the impact of the existing noise environment on future residents of the development to a less-than-significant level. This would ensure that future residents of the Proposed Project would not be substantially affected by existing noise levels.

Demolition, excavation, and Project construction would temporarily increase noise and possibly vibration in the project area and may be considered an annoyance by occupants of nearby properties. Construction noise and vibration impacts would be temporary and intermittent in nature and limited to the 12- to-18-month construction period. Noise from construction activities associated with the Proposed Project would be regulated by the *San Francisco Noise Ordinance*. Sections 2907 and 2908 of the *San Francisco Police Code* regulate construction noise and provide that:

- Construction noise is limited to 80 dBA at 100 feet from the source equipment during daytime hours (7 a.m. to 8 p.m.). Impact tools such as pile drivers are exempt provided that they are equipped with intake and exhaust mufflers to the satisfaction of the Director of Public Works or the Director of Building Inspection.
- Nighttime construction (8 p.m. to 7 p.m.) that would increase ambient noise levels by 5dBA or more is prohibited unless a permit is granted by the Director of Public Works or the Director of Building Inspection.

During the construction phase, the amount of construction noise generated would be influenced by equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers). There would be times when noise and vibration could interfere with indoor activities in nearby residences, including the residences adjacent to the subject property, and other businesses near the project site. The Project Sponsor has indicated that they expect to use a mat slab foundation, and do not anticipate use of pile driving.²⁶ Therefore, the noisiest construction activities associated with the project would likely be exterior finishing, which can generate noise levels up to 89 dBA.²⁷ Noise generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance. Therefore, the exterior noise level at the sensitive receptors identified above could be greater than 80 dBA during the noisiest construction activities. All construction activities would be required to comply with the San Francisco Noise Ordinance, as discussed above. The DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Since the Proposed Project would be constructed to the lot line with residential structures adjacent to construction activities, construction activities would be prohibited from 8:00 p.m. to

²⁶ Email correspondence from Tuija Catalano to Monica Pereira. Dated June 4, 2010.

²⁷ Estimates correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase and 200 feet from the other equipment associated with that phase based on U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, December 1971.

7:00 a.m. Nonetheless, during the construction period for the Proposed Project, occupants of the nearby properties could be disturbed by construction noise. The Project Sponsor would implement construction practices regulated by the *Noise Ordinance* which would reduce the impact of construction noise on nearby residents to less-than-significant levels.

The Proposed Project does not include any subterranean uses that could potentially expose people to excessive groundborne vibration nor would the mixed-use Project generate any excessive groundborne vibration or noise.²⁸ While there would be temporary and intermittent noise with the potential for minimal vibration during construction, this would not be a permanent condition. Therefore, the exposure of nearby residents and workers to groundborne vibration and noise would be less than significant.

c. and d. Permanent and Temporary Increase in Ambient Noise. The Proposed Project could generate noise from vehicle trips, as well as from stationary sources such as Heating, Ventilation and Air Conditioning (HVAC) equipment that could affect nearby noise-sensitive land uses. The project area's existing noise environment is typical of noise levels in San Francisco, and traffic is the existing noise source that makes the greatest contribution to ambient noise levels throughout most of the City. The primary source of noise in the vicinity of the project site is traffic on Van Ness Avenue. Baseline noise measurements indicate noise levels of greater than 70dBA in the project vicinity.²⁹ Traffic noise created by the project would be attributable to additional automobiles and limited truck deliveries, and the general coming and going of residents, employees, and other visitors.

A change in noise levels of less than three dBA is not discernable to the general population; an increase in average noise levels of three dBA is considered barely perceptible, while an increase of five dBA is considered readily perceptible to most people. Generally, the traffic volumes in a project area would need to double to produce an increase in ambient noise levels noticeable to most people in the area. The increase of approximately 27 residential units and some ground-floor commercial use would result in, approximately 286 vehicle trips over an average day as indicated in the transportation analysis. The Project may increase traffic volumes, but they would not double on project area streets as a result of the Project, or be discernable in comparison to the current gasoline service station use on site. Therefore, the Proposed Project would result in a less-than-significant permanent or temporary increase in the ambient noise level related to traffic in the project vicinity.

Operational noise generated by residential and commercial uses is common and generally accepted in this urban location. As mentioned previously, the Proposed Project would include mechanical equipment, such as cooling and ventilation systems, that could produce operational noise. All operations would be subject to the San Francisco Noise Ordinance, Article 29 of the *San Francisco Police Code* amended in November 2008, which establishes noise limits for fixed noise

²⁸ As noted in the *Geotechnical Report*, and Geology and Soils Topic E-14, the Proposed Project would include underpinning of adjacent buildings along the southern and western property lines. See footnote No. 19.

²⁹ Baseline Noise Map, prepared by the Department of Public Health and Planning Department, January 2009, available for review at the Planning Department, 1650 Mission Street, Ste. 400, San Francisco.

sources. As amended in November 2008, this ordinance establishes a noise limit from mechanical sources such as building equipment, and this is 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 the ambient noise; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of the ambient noise; and for noise on public property, including streets, the limit is 10 dBA in excess of the ambient noise. The Noise Ordinance also provides for a separate fixed-source noise limit of 45 dBA for residential interiors at night and 55 dBA during the day and evening hours. Project compliance with Article 29, Section 2909, would minimize noise from building operations. The operation of a 27-unit residential building would not significantly contribute permanently or temporarily to the existing ambient noise in the project vicinity, and would result in a less-than-significant impact with respect to ambient noise exposure.

Cumulative Noise Impacts. The Proposed Project would result in a less-than-significant exposure of persons to, and generation of, noise levels in excess of standards described in Title 24, the *General Plan*, and the Noise Ordinance, because the Project would be designed and constructed in accordance with Title 24 standards. The noise and vibrations from construction activities would be regulated by the Noise Ordinance and pile driving would not be used. The Proposed Project would result in less-than-significant exposure of persons to groundborne vibration or groundborne noise levels, because no subterranean uses or pile driving would be used. The Project would result in a less-than-significant increase in permanent or temporary ambient noise levels, because area traffic would not double with Project development and Project operational noise would be regulated by Title 24. Although the ambient noise level in the project area vicinity is above those considered normally acceptable for residential uses, the Project would be subject to Title 24 standards, which would reduce ambient noise exposure impacts to less-than-significant levels for future residents of the proposed development. Thus, the Project would result in less-than-significant noise impacts.

In the project vicinity, a mixed-use building is proposed at 2550 Van Ness Avenue. This project, in combination with the Proposed Project, could incrementally contribute to cumulative noise impacts in the project vicinity; however, the cumulative impact would not be considerable because combined, the projects would not add substantial noise-generating development to the project area and both projects would be subject to local requirements and the Noise Ordinance for reduction of potential noise impacts to less-than-significant levels. For these reasons, these projects would not result in cumulatively considerable noise impacts and the Proposed Project would not contribute to cumulatively considerable noise impacts.

<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>
E-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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a – c.

Air Quality Plans and Standards. The purpose of the *Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines* is to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the San Francisco Bay Area Air Basin. The Guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. The BAAQMD recently issued revised Guidelines that supersede the 1999 BAAQMD *CEQA Guidelines*.³⁰

According to the BAAQMD, the recently adopted thresholds of significance for criteria air pollutants, GHG, and health risks from new sources emissions are intended to apply to environmental analyses that have begun on or after adoption of the revised CEQA thresholds. Thresholds pertaining to the health risk impacts of sources upon sensitive receptors are intended to apply to environmental analyses begun on or after January 1, 2011. Therefore, the Proposed Project would be subject to the thresholds identified in BAAQMD's 1999 *CEQA Guidelines*. However, in anticipation of BAAQMD adopting revised thresholds of significance, an analysis of the Proposed Project's impact with respect to recently adopted CEQA significance thresholds was performed. Thus, the following discussion addresses the BAAQMD's recently adopted CEQA thresholds of significance.

³⁰ Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, June 2010.

The BAAQMD 2010 *CEQA Guidelines* notes that the first step in determining the significance of criteria air pollutants and precursors related to project operation and from exhaust during project construction is to compare the attributes of the Proposed Project with the applicable screening criteria. The purpose of this comparison is to provide a conservative indication of whether construction or operation of the Proposed Project would result in the generation of criteria air pollutants and/or precursors that exceed the *Guidelines'* thresholds of significance. If all of the screening criteria are met by a Proposed Project, then the lead agency or applicant does not need to perform a detailed air quality assessment of the project's air pollutant emissions, and construction or operation of the Proposed Project would result in a less than significant impact to air quality. If the Proposed Project does not meet all the screening criteria, then Project emissions need to be quantified.³¹

The BAAQMD 2010 *CEQA Guidelines* notes that the screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type project that these screening criteria are based upon.

The BAAQMD 2010 *CEQA Guidelines* provides two thresholds for construction-period criteria air pollutants: (1) exhaust emissions from construction vehicles, and (2) fugitive dust. Both thresholds are discussed below.

Construction-Period Exhaust Emissions. The BAAQMD 2010 *CEQA Guidelines* provides thresholds of significance for construction-related criteria air pollutant and precursor emissions from vehicle exhaust. Based on a review of the construction-related criteria, the Proposed Project would be below the screening level for construction-related criteria air pollutants and precursors.³² The Proposed Project would not exceed any of the BAAQMD thresholds of significance; thus, the project would result in a less-than-significant air quality impact related to construction exhaust emissions.

Construction-Period Fugitive Dust Control. Project-related excavation and grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the California Air Resources Board,

³¹ *Ibid*, p. 3-1.

³² *Ibid*, Table 3-1.

reducing ambient particulate matter from 1998–2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Excavation, grading, and other construction activities can cause wind-blown dust to add to particulate matter in the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

For fugitive dust emissions, BAAQMD 2010 *CEQA Guidelines* recommend following the current best management practices approach, which has been a pragmatic and effective approach to the control of fugitive dust emissions. The *Guidelines* note that individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent and conclude that projects that implement construction best management practices will reduce fugitive dust emissions to a less-than-significant level.³³

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 on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Dust Control 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 following regulations and procedures set forth in of Article 22B of the San Francisco Health Code – Construction Dust Control Requirements – contain the BAAQMD-recommended best management practices:

- Water all active construction areas at least twice daily;
- Cover all trucks hauling soil, sand, and other loose materials, or require such trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at a minimum three times daily in dry weather, or apply non-toxic soil stabilizers to all unpaved access roads, parking areas, and staging areas;

³³ *Ibid*, Section 4.2.1.

- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public street areas;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 miles per hour;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers for all exiting trucks, or wash off the tires of all trucks and equipment prior to leaving the site;
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph; and
- Limit the area subject to excavation, grading, and other construction activity at any one time.

Compliance with the Dust Control Ordinance would reduce the Project's air quality impacts related to fugitive dust to less than significant.

Operational Air Quality Emissions. For a mid-rise apartment building, the 2010 BAAQMD CEQA Guidelines screening level for operational-related criteria air pollutant and precursor screening level is 494 dwelling units and 99,000 sf for retail space.³⁴ The Proposed Project includes 27 dwelling units and 3,000 sf of retail and thus is well below the screening level that requires a detailed air quality assessment of air pollutant emissions. The Project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the BAAQMD's thresholds of significance. Operation of the Proposed Project would therefore result in a less-than-significant impact to air quality from criteria air pollutant and precursor emissions.

d. **Traffic-Related 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.³⁵ Consistent with CARB guidance, DPH has

³⁴Table 3-1 of the BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, June 2010.

³⁵ 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,

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 unhealthful 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).³⁶ 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.

The project site, at 1527 Filbert Street and 2559 Van Ness Avenue, 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 maximum PM_{2.5} average annual exposure at the site would be 0.15 micrograms per cubic meter and is below the action level.³⁷ Thus, the Proposed Project is not expected to result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants.

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. Observation indicates that surrounding land uses are not sources of noticeable odors, and therefore would not adversely affect project residents, and this impact would be less than significant.

Cumulative Air Quality Impacts. The Proposed Project would be generally consistent with the *General Plan* and air quality management plans such as the *Bay Area 2000 Clean Air Plan*, and the *Bay Area 2005 Ozone Strategy*. Additionally, the *General Plan*, *Planning Code*, and the City Charter

http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AQLU_Conflicts.pdf, accessed September 8, 2009.

36 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.)

37 Fosdahl, Patrick, San Francisco Department of Public Health. 2559 Van Ness Avenue: Air Quality Evaluation Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways, correspondence to the Project Sponsor, August 12, 2009. This document is available for review, by appointment, as part of Case File No. 2009.0335E at the San Francisco Planning Department.

implement various transportation control measures identified in the City's Transit First Program, bicycle parking regulations, transit development fess and other actions. Accordingly, the Proposed Project would not contribute considerably to cumulative air quality impacts; including potential climate change impacts, nor would it interfere with implementation of the *Bay Area 2005 Ozone Strategy* or *2001 Ozone Attainment Plan*, which are the applicable regional air quality plans developed to improve air quality towards attaining the state and federal air quality standards.

With respect to cumulative impacts from criteria air pollutants, BAAQMD's approach to cumulative air quality analysis is that any Proposed Project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. The Proposed Project would result in less-than-significant impacts related to construction air quality emission, operational air quality emissions, project-related motor vehicle emissions, roadway-related exposure to toxic air contaminants, and odors. Therefore, all air quality impacts associated with the Proposed Project would also be less than significant cumulatively.

<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>
E-8. GREENHOUSE GAS EMISSIONS—					
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, CO₂, CH₄, and N₂O are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons,

and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in “carbon dioxide-equivalent” measures (CO₂E).³⁸

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.³⁹

The California Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO₂E (MMTCO₂E), or about 535 million U.S. tons.⁴⁰ The ARB found that transportation is the source of 38 percent of the State’s GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.⁴¹ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area’s 95.8 MMTCO₂E emitted in 2007.⁴² Electricity generation accounts for approximately 16 percent of the Bay Area’s GHG emissions followed by residential fuel usage at 7 percent, off-road equipment at 3 percent and agriculture at 1 percent.⁴³

Senate Bill 97 (SB 97) requires the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. The Natural Resources Agency adopted OPR’s CEQA guidelines on December 30, 2009, amending various sections of the guidelines to provide guidance for analyzing GHG emissions. Specifically, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project’s potential to emit GHGs. OPR’s amendments to the CEQA Guidelines have been incorporated into this analysis accordingly.

³⁸ 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.

³⁹ California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: <http://www.climatechange.ca.gov/publications/faqs.html>. Accessed March 2, 2010.

⁴⁰ California Air Resources Board, “California Greenhouse Gas Inventory for 2000-2006 – by Category as Defined in the Scoping Plan.” http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

⁴¹ Ibid.

⁴² Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

⁴³ Ibid.

a. **Project Greenhouse Gas Emissions.** The most common GHGs resulting from human activity are CO₂, CH₄, and N₂O.⁴⁴ State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the Proposed Project. The GHG calculation presented in this analysis includes an estimate of emissions from CO₂, N₂O, and CH₄. Individual projects contribute to the cumulative effects of climate change by emitting GHGs during their construction and operational phases.

GHG Emissions During Project Operation. Both direct and indirect GHG emissions are generated by project operations. Operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The Proposed Project would increase the activity on site by adding 27 dwelling units and nine employees to the site that is currently a vacant lot. The Proposed Project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential operations associated with energy use, water use and wastewater treatment, and solid waste disposal. GHG emissions from water use and wastewater treatment are presented for the Proposed Project.

During project operation, direct Project emissions of carbon dioxide equivalents (MTCO₂E), including CO₂, NO_x, and CH₄ emissions, include 353 MTCO₂E/year from transportation, and 50 MTCO₂E /year from heating for a total of 403 MTCO₂E/year of project-emitted GHGs. The Project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 19 MTCO₂E/year), energy required to convey, pump and treat water and wastewater (approximately 2 MTCO₂E/year), and anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 1 MTCO₂E/year), for a GHG emissions total of approximately 425 MTCO₂E/year.⁴⁵ It is anticipated that operation of a project this size would represent less than 0.01 percent of the Bay Area's GHGs emitted in 2007.⁴⁶ Thus, operation of the Proposed Project would result in a less-than-significant impact on global climate change.

⁴⁴ Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*. June 19, 2008. Available at the Office of Planning and Research's website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

⁴⁵ San Francisco Planning Department. Memorandum from Jessica Range to Monica Pereira. Greenhouse Gas Calculations for 1527 Filbert Street, March 19, 2010. A copy of this document is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0335E.

⁴⁶ Bay Area Air Quality Management District. *Source Inventory of Bay Area Greenhouse Gas Emissions*. Updated: February 2010. 939 Ellis Street, San Francisco, CA 94109. The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2007 at approximately 95.8 MMTCO₂E. Bay Area 2007 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the Bay Area.

GHG Emissions During Project Construction. According to the BAAQMD, the recently adopted thresholds of significance for criteria air pollutants, GHG emissions, and health risks from new sources emissions are intended to apply to environmental analyses that have begun on or after adoption of the revised CEQA thresholds. Thresholds pertaining to the health risk impacts of sources upon sensitive receptors are intended to apply to environmental analyses begun on or after January 1, 2011. Therefore, the Proposed Project would be subject to the thresholds identified in BAAQMD 1999 *CEQA Guidelines*. However, the following discussion addresses the BAAQMD's recently adopted CEQA thresholds of significance.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, but the *Guidelines* recommends that lead agency quantify and disclose GHG emissions that would occur during construction.⁴⁷ The Proposed Project is expected to generate 157 carbon dioxide equivalents (MTCO₂E) over an approximately 25-month construction period.⁴⁸ It is anticipated that construction of a project of this size would represent less than 0.01 percent of the Bay Area's GHGs emitted in 2007.⁴⁹ Thus, Project construction would result in a less-than-significant impact on global climate change.

Project's Compliance with Local GHG Regulations. The GHG estimate above does not include emission reductions from compliance with the City's regulations that would reduce the Project's GHG emissions. Specifically, the Proposed Project would comply with the following City regulations that would reduce the Project's GHG emissions:

- **Stormwater Management.** The project must meet the "Best Management Practices" and "Stormwater Design Guidelines" of the San Francisco Public Utilities Commission, and must meet or exceed applicable LEED SS 6.1 and 6.2 guidelines (Building Code Section 1304C.0.3). These guidelines emphasize low impact development using a variety of best management practices for treating stormwater runoff and reducing impervious surfaces.
- **Solid Waste.** The project would be required to provide areas for recycling, composting and trash storage, collection and loading that is convenient for all users to separate those three material streams, and must provide space to accommodate a sufficient quantity and type of containers to be compatible with current methods of collection (Building Code Section 1304C.0.4).

⁴⁷ BAAQMD, *CEQA 2010 Air Quality Guidelines*, Section 2.6.2.

⁴⁸ 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.

⁴⁹ BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions*. Updated: February 2010. The BAAQMD reported regional Bay Area GHG emissions in 2007 at approximately 95.8 MMTCO₂E. Bay Area 2007 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the Bay Area.

- **Bicycle Parking.** No bicycle parking spaces are required for the retail/commercial uses onsite, however 13 spaces are required for the residential units per Section 155.5. The Project Sponsor will provide the required 13 bicycle (Planning Code, Sections 155.2, 155.4, and 155.5).
- **Street Tree Planting.** Planning Code Section 143 requires one 24-inch boxed sized street tree for each 20 feet of lot frontage with any remaining fraction of 10 feet or more requiring one additional tree. The Van Ness Avenue frontage measures 100 feet, requiring 5 street trees. The Filbert Street frontage measures 110 feet, requiring 6 street trees.). The Project will provide the required street trees in accordance to Planning Code Section 143.
- **Use of Low-Emitting Materials.** The Project Sponsor must submit documentation to verify the use of low-emitting materials for adhesives, sealants, paints, coatings, and carpets, as applicable (Building Code Section 1304C.3.2.2).
- **Water Conservation.** require projects to meet the following minimum standards: (1) all showerheads have a maximum flow of 2.5 gallons per minute (gpm), (2) all showers have no more than one showerhead per valve, (3) all faucets and faucet aerators have a maximum flow rate of 2.2 gpm, (4) all toilets have a maximum rated water consumption of 1.6 gallons per flush (gpf), (5) all urinals have a maximum flow rate of 1.0 gpf, and (6) all water leaks have been repaired (Building Code Chapter 13A and Housing Code Chapter 12A).

San Francisco has been actively pursuing cleaner energy, alternative transportation, and solid waste policies, many of which have been codified into the regulations listed above. In an independent review of San Francisco's community-wide emissions it was reported that San Francisco has achieved a 5 percent reduction in community-wide GHG emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent 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 and building energy sources.⁵⁰

As infill development, the Proposed Project would be constructed in an urban area with good transit access, reducing regional vehicle trips and vehicle miles traveled. Additionally, compliance with the City's regulations, as discussed above, would reduce the project's overall GHG emissions. Given that San Francisco has implemented binding and enforceable programs to reduce GHG emissions applicable to the Proposed Project and that San Francisco's sustainable policies have resulted in the measured success of reduced GHG emissions levels, the Proposed Project's GHG emissions would result in a less-than-significant impact.

⁵⁰ *City and County of San Francisco: Community GHG Inventory Review.* August 1, 2008. IFC International, 394 Pacific Avenue, 2nd Floor, San Francisco, CA 94111. Prepared for City and County of San Francisco, Department of the Environment.

b. Consistency with Applicable Plans. Both the State and the City of San Francisco have adopted programs for reducing greenhouse gas emissions, as discussed below.

Assembly Bill 32

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

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.⁵¹ The Scoping Plan estimates a reduction of 174 million metric tons of CO₂E (MMTCO₂E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 3, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.⁵² Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

SPACE INTENTIONALLY LEFT BLANK

⁵¹ California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

⁵² California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

Table 3. GHG Reductions from the AB 32 Scoping Plan Sectors⁵³

GHG Reduction Measures By Sector	GHG Reductions (MMT CO₂E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	174
 Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	
• Anaerobic Digestion	9
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
Total	42.8-43.8

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

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

City and County of San Francisco GHG Reduction Strategy

In addition to the State's GHG reduction strategy (AB 32), the City has developed its own strategy to address greenhouse gas emissions on a local level. The vision of the strategy is expressed in the City's Climate Action Plan, however implementation of the strategy is

⁵³ California Air Resources Board, California's Climate Plan: Fact Sheet. Op cit.

appropriately articulated within other citywide plans (*General Plan, Sustainability Plan, etc.*), policies (*Transit-First Policy, Precautionary Principle Policy, etc.*), and regulations (*Green Building Ordinance, etc.*). The following plans, policies and regulations highlight some of the main components of San Francisco's GHG reduction strategy.

Overall GHG Reduction Sector

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

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) setting a goal for the City and County of San Francisco to reduce GHG emissions to 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 Emissions*.⁵⁴ The Climate Action Plan provides the context of climate change in San Francisco and examines strategies to meet the 20 percent GHG 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 blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City GHG 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 GHG emission reduction limits for San Francisco and the target dates to achieve them:

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

The 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)

⁵⁴ 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.

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.

Transportation Sector

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy (Article 8A, Section 8A.115. of 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 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 particulate matter (PM, or soot) than the buses they replace, they produce 40 percent less oxides of nitrogen (NOx), and they reduce GHGs by 30 percent.

San Francisco Municipal Transportation Agency's Climate Action Plan. In November 2007 voters passed Proposition A, requiring the SFMTA to develop a plan to reach a 20 percent GHG reduction below 1990 levels by 2012 for the City's entire transportation sector, not merely in the SFMTA's internal operations. SFMTA has prepared a *Draft Climate Action Plan* outlining measures needed to achieve these targets.

Commuter Benefit Ordinance. The Commuter Benefit Ordinance (Environment Code, Section 421), effective January 19, 2009, requires all employers in San Francisco that have 20 or more employees to offer one of the following benefits: (1) A Pre-tax Transit Benefit, (2) Employer Paid Transit Benefits, or (3) Employer Provided Transit.

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 that allow for neighborhood-oriented retail and services and where off-street parking is limited to accessory parking spaces.⁵⁵ 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 San Francisco's streetscape, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options.

⁵⁵ See *Planning Code* Sections 206.4 and 155.1.

Renewable Energy

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.

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. 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.

Green Building

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.

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 stormwater 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.⁵⁶

Waste Reduction

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 72 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

⁵⁶ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Universal Recycling and Composting Ordinance. Signed into law on June 23, 2009, this ordinance requires all residential and commercial building owners to sign up for recycling and composting services. Any property owner or manager who fails to maintain and pay for adequate trash, recycling, and composting service is subject to liens, fines, and other fees.

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 many stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

AB 32 contains a comprehensive approach for developing regulations to reduce statewide GHG emissions. ARB acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas sectors. Many of the measures in the Scoping Plan—such as implementation of increased fuel efficiency for vehicles (the “Pavley” standards), increased efficiency in utility operations, and development of more renewable energy sources—require statewide action by government, industry, or both.

Some of the Scoping Plan measures are at least partially applicable to development projects, such as increasing energy efficiency in new construction, installation of solar panels on individual building roofs, and a “green building” strategy. As evidenced above, the City has already implemented several of these measures that require local government action, such as a Green Building Ordinance, a Zero Waste strategy, a Construction and Demolition Debris Recovery Ordinance, and a solar energy generation subsidy program, to realize meaningful reductions in GHG emissions. These programs (and including others not listed) collectively comprise San Francisco’s GHG reduction strategy and continue 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. The City’s GHG reduction strategy also furthers the State’s efforts to reduce statewide GHG emissions as mandated by AB 32.

The Proposed Project would be required to comply with GHG reduction regulations as discussed above, as well as applicable AB 32 Scoping Plan measures that are ultimately adopted and become effective during implementation of Proposed Project. Given that the City has adopted numerous GHG reduction strategies recommended in the AB 32 Scoping Plan, that the City’s GHG reduction strategy includes binding, enforceable measures to be applied to development projects, such as the Proposed Project, and that the City’s GHG reduction strategy has produced

measurable reductions in GHG emissions, the Proposed Project would not conflict with either the state or local GHG reduction strategies. In addition the Proposed Project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Therefore, the Proposed Project would have a less than significant impact with respect to GHG emissions.

Cumulative Greenhouse Gas Emissions. As discussed above, the Project would be consistent with state and local plans and regulations that address the project’s GHG emissions; thus, it can be presumed that the Project would not have cumulatively considerable GHG emission 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>
E-9. 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Wind. Wind impacts are generally caused by large building masses extending substantially above their surrounding, and by buildings oriented so that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The Proposed Project would be about 65 feet in height, about five to 30 feet taller than neighboring buildings. Although taller than the immediate surrounding two- and three-story structures on the Project’s block, the height of the proposed building would be consistent with structures of similar height in the immediate vicinity. Therefore, the Proposed Project would not result in adverse effects on ground level winds. Thus, the implementation of the Proposed Project would result in a less-than-significant impact to wind patterns in the vicinity of the Project.

b. Shadow. Section 295 of the *Planning Code* protects certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. *Planning Code* Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. To determine whether this Project would conform to Section 295, a preliminary shadow fan was prepared by the Planning Department staff. The preliminary analysis determined that the Project shadow would not shade public areas subject to Section 295.⁵⁷ Because of the proposed building height and the

⁵⁷ A copy of the shadow fan analysis is available for public review by appointment in Case File 2009.0335K at the San Francisco Planning Department.

configuration of existing buildings in the vicinity, the net new shading which would result from the Project's construction would not affect parks or open spaces protected by Section 295. The Project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are common and generally accepted in urban areas. Thus, the implementation of the Proposed Project would not have an impact.

Cumulative Impacts on Wind. Based on the information provided above, the Proposed Project, along with other potential and future development in the vicinity, such as the proposed 2550 Van Ness Avenue project, would not result in significant wind impact in the project vicinity. It is anticipated that design of these developments would limit building height to be consistent with the applicable height and bulk requirements. These changes would not cumulatively substantially alter the wind pattern to affect public areas.

Cumulative Impacts on Shadow. The Proposed Project, along with the proposed 2550 Van Ness Avenue project, could result in net new shadows in the vicinity. The 2550 Van Ness Avenue project would be subject to controls to avoid substantial net new shading of public open space. Thus, the Proposed Project in combination with 2550 Van Ness Avenue would not be expected to contribute considerably to adverse shadow effects under cumulative conditions.

<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>
E-10. 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 checked="" type="checkbox"/>	<input 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. There are six open space and recreational facility properties in an approximate six-block vicinity of the project site: the Alice Marble Tennis Courts, approximately three blocks northeast of the project site; Allyn Park, a small urban park with mature trees and landscaping located four blocks southwest; Hyde-Vallejo Mini-Park located five blocks to the southeast; Michelangelo Playground located five blocks to the northeast; Russian Hill Open Space located six blocks northeast; and Helen Wills Playground located approximately six blocks

southeast. The project site is not located in an area identified in the *San Francisco General Plan* as in high need of recreational facilities and improvements.⁵⁸

The project site is located just outside the boundaries of the service areas of the Moscone Recreation Center and the Rowing Club/Dolphin Club Recreation Center. In 1998, the City and County 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 Parks Department published a *Recreation Assessment Report* that evaluates the recreation needs of San Francisco residents.⁵⁹ Nine service area maps were developed for the *Recreation Assessment Report*. The service area maps were intended to help Recreation and Parks Department staff 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. A review and interpretation of the data on the service area maps indicated that the vicinity of the project site has access to certain types of recreation facilities such as recreation centers, tennis courts and basketball courts, but falls outside the general service areas for other types of recreational facilities such as pools and multi-use fields/soccer pitches.

The Proposed Project would add twenty-seven (27) residential units and 3,000 sf of commercial space, which is expected to result in an estimated net population increase of 44 residents⁶⁰ on the site compared to the existing use. It is expected that the nearby Alice Marble Tennis Courts, Allyne Park, Hyde-Vallejo Mini-Park, Michelangelo Playground, Russian Hill Open Space, and Helen Wills Playground would be utilized by future occupants of the Proposed Project. However, the increase in use, if any, would not be substantial compared to the existing demand for public recreational facilities in this area and would not result in substantial physical deterioration of existing recreational resources. The Proposed Project would not require the construction or expansion of off-site recreational facilities that might have an adverse physical effect on the environment. Thus, the Proposed Project would not result in significant impacts in regard to recreation facilities, nor require the construction or expansion of public recreation facilities.

The Proposed Project would provide on-site open space for passive recreational use for the proposed building's residents through a common rooftop open space totaling 3,000 sf and 5,400 sf of private open space in form of balconies, patios or roof decks.

Cumulative Recreation Facility Impacts. Recreation facility use in the project area would also likely increase with development of 2550 Van Ness Avenue project. The 2550 Van Ness Avenue project would be subject to compliance with *Planning Code* open space requirements. This would

⁵⁸ *San Francisco General Plan Recreation and Open Space Element, Map 9: Open Space Improvement Priority Plan*, Adopted July 1995.

⁵⁹ San Francisco Recreation and Park Department, *Recreation Assessment Report*, August 2004. This document is available online at http://www.parks.sfgov.org/site/recpark_index.asp?id=27310. Accessed October 26, 2009.

⁶⁰ The Project Site is located in Census Tract 130, which according to Census 2000 data, has an average household size of 1.63 persons (1.88 per owner occupied and 1.54 per rental unit).

ensure future impacts to recreation resources are not cumulatively considerable. Thus, the Proposed Project, alone or in combination with 2550 Van Ness Avenue, would not contribute to cumulatively considerable 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>
E-11. 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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. Wastewater Treatment Requirements. Project-related wastewater flows would be treated in accordance with the San Francisco Bay Regional Water Quality Control Board (RWQCB)-issued National Pollutant Discharge Elimination System (NPDES) prior to discharge into the Bay. The Proposed Project is not expected to increase combined sewer overflows to the Bay. Therefore, no Project impacts would occur to wastewater treatment requirements.

b, c, e. Wastewater. Project-related wastewater and stormwater would flow to the City's combined stormwater and sewer system, which collects and transports both sewage and stormwater runoff. The North Point Water Treatment Plan provides wastewater and stormwater treatment and management for the Marina District, including the project site.

As stated in section E-3 of this report (Population and Housing), with the construction of the Proposed Project there would be a population increase of 44 residents on the site where none currently exists. This increase in residents would increase the demand on the public sewage system. However, the increase in demand would not be substantial compared to the existing demand on the existing sewage system in the area. Thus, the Proposed Project would not require substantial expansion of wastewater/stormwater treatment facilities or an extension of a sewer trunk line as the Site is currently served by existing facilities. As no new wastewater/stormwater infrastructure would be required to serve the proposed building, no impact would result from its construction.

d. Water Supply. All proposed 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 221.⁶¹ 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 or business employing more than 1,000 persons or having more than 500,000 square feet (sf) of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 v; (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 sf 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 San Francisco Public Utilities Commission (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,⁶² 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, and as discussed under Topic 3, Population and Housing, p. 34 the Proposed Project would be within the projected population growth for the City of San Francisco. Therefore, the Project would not

61 California Department of Water Resources (2003). Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. Accessed at: www.owue.water.ca.gov/Guidebook_101003.pdf on January 9, 2009.

62 City and County of San Francisco, Public Utilities Commission, Resolution No. 02-0084, May 14, 2002.

exceed the UWMP's water supply projections. Water usage from the Proposed Project is estimated to be 2,728 gallons per day.⁶³

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 the Project. For the reasons discussed above, the Proposed Project's impacts related to water supply would be less-than-significant.

f. Solid Waste Disposal. Solid waste generated in San Francisco is transported to and disposed of at the Altamont Landfill. The Altamont Landfill has an annual solid waste capacity of 2,226,500 tons for the City of San Francisco. However, the City is below its allowed capacity, generating approximately 550,000 tons of solid waste in 2005.⁶⁴ 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 and commercial occupants 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.

g. Compliance with Statutes. The Project would comply with all pertinent federal, state and local statutes and regulations regarding the disposal of solid waste generated by construction activities; therefore no impacts would occur.

Cumulative Utilities and Service Systems Impacts. Cumulative development in the Project area, including the proposed 2550 Van Ness Avenue and future development that could occur in the vicinity of the Proposed Project, would incrementally increase demand on Citywide utilities and service systems. Given that the City's existing service management plans address anticipated growth in the region, the Project would not be expected to have a considerable effect on utility service provision or facilities under cumulative conditions.

⁶³ Based on current residential use in San Francisco of 62 gallons per capita per day (SFPUC, 2005 Urban Water Management Plan for the City and County of San Francisco, December 2005, p. 40. Available for viewing at www.sfwater.org. As cited in the Case File No. 2007.1342E, Eddy & Taylor Family Housing Project, Preliminary Mitigated Negative Declaration, available for review at www.sfplanning.org/mea.

⁶⁴ *Ibi*.

<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>
E-12. 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. Public Services.

Police Protection Services. Development of the Project would bring new residential and retail uses to the project area. This increased intensity of uses could potentially increase the service calls to the San Francisco Police Department (SFPD) and could require increased crime prevention activities and additional policing of the project area. The closest police station is the Northern Station at 1125 Fillmore (near Golden Gate Avenue), approximately 1.4 miles from the project site.⁶⁵ Although the Proposed Project could increase activity and the number of calls received from the area as well as the level of regulatory oversight required, the increase in responsibilities would not be considered substantially greater than the existing demand for police and fire protection services in the Marina District. Meeting this additional service demand would not require the construction of new police facilities. Therefore, the Project would have a less-than-significant impact on police protection services.

Fire Protection Services. The Project would increase the demand for fire protection services within the project area. The nearest fire stations are Station 41 at 1325 Leavenworth Street near Jackson Street, Station 16 at 2251 Greenwich Street, Station 38 at 2150 California Street, Station 2 at 1340 Powell Street, Station 28 at 1814 Stockton Street, and Station 3 at 1067 Post Street. These six stations are located approximately three-quarters to one mile from the project site. Traffic delays and added call volume may result for the San Francisco Fire Department (SFFD), due to cumulative development in the project area; however, the SFFD is able to minimize potential impacts by shifting primary response duties to other nearby fire stations. By replacing the existing advertisement sign with more intense retail/residential uses on site, the number of calls for services from the project site would be expected to increase. However, the increases would be incremental, funded largely through Project-related increases to the City's tax base, and would not likely be substantial in light of the existing demand and capacity for fire suppression and emergency medical services in the City.

The Project would be required to comply with all regulations of the 2001 California Fire Code, which establishes requirements pertaining to fire protection systems, including the provision of

⁶⁵ San Francisco Police Department website: www.sfgov.org/site/police. Accessed November 30, 2009.

state-mandated smoke alarms, fire extinguishers, appropriate building access, and emergency response notification systems. In addition, occupants of the proposed building would contribute to congestion if an emergency evacuation of the area were required. The Proposed Project would also not create the need for new fire protection facilities that would result in impacts to the physical environment. Overall, the Proposed Project would result in less-than-significant impacts related to fire protection services.

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 Golden Gate Valley Branch on Green Street and the Marina Branch on Chestnut Street are approximately two to four blocks from the project site. Existing facilities would be sufficient to meet local demand generated by the Project.

A variety of community centers/facilities are available in the Project vicinity. The Community Service Directory on the San Francisco Public Library website lists 35 community organizations in the Marina District neighborhood⁶⁶. These organizations include: arts facilities and performance spaces, public gardens, youth and family centers, youth and family centers, public parks, health services, cultural centers and other community organizations. 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 proposed 2550 Van Ness Avenue and future development that could occur in the vicinity of the 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.

<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>
E-13. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁶⁶ San Francisco Public Library, *San Francisco Community Services Directory*. Available online at <http://sflib1.sfppl.org:83/search/X?SEARCH=94123+or+s%3Amarina&SORT=R&y=25&y=9>. Accessed on November 30, 2009.

<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) 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

The project site is currently occupied by a general advertising 14'x48' sign structure, on an approximately 25' pole on an otherwise vacant lot that is enclosed by a cyclone fence. The project site does not support or provide habitat for any rare or endangered wildlife or plant species. There are no trees on the lot and no special-status bird species are known to nest in the area. There are no riparian or wetland areas on the project site. There are no street trees on the perimeter of the project site. The project vicinity is an urban environment and with high levels of human activity. The Project would not substantially affect any rare or endangered animal or plant species or the habitat of such species, nor substantially diminish habitat for fish, wildlife or plants, or substantially interfere with the movement of migratory fish or wildlife species. Therefore, the Project would have no impact on biological resources. Furthermore, the project site is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Based on the information presented above, the Proposed Project would have no impacts on biological resources.

Cumulative Biological Resources Impacts. As discussed above, the project site does not contain biological resources, and the Project could not impact these resources. Therefore the Proposed Project does not have the potential to add to cumulative impacts on biological resources.

<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>
E-14. 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in an urban setting. It has been previously paved and wastewater connections are available. The site is not located on expansive soil and there are no unique geologic or physical features at the site. Therefore, topics 13b, d, e and f are not discussed in detail below.

Topography. The site grades are relatively level and range from 0.0 ft at the northeast to about -3 ft at the northwest corner of the site respectively.⁶⁷

In San Francisco, unengineered artificial fill was used during the mid-19th century to reclaim property from the Bay. Based on subsurface investigations, the soil beneath the site consists of

⁶⁷ No elevation data is available at this time. This relative elevation was recorded by Rollo & Ridley's field engineer. Rollo and Ridley Inc., Geotechnical Investigation 1527 Filbert Street and 2559 Van Ness Avenue, San Francisco, California, February 2009. A copy of the report is available for review in Project File No. 2009.0335E at the Planning Department, 1650 Mission Street, 4th Floor.

(from top to bottom) fill, loose to medium dense sand, stiff to hard clay, dense to very dense clayey sand to very stiff sandy clay to a total depth of 30.5 ft. Groundwater was encountered at a depth of 23.5 ft bgs. Previous investigations in the project site's vicinity encountered bedrock at depths ranging from 40 to 50 ft. and groundwater was measured at depths ranging from 20 to 25 ft bgs.⁶⁸

A preliminary geotechnical report was prepared for the Project by a California-licensed geotechnical engineer in February 2009.⁶⁹ The document includes site reconnaissance, geologic and seismic hazard evaluation of the site, and review of available subsurface information at the site. The purpose of the study was to evaluate subsurface conditions at the site and present preliminary geotechnical conclusions and recommendations for evaluating the feasibility of the Proposed Project. The Proposed Project's final building plans would be reviewed by the DBI, and the geotechnical investigation would be available for use by the DBI during its review.

a and c. Seismic and Geologic Hazards. The San Francisco General Plan Community Safety Element contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to ground shaking from earthquakes along the San Andreas and Northern Hayward faults and other faults in the San Francisco Bay Area (Maps 2 and 3 of the Community Safety Element). According to Rollo and Rippley's 2009 geotechnical report, the site is located in a Seismic Hazards Study Zone where no known liquefaction has occurred.⁷⁰

The geotechnical report identified surface and subsurface conditions, and made recommendations for construction of features and project design to reduce hazards on site. Report recommendations include site and subsurface preparation and grading, excavation, fill, backfill, foundations, retaining walls, shoring and underpinning (including underpinning of adjacent buildings along the southern and western property lines), seismic design criteria, and construction monitoring. The report suggests that permanent perimeter walls should be designed to resist lateral pressures associated with the retained soil, and adjacent structures. Because the site is in a seismically active area, the report further suggests that the basement wall should be designed to resist pressures associated with seismic forces. The Project Sponsor has agreed to follow the recommendations of this report in constructing the Project. Additionally, the DBI would review building permits for the site. Potential damage to structures from geologic hazards would be mitigated through the DBI review of the building permit application and implementation of the Building Code.

The Proposed Project is located on geologic units that are subject to ground shaking. However, implementation of the recommendations in the geotechnical report and DBI requirements would ensure that the Project would have less-than-significant impacts related to geologic hazards.

Building Considerations. The geotechnical report concluded that the site would be suitable for the Proposed Project. Recommendations for construction of features and project design to reduce

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Per Map 4 of the Community Safety Element, the project site is not in an area subject to liquefaction potential.

hazards on site are presented in the report. In the geotechnical report it is recommended the use of a shallow foundation consisting of continuous wall and isolated spread footings to support the building and slab on grade as well as possible alternatives to address lateral loads on footings, uplift loads, and basement walls. The Project Sponsor has agreed to follow the recommendation in the geotechnical report in constructing the Project.

The report concluded that even though the new floor slabs should be above the groundwater table, water and water vapor may occasionally be present within the subgrade soil. In order to avoid water vapor transmission through the slab, it is proposed to either waterproof the slab or underlay it by a capillary moisture break and vapor retarder.⁷¹

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a Proposed Project, it would determine necessary engineering and design features for the Project to reduce potential damage to structures from ground shaking and liquefaction. In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of special geologic study areas and known landslide areas in San Francisco, as well as the building inspectors' working knowledge of areas of special geologic concern. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

Based on the information presented above, the Proposed Project would not result in a significant impact regarding geology and soils. Thus, the Proposed Project would have a less-than-significant impact in geology and soils.

Cumulative Geology and Soils Impacts. Geology impacts are generally site-specific and do not have cumulative effects in combination with other projects. Cumulative development, including the 2550 Van Ness Avenue development 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 contribute to any cumulatively considerable effects on geology and 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>
E-15. 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"/>

⁷¹ Waterproofing and vapor retarders are not equivalent systems.

<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>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Water Quality Standards. Based on the 2009 geotechnical investigation report,⁷² the Project would not substantially degrade water quality or contaminate a public water supply. All sanitary wastewater from the proposed buildings and storm water runoff from the project site would continue to flow into the City's combined storm water and sewer system, to be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitations set by the Plant's NPDES permit. These measures would ensure the Project's compliance with waste water discharge

⁷² Rollo and Riddley Inc., *Geotechnical Investigation 1527 Filbert Street and 2559 Van Ness Avenue*, San Francisco, California, February 2009. A copy of the report is available for review in Project File No. 2009.0335E at the Planning Department, 1650 Mission Street, 4th Floor.

requirements and the protection of water quality. Therefore, water quality standards or waste discharge requirements would not be violated. Thus, the Project would have less-than-significant impacts on water quality.

b. Groundwater. Groundwater was encountered in the boring undertaken for the site at a depth of 23.5 ft. Based on the 2009 geotechnical investigation report, groundwater was encountered during previous investigations in the immediate vicinity of the site at a depth ranging from 20 to 25 bgs. The geotechnical report did not indicate that the Proposed Project might require dewatering. However, if groundwater is encountered on-site then dewatering activities may be necessary. Any groundwater encountered during construction of the Proposed Project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199.77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The Bureau of Systems Planning, Environment, and Compliance of the San Francisco Public Utilities Commission must be notified of projects necessitating dewatering, and may require water analysis before discharge. These measures would ensure protection of water quality during construction of the Proposed Project. Therefore, groundwater resources would not be substantially degraded or depleted, and the Project would not substantially interfere with groundwater recharge. Thus the Project would have less-than-significant impacts on groundwater.

c – e. Drainage and Erosion. The Project would convert the prior gasoline service station into another use and replace the general advertising 14'x48' sign structure with a residential and retail development on site. Construction of the proposed building would increase impervious surface on the site. However, the proposed building's courtyard would include landscaping elements and it is contemplated that the private balconies, patios or roof decks would do the same. For the reasons discussed above, it is expected that the Proposed Project would result in a rate of flow and net volume of stormwater runoff from the site similar to the rates prior to the removal of the former gasoline service station. Therefore, the Project would not adversely affect drainage, and therefore would have less-than-significant impacts on drainage patterns.

Because the Project Sponsor is required to implement construction Best Management Practices listed on the Stormwater Pollution and Prevention Program "Checklist for Construction Management Requirements," implementation of erosion and sedimentation control measures, as required by the City and/or resource agencies, would minimize short-term construction-related erosion impacts to less-than-significant levels.

f. Degrade Water Quality. During operations, the Proposed Project would comply with all local wastewater discharge requirements. Project-related wastewater and stormwater would continue to flow to the City's combined sewer system, as discussed above under Topic 10, Utilities and Service Systems, and would be treated to standards contained in the City's NPDES Permit for the Southeast Wastewater Treatment Plant prior to discharge. Thus, the Proposed Project would not substantially degrade water quality and therefore would have less-than-significant impacts to water quality.

g – i. Flood and Hazard. Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers.

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a 1 percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area ("SFHA").

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco's geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2009, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards) ⁷³. On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the DPW will publish flood maps for the City, and applicable City departments and agencies may begin

73 City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008.

implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map.

According to the preliminary map, the project site is not located within a flood zone designated on the City's interim floodplain map. Therefore, the Project would result in less-than-significant impacts related to construction of the proposed building within a 100-year flood zone.

j. Seiche, Tsunami, Mudflow. The site is not on the San Francisco 20-foot Tsunami Runup Map, so no 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 may 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 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. Therefore, the Project would result in less than significant impacts from seiche, tsunami, or mudflow hazard.

Cumulative Hydrology Impacts. In light of the discussion above, 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. Flood and inundation hazards are site-specific; thus, the Proposed Project would not have considerable cumulative impacts. However, other development in the project area (including 2550 Van Ness Avenue), 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's contribution to any cumulative impacts on hydrology or water quality would be less-than-significant.

<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>
E-16. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<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>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section addresses the potential and known hazards of the project site including USTs, asbestos and lead-based paint contaminants in the soil, emergency response plans, and fire hazards. The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip; therefore, significance criteria 15e, and f are not applicable to the Proposed Project.

The project site has been developed since the late 1800s and appears to have been developed as a dwelling and a shed in 1899. From 1913 to 1929, two dwellings occupied the site. Subsequently, the project site was occupied by a gasoline station and a dwelling unit from 1935 to 1968 and a gasoline station and associated structures from 1968 to the Summer of 2009.⁷⁴ In July 2009, the project site was vacant and the onsite structures were removed as part of an UST removal.

Since 2008 the following hazardous materials investigations have been performed at the project site:⁷⁵

- o **July 2008:** *Phase I Environmental Site Assessment Report (ESA)* - A Phase I Environmental ESA was conducted for the project site by Environmental Risk Specialties Corporation (ERS) in July 2008.⁷⁶ The Phase I ESA was conducted to identify possible environmental concerns regarding potential on-site sources of hazardous materials and potential off-site

⁷⁴ ERS, *Phase I Environmental Site Assessment 2559 Van Ness Avenue San Francisco, California* prepared for Reuben & Junius, LLP, July 14, 2008. This report is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400, 1650 Mission Street, San Francisco.

⁷⁵ These reports are available for review in Case File No. 2009.0335E at the Planning Department, Suite 400, 1650 Mission Street, San Francisco.

⁷⁶ *Ibii.*

sources that might affect soil and/or groundwater quality at the project site. ERS recommended no further investigation for the project site.

- **September 2009: *Underground Storage Tank Removal and Confirmation Soil Sampling Report:*** In July 2009, three USTs (two 8,000 and one 12,000 gallons) and associated fuel piping, two hydraulic lifts and one clarifier were removed from the project site. Soil samples were collected and analyzed to characterize the waste for off-site disposal. In September 2009, Conestoga-Rovers & Associates (CRA) prepared an UST removal and confirmation sampling report. Two soil samples revealed concentrations above established environmental screening levels for total petroleum hydrocarbons gasoline (TPHg), ethyl benzene, and xylenes; and oil grease was also reported.⁷⁷ CRA concluded that residual hydrocarbons at the site would be removed during construction excavation for site development.
- **December 2009: *Subsurface Site Characterization Report:*** In October 2009, a subsurface investigation was performed to address the SFDPH and the San Francisco Planning Department's concerns related to potential contaminants affects on future residential use at the project site and to characterize soil scheduled for excavation for proper disposal. The report was prepared by ERS and published on December 10, 2009.⁷⁸ The report concluded that residual concentrations of TPHg, benzene, toluene, ethylbenzene, and xylenes found at the site does not pose significant human health risk. The extractable petroleum hydrocarbons reported in the vicinity of the former waste oil tank and hydraulic hoist are relative minor and special soil handling or disposal is not warranted. Also, soil across the site, to a depth of approximately 6.0 ft bgs, contains lead that would likely qualify as California hazardous waste due to soluble lead.

a. Hazardous Materials Use. The Proposed Project would likely result in the use of common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All of these products are labeled to inform users of risks, and to instruct them in proper disposal methods. Most of these materials are consumed or neutralized through use, resulting in little hazardous waste. Businesses are required by law to ensure employee safety by identifying hazardous materials, and adequately training workers. For these reasons, the public health and safety hazards from hazardous material use by the Proposed Project's residents and employees would be less than significant.

b. Release of Hazardous Materials.

b.i. Building Materials. There is no indication that hazardous building materials were used on the project site. However, the previous building on the project site was constructed prior to 1978.

⁷⁷ Rovers and Associates, *Underground Storage Tank Removal and Confirmation Soil Sampling Report*, September 16, 2009. Prepared for Former Conocophlips Service Station No. 2611184 2559 Van Ness Avenue, San Francisco California. This report is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400, 1650 Mission Street, San Francisco.

⁷⁸ Report available for review in Case File No. 2009.0335E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

In the past, asbestos, lead, and polychlorinated biphenyls (PCBs) were commonly used in such materials as fire proofing, floor tiles, roofing tar, electrical transformers, fluorescent light ballasts, and paint. Mercury was common in electrical switches and fluorescent light bulbs. Given this information, there is a possibility that some hazardous waste (particularly lead and hydrocarbons) may be present within soils on the project site.

The presence of hazardous waste on soil above regulatory thresholds would be considered a potential significant impact to human health and the environment. However, to address this potential significant impact, the Project Sponsor has agreed to implement **Mitigation Measure M-HZ-1 – Underground Storage Tanks, Mitigation Measure M-HZ-2 – Hazardous Materials – Testing for and Handling of Contaminate Soil, and Mitigation Measure M-HZ-3 – Hazards (Decontamination of Vehicles)**. These mitigation measures are summarized below and described in detail in Section F, Mitigation Measures and Improvement Measures, pages 97-100 of this Initial Study.

Mitigation Measure M-HZ-1 would ensure that undiscovered or remaining USTs, if any, and surrounding soils be removed and cleaned up in accordance with DPH guidelines. **Mitigation Measure M-HZ-1** would require a Site Mitigation Plan (SMP) and a Health and Safety Plan (H&S) prior to construction. **Mitigation Measure M-HZ-2** would require soil testing for potential contaminants from areas on the site in which soil would be disturbed. **Mitigation Measure M-HZ-2** would also require testing of any potential waste drums that may be present on the site for the presence of hazardous materials and identifies appropriate disposal methods if they are tested positive for hazardous materials, thereby reducing the risk of the identified potential hazards on the site to a less-than-significant level. **Mitigation Measure M-HZ-3** would require that all trucks and soil excavating equipment be decontaminated following use or transfer from the site.

Implementation of **Mitigation Measures M-HZ-1, 2, and 3** would ensure that any potential impacts due to the presence of lead or other hazardous materials in soils on the project site would be reduced to a less-than-significant level.

Mitigation Measure M-HZ-1 – Underground Storage Tanks

Permits from the San Francisco DPH Hazardous Materials Unified Program Agency (HMUPA), Fire Department (SFFD), and DPW shall be obtained for removal of any undiscovered or remaining underground storage tanks (USTs) (and related piping), if any exist. HMUPA, SFFD (and possibly MTA) will make inspections prior to removal and only upon approval of the inspector may the USTs and related piping be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged.

Because the project site is under the regulatory authority of the SFDPH-Environmental Health-Local Oversight Program (LOP) for the investigation and clean up of leaking underground storage tanks, all analytical data will be forwarded to the LOP. A "Notice of Completion" will not be issued for any area of the project site where soils contamination is documented. Rather, a

"Remedial Action Completion Certification" (aka "certificate of closure" or "case closure") will be issued upon the site being remediated to the satisfaction of the LOP with the concurrence of the RWQCB. If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is submitted to LOP due to holes in previously undiscovered USTs or because of evident odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, then site remediation may involve additional investigation and cleanup of the soil and groundwater as directed by the LOP. In order to receive a case closure for this site from the Local Oversight Program, all pertinent investigation and remediation must be completed to the satisfaction of the LOP that any residual petroleum hydrocarbon contamination in the soil and/or groundwater will not pose a threat to the public health and safety and the environment. In addition for future site development, the site may be required to meet residential land use Environmental Screening Levels (ESLs) for soil and groundwater (RWQCB Region 2), and may require vapor sampling to ensure that residences will not be exposed to elevated vapor levels as to be determined by the LOP. The building permit cannot be issued until the Project receives either case closure or the LOP allows conditional development of the site with ongoing investigation/remedial activities.

Mitigation Measure M-HZ-2 - Hazardous Materials - Testing for and Handling of Contaminate Soil

Step 1: Soil Testing. Prior to approval of a building permit for the Project, the Project Sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead and petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing for lead and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The Project Sponsor shall submit the report on the soil testing for lead and a fee of \$501 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Hazardous Waste Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of \$501 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the Project Sponsor for each additional hour of review over the first three hours, at a rate of \$167 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the Project Sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to

handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal Contaminated Soils.

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

Step 4: Preparation of Closure/Certification Report. After excavation and foundation construction activities are completed, the Project Sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-3 – Hazards (Decontamination of Vehicles)

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.

b.ii. Leaking Underground Storage Tanks

The site is currently an open case with the SFDPH Local Oversight Program and the San Francisco Regional Water Quality Control Board (RWQCB). The Project Sponsor is pursuing a Remedial Action Completion Certification (aka "certificate of closure" or "case closure") from the SFDPH LOP. On October 2, 2009, the Project Sponsor submitted a Voluntary Remediation Action Plan application to SFDPH,⁷⁹ which was approved on November 25, 2009.⁸⁰

The project site⁸¹ began use as a service station around the 1930's. Prior remediation activities at the site include the removal of four USTs in 1987 (one 10,000-gallon gasoline UST, one 8,000-gallon gasoline UST, one 6,000-gallon gasoline UST and one 280-gallon waste oil UST). In May 1988, three groundwater monitoring wells were installed to characterize groundwater in the vicinity of the former USTs. Quarterly groundwater quality monitoring reported high concentrations of TPHg, as well as elevated concentrations of 1,2-Dichloroethane.⁸² In 1990 the three USTs were replaced with one 12,000-gallon gasoline UST and two 10,000 gasoline USTs. Soil samples collected beneath each removed UST indicated elevated concentrations TPHg, benzene, toluene, and xylenes. In March 1992, a recovery well was installed, but operation was postponed due to the presence of halogenated volatile organic compounds.⁸³ A remediation system was installed and operated for approximately five months before being shut down due to noise complaints from neighbors.⁸⁴ Continued periodic groundwater monitoring indicated gasoline constituents decreased after operation of the remediation system. Regulatory case closure was requested in January 2005 from the RWQCB. However, case closure was denied because concentrations of benzene in two wells did not meet the DPH's acceptable environmental and human health level criteria.⁸⁵

In July 2009, three USTs (two 8,000 and one 12,000 gallons) were removed from the project site. Also removed were associated fuel piping, two hydraulic lifts and one clarifier. Twenty soil samples were collected and analyzed to characterize the waste for off-site disposal. Two soil

⁷⁹ Effective on January 1, 1996, State law authorized a responsible party and a local health or environmental health agency to enter into a written agreement for the supervision of the cleanup of a simple waste release: **California Health and Safety Code Sections 101480-101490**. These sections establish a cleanup oversight program which allows a local health agency to supervise the remedial action taken at a site, set up cleanup goals at a site and issue a letter or other document that certifies that the cleanup goals have been met.
<http://www.sfdph.org/dph/EH/HazWaste/hazWasteVoluntaryRemedial>

⁸⁰ DPH Work Plan Approval Letter. SFDP Work Plan 1527 Filbert Street and 2559 Van Ness Avenue, San Francisco, EHS-HWU Case Number:780, November 25, 2009. This letter is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400,1650 Mission Street, San Francisco.

⁸¹ ERS, *Phase I Environmental Site Assessment 2559 Van Ness Avenue San Francisco, California* prepared for Reuben & Junius, LLP, July 14, 2008. This report is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400,1650 Mission Street, San Francisco.

⁸² *Ibid.*

⁸³ Volatile organic compounds (VOCs) are emitted as gases from certain solids or liquids. VOCs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Assessed February 3,2010.

⁸⁴ *Ibid.* The time of installation and removal of this remedial action is not stated in the document.

⁸⁵ *Ibid.* Wells KEI-3 and MW-6 were over the 1,000 micrograms per liter.

samples revealed concentrations above established environmental screening levels for TPHg, ethyl benzene, and xylenes. Oil grease was also reported.⁸⁶

In October 2009, a subsurface investigation was performed by ERS to characterize soil scheduled for bulk excavation during site development, determine general soil conditions at the limit of proposed soil excavation, and further determine if former site use as a gasoline service station would adversely affect future residential site use. During the investigation, soil impacted by lead and gasoline was found at the site and soil samples were collected and analyzed for suspect constituents of concerns.⁸⁷

In December 2009 ERS published its findings and recommendations in the *Subsurface Characterization Report 2559 Van Ness Avenue*.⁸⁸ Based on the samples' analytical results and field observations, it was concluded in the report that soils containing total lead would likely classify as California hazardous waste due to elevated soluble lead and soil containing gasoline should be disposed at an accepting permitted landfill facility. It was also concluded in the report that bulk soil excavation and offsite disposal during site development would successfully remove elevated concentrations of total lead, and should effectively remediate soil containing petroleum hydrocarbon concentrations associated with the former gasoline service station. The December 2009 report recommended that the site receive full regulatory closure in regards to the former USTs with no further action. Full regulatory closure is issued by the SFDPH Local Oversight Program (LOP). **Mitigation Measure 4**, pages 97-100, requires the Project Sponsor to prepare and submit a closure/certification report to the SFDPH for review and approval.

In the event USTs are discovered on the project site during construction, the Project Sponsor would be required to notify the DPH's Hazardous Material Unified Program Agency (HMUPA) and would be required to obtain a UST removal permit prior to any UST removal activities. The Project Sponsor would also be required to obtain all applicable permits from the Fire Department (SFFD), and DPW prior to removal and disposal of any remaining USTs associated with the former service station

Because existing hazardous waste on the project site has been identified and could impact groundwater and presumably soils on the site, additional soil testing, a site mitigation plan (SMP), and appropriate removal, transportation, and disposal of any contaminated soil would be required. The Project Sponsor has agreed to implement **Mitigation Measures M-HZ- 1, 2 and 3**, described above and in pages 97-100 of this Initial Study. Implementation of **Mitigation Measures 1, 2 and 3** would reduce the risk of the identified potential hazards on the site to less-than-significant levels.

⁸⁶ Rovers and Associates, *Underground Storage Tank Removal and Confirmation Soil Sampling Report, Former Conocophilips Service Station No. 2611184 2559 Van Ness Avenue, San Francisco California*, prepared for Conocophilips Company, September 16, 2009. Report available for review in Case File No. 2009.0335E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

⁸⁷ Total lead, TPHg, benzene, toluene, ethylbenzene, and total xylenes (BTEX), methyl tertiary butyl ether (MTBE).

⁸⁸ ERS, *Subsurface Characterization Report 2559 Van Ness Avenue*, San Francisco, CA prepared for Tim Brown and Company, December 10, 2009. Report available for review in Case File No. 2009.0335E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

b.iii. Above-Ground Hazards. Hydraulic lifts associated with the repair services of an automotive service station, were reported present on the site in 2008. The State Water Resources Control Board Local Guidance 141, the Report on Hydraulic Lift Tanks, dated February 1995, concluded that leaks from these tanks do not pose a significant risk to water quality in California⁸⁹. However, these hydraulic lifts were removed in 2009 and therefore the Proposed Project presents a less-than-significant impact to public health and the environment from above-ground hazards.

b.iv. Water Vapor Intrusion. As part of the Phase I study, ERS screened the project site for vapor intrusion condition (pVIC).⁹⁰ ERS reported that previous groundwater monitoring reports indicated varying concentration of perchloroethylene or PCE (Tetrachloroethylene)⁹¹ and its breakdown components present in several onsite groundwater monitoring wells. The concentration of PCE on the site is a result of plume migration from nearby contaminated sites⁹². ERS made the following recommendations to reduce the potential for a pVIC at the site: installation of a vapor barrier, passive vents, or an active sub-floor system.⁹³ The implementation of these recommendations in combination with **Mitigation Measures M-HZ- 1, 2 and 3** described above and on pages 97-100 of this Initial Study, would reduce the Proposed Project impacts to public health and the environment to less-than-significant levels.

c. Schools. The San Francisco Unified School District (SFUSD) provides school services to the project site. Currently, the SFUSD schools nearest the project site include Sherman Elementary School at 1651 Union Street, approximately four blocks from the project site; the nearest middle schools are Marina Middle School at 3500 Fillmore Street, approximately ten blocks from the project site (.9 miles), and Francisco Middle School at 2190 Powell Street, approximately 12 blocks from the project site (1 mile); and the nearest high school is Galileo Academy of Science and Technology at 1150 Francisco Street, approximately five blocks (.5 miles) from the project site.

Hazardous emissions from the Proposed Project would primarily include the items identified in Topics 15a and b above. With implementation of **Mitigation Measures M-HZ- 1, 2 and 3**

⁸⁹ ERS, *Phase I Environmental Site Assessment 2559 Van Ness Avenue San Francisco, California* prepared for Reuben & Junius, LLP, July 14, 2008. This report is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400, 1650 Mission Street, San Francisco.

⁹⁰ A vapor intrusion condition is an indoor air quality condition that occurs when evaporating chemicals migrate from polluted soil and groundwater in the form of hazardous vapors into overlying buildings.

⁹¹ Tetrachloroethylene is widely used for dry-cleaning fabrics and metal degreasing operations. In the mid-1980s, EPA considered the epidemiological and animal evidence on tetrachloroethylene as intermediate between a probable and possible human carcinogen (Group B/C). The Agency is currently reassessing its potential carcinogenicity. www.epa.gov. Accessed on November 30, 2009.

⁹² Dry cleaning solvents from one or more upgradient dry cleaners have impacted groundwater and the plume has extended to the subject property. The RWQCB has been apprised of the PCE in groundwater. ERS, *Subsurface Characterization Report 2559 Van Ness Avenue*, San Francisco, CA prepared for Tim Brown and Company, December 10, 2009. Report available for review in Case File No. 2009.0335E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

⁹³ ERS, *Phase I Environmental Site Assessment 2559 Van Ness Avenue San Francisco, California* prepared for Reuben & Junius, LLP, July 14, 2008. This report is available for review in Case File No. 2009.0335E at the Planning Department, Suite 400, 1650 Mission Street, San Francisco.

described above and on pages 97-100 of this document, the Proposed Project presents less-than-significant impacts to nearby schools.

d. Listed Site. The project site is listed as “active” on the RWQCB’s Leaking Underground Storage Tank (LUST) site register⁹⁴ and is therefore considered a hazardous materials site by the California Department of Toxic Substances Control (DTSC) pursuant to *California Government Code* Section 65962.5 (commonly called the “Cortese List”).

As stated above, the Project Sponsor is pursuing a Remedial Action Completion Certification (aka “certificate of closure” or “case closure”) from the DPH LOP. With the implementation of **Mitigation Measures M-HZ- 1, 2 and 3** described above and on pages 97 - 100 of this document, the Proposed Project presents a less-than-significant impact to the environment and human health.

g. Emergency Response Plans. No interference with emergency response plans or emergency excavation plans would be expected. The Project Sponsor would develop an evacuation and emergency response plan in consultation with the Mayor’s Office of Emergency Services (OES) to ensure coordination between San Francisco’s emergency planning activities and the Project Sponsor’s plan to provide for building occupants in the event of an emergency. The Project Sponsor’s plan would be reviewed by the OES and implemented before DBI issues final building permits. Residents of the Proposed Project would contribute to congestion if an emergency evacuation of the Marina District were required. However, this contribution to congestion is expected in highly developed urban cities such as San Francisco and it is taken into account in citywide emergency response plans. Thus, the Proposed Project would have less-than-significant impacts in emergency response plans.

h. Fire Hazards. San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the DBI), in order to ensure conformance with these provisions. The Proposed Project would conform to these standards, including development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process. Therefore, the Proposed Project would have less-than-significant impacts on fire hazards.

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

⁹⁴ Ibid.

<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>
E-17. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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. However, since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the Project. 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, 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 an 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 natural resources.

San Francisco's 2002 *Electricity Resource Plan* discusses sources for electricity and projected citywide demand.⁹⁵ 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

⁹⁵ San 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/MSD_ID/138/MTO_ID239/C_ID/1346. Accessed on July 8, 2008.

this reason, the Project would not cause a wasteful use of energy and would have less-than-significant impact on natural resources.

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>
E-18. AGRICULTURE RESOURCES					
18. AGRICULTURE AND FOREST 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The California Department of Conservation designates no land within the City boundaries as Williamson Act properties or important farmland.⁹⁶ The Proposed Project would not convert farmland to a non-agricultural use, would not conflict with agricultural zoning or Williamson Act contracts, nor cause other changes that would lead to the conversion of Farmlands of Statewide Importance to nonagricultural use.

a – e. 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. No part of San Francisco falls under the State Public Resource Code definitions of forest land or timberland; therefore, the Project would not conflict with zoning for, or cause rezoning of, forest land, result in the loss of forest land, or convert forest land to non-forest use. Thus, these topics are not applicable to the Project.

Cumulative Agriculture Impacts. In summary, the impacts related to agricultural use of areas within the Proposed Project’s vicinity would not have impacts since they are not applicable; therefore, the Project would not contribute to any cumulative considerable impacts on agricultural resources.

⁹⁶ San Francisco is identified as “Urban and Built Up Land” on the California Department of Conservation Important Farmland of California Map, 2002. This map is available for viewing on-line at the Department of Conservation website (http://www.consrv.ca.gov/DLRP/fmmp/images/fmmp2004_11_17.pdf), accessed for this report February 15, 2007.

<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>
E-19. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Environmental Quality. As described above, the Project would have less-than-significant impacts on the environmental topics discussed. The Project, however, could have potentially significant impacts on archeological resources mitigated through **Mitigation Measure M-Archeo-1**, on p.98. The Proposed Project could have potentially significant impacts related to Hazards and Hazardous Materials mitigated through **Mitigation Measures M-HZ- 1, 2 and 3**, as described in Section F, below.

b. Cumulative Effects. The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or increase in environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the Project when added to other related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (Guidelines, Section 15355(a)(b)).

For the purposes of this Initial Study, the geographic context for the Proposed Project's cumulative impact assessment is the northern Marina District. Currently under environmental review by the San Francisco Planning Department, in this geographic area, there are a number of small home-improvement projects. Most relevant to this analysis is the 2559 Van Ness Avenue Project. This project proposes the conversion of 136 hotel rooms into 120 dwelling units and 3,100 sf of retail space. As described above, the environmental impacts of the Proposed Project's mix of residential and retail uses, in combination with 2550 Van Ness Avenue project would not be cumulatively considerable.

c. **Potential Environmental Effects.** Construction activities associated with the Project have the potential to result in impacts on cultural resources and hazards and hazardous materials. However, with implementation of mitigation measures prescribed above in the individual topic areas and described in detail in Section F below, all potentially significant Project-related impacts would be less-than-significant.

F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation measures have been adopted by the Project Sponsor and are necessary to avoid potential significant effects of the Proposed Project.

Mitigation Measure Archeo-1 – Archeological Resources

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 M-HZ - 1 – Underground Storage Tanks

Permits from the San Francisco DPH Hazardous Materials Unified Program Agency (HMUPA), Fire Department (SFFD), and DPW shall be obtained for removal of any undiscovered or remaining underground storage tanks (USTs) (and related piping), if any exist. HMUPA, SFFD (and possibly MTA) will make inspections prior to removal and only upon approval of the inspector may the USTs and related piping be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged.

Because the project site is under the regulatory authority of the SFDPH-Environmental Health-Local Oversight Program (LOP) for the investigation and clean up of leaking underground storage tanks, all analytical data will be forwarded to the LOP. A "Notice of Completion" will not be issued for any area of the project site where soils contamination is documented. Rather, a "Remedial Action Completion Certification" (aka "certificate of closure" or "case closure") will be issued upon the site being remediated to the satisfaction of the LOP with the concurrence of the RWQCB. If the HMUPA inspector requires that an Unauthorized Release (Leak) Report is submitted to LOP due to holes in previously undiscovered USTs or because of evident odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, then site remediation may involve additional investigation and cleanup of the soil and groundwater as directed by the LOP. In order to receive a case closure for this site from the Local Oversight Program, all pertinent investigation and remediation must be completed to the satisfaction of the LOP that any residual petroleum hydrocarbon contamination in the soil and/or groundwater will not pose a threat to the public health and safety and the environment. In addition for future site development, the site may be required to meet residential land use Environmental Screening Levels (ESLs) for soil and groundwater (RWQCB Region 2), and may require vapor sampling to ensure that residences will not be exposed to elevated vapor levels as to be determined by the LOP. The building permit cannot be issued until the Project receives

either case closure or the LOP allows conditional development of the site with ongoing investigation/remedial activities.

Mitigation Measure M-HZ-2 – Hazardous Materials: Testing for and Handling of Contaminated Soil

Step 1: Soil Testing. Prior to approval of a building permit for the Project, the Project Sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead and petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing for lead and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The Project Sponsor shall submit the report on the soil testing for lead and a fee of \$501 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Hazardous Waste Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of \$501 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the Project Sponsor for each additional hour of review over the first three hours, at a rate of \$167 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the Project Sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal Contaminated Soils.

(f) specific work practices: The construction contractor shall be alert for the presence of contaminated soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA work practices) when such soils are encountered on the site.

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

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

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

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

Step 4: Preparation of Closure/Certification Report. After excavation and foundation construction activities are completed, the Project Sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-3 – Hazards (Decontamination of Vehicles)

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all trucks and excavation and soil handling equipment shall be decontaminated following use and prior to removal from the site. Gross contamination shall be first removed through brushing, wiping, or dry brooming. The vehicle or equipment shall then be washed clean (including tires). Prior to removal from the work site, all vehicles and equipment shall be inspected to ensure that contamination has been removed.

Improvement Measure I-TR-1 – Loading: Yellow Zone Provision

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor should seek the approval from the San Francisco Municipal Transportation Authority for the creation of a yellow zone either on Van Ness Avenue or on Filbert Street, where curb cuts currently exist.

Improvement Measure I-TR-2 – Loading: Monitoring on Filbert Street

To avoid double parking on Van Ness Avenue due to trucks loading/unloading, the Project Sponsor and/or tenants occupying the retail spaces on the ground floor, should notify vendors to use Filbert Street during pick up and deliveries.

Improvement Measure I-TR-3 – Construction-Period Traffic Planning

The Project Sponsor would meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, and the Planning Department to determine feasible improvement measures to reduce traffic congestion and pedestrian circulation impacts during construction of the Project. Also, the Project Sponsor should coordinate with Muni's Chief Inspector prior to construction to avoid significant impacts on transit during the construction period.

G. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on September 29, 2009 to owners within 300-foot radius of the project site and occupants of adjacent properties and interested parties. Three members of the public responded the Neighborhood Notice. All three expressed concerns about the proper handling and disposal of the potential contaminated soil at the site. These issues are discussed in the appropriate sections on this Initial Study (see Hazards/Hazardous Materials Topics).

The Proposed Project would be generally consistent with applicable zoning controls. Comments that do not pertain to physical environmental issues and comments regarding the merits of the Proposed Project were not addressed and are more appropriately directed to the decision-makers. The decision to approve or disapprove a Proposed Project is independent of the environmental review process. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the Proposed Project could have a significant effect on the environment.

H. 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

7/13/10

I. INITIAL STUDY AUTHORS AND PROJECT SPONSOR

INITIAL STUDY AUTHORS

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

Environmental Review Officer: William C. Wycko
Senior Environmental Reviewer: Nannie Turrell
Project Coordinator: Monica Cristina Pereira
Air Quality Specialist: Jessica Range
Cultural Resources Specialist: Randall Dean

PROJECT SPONSOR REPRESENTATIVE

Reuben and Junius, LLP.
One Bush Street, Suite 600
San Francisco, CA 94104
Tuija I. Catalano, Esq., Attorney

REUBEN & JUNIUS_{LLP}

September 29, 2010

Mr. Ron Miguel, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

**Re: 2559 Van Ness Avenue and 1527 Filbert Street
Planning Dept. Case No.: 2009.0335CEKV
Planning Commission Hearing Date: October 7, 2010
Our File No.: 5051.04**

Dear President Miguel:

Our office represents 1501 Filbert, LLC, the owner and project sponsor for a 27-unit in-fill residential project with ground floor commercial (“Project”) at 2559 Van Ness Avenue and 1527 Filbert Street (“Property”), at the southwest corner of Van Ness and Filbert, at a site previously used as a gasoline service station.

A. Benefits of the Project. The benefits of the Project include:

- **Authorize Conversion of the Closed Gasoline Service Station and Utilization of a Currently Vacant Site:** The 76-branded gasoline service station ceased its operation in summer 2009, and the underground storage tanks were removed by the prior owner at that time under the Department of Public Health’s supervision. The site has been vacant since the gas station ended its operation.
- **Elimination of a Non-Conforming Use:** The prior gasoline service station use is not permitted under current zoning, and the Project provides an opportunity to replace the non-confirming use with a more desirable residential/commercial use that is principally permitted by the Code.
- **Increase in Family Housing Supply:** The Project will increase the City’s supply of housing by providing 27 new units, the maximum number of units permitted by the zoning. All of the units are two-bedroom units and with sizes ranging from approx. 1,000 sf to 2,500 sf they are exceptionally well suited for family housing.
- **Appropriate In-Fill Development Close to Transit and Services:** The Project is located along Van Ness Avenue, on a corner lot that is appropriate for the proposed height and density. The project proposes the maximum residential density and height permitted by the Code.

I:\R&a\505104\PC Brief 9-29-10.doc

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay M. Petrone | John Kevlin | Alison L. Krumbein | John McInerney III²

1. Also admitted in New York 2. Of Counsel

One Bush Street, Suite 600
San Francisco, CA 94104

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

www.reubenlaw.com

- **Generation of Construction Jobs.** As a new construction project with 6 stories-over-basement and approx. 54,000 sf, the Project will create construction jobs over an estimated 12 to 18-month period.
- **Bicycle Parking.** The Project provides 28 bicycle parking spaces when only 13 are required by the Code.

B. Environmental Review – Negative Declaration Adopted, No Appeals.

On July 15, 2010, the Planning Department published a Preliminary Mitigated Negative Declaration (“PMND”) for the Project. *No appeals* were filed on the PMND, and the Final Mitigated Negative Declaration (“FMND”) was adopted on August 5, 2010. The FMND concluded that the Project would not create significant environmental impacts due to the adoption of mitigation measures (on archeology, underground storage tanks and soil removal).

C. Neighborhood Outreach and Community Support.

Early in the entitlement process, the project sponsor reached out to neighbors and certain neighborhood groups. Approximately a year ago, the project sponsor, at its own initiative, mailed invitations for a neighborhood meeting to neighbors within 300-foot radius of the Property. The general neighborhood meeting was held on September 28, 2009, and was attended by approximately ten people who had an opportunity to review the Project plans and ask questions from the entire project team.

The project team also presented the project to HAC on July 28, 2010, and received an endorsement letter from HAC shortly thereafter. The letter is attached as **Exhibit A**.

The Golden Gate Valley Neighborhood Association provided us an opportunity to present the Project to their organization on August 18, 2010. The Association is supportive of the Project, and wrote a letter expressing their support, attached in **Exhibit B**. In addition, several neighbors signed a petition indicating their support for the Project, a copy of which is attached as **Exhibit B**.

D. Project Description: Desirable In-Fill Development with 27 New Family Sized Units.

The mix of large units suitable for families, ranging from 1,000 sf to 2,500 sf, along with the ground floor commercial uses, provide an ideal mix of uses that is compatible with and beneficial to the project neighborhood. The Project provides a more appropriate use of the property than the prior, non-conforming gasoline service station. The Project appropriately locates an in-fill high-density residential building close to existing residential and supporting uses, including transit and other services.

The Project will include up to 27 residential units on floors 1 through 6, of which 15 are single-level flats, and the remaining 12 are multi-level townhome units. The Project's open space features are well in excess of the Code requirement, with all units having access to an approx. 3,000 sf common rooftop, and with each unit having additional private open space directly accessible from the unit. Among the private balconies and terraces, three units have access to an approx. 425-sf private terrace at the ground level, and four units will be provided with an approx. 700-sf private roof deck.

The residential lobby will be on Filbert Street, with the Van Ness Avenue frontage providing ground floor commercial space for the entire width of the façade. Vehicular access to the parking garage will be accessible from Filbert Street, and the project will eliminate all existing curb cuts along Van Ness Avenue. The Project will provide the required 1:1 parking for the residential units, or 27 spaces for the 27 units. In addition, the Project will include 4 spaces for the commercial use, which the project sponsor anticipates using for its real estate company. The below-grade parking garage will also include 28 bicycle parking spaces, although only 13 is required by the Code.

The project sponsor has worked diligently and closely with the Planning Department staff on the Project's design, and has explored a number of different design variations. Some, but not all, of the previously proposed and evaluated design reiterations are illustrated in the attached **Exhibit C**. The project team sincerely appreciates the assistance and guidance Mr. Cabreros and Mr. Rahaim have provided over many months of the Project's design evolution, and are pleased to present the Commission with a design supported by the Department.

E. Requested Approvals.

The Project Sponsor has requested a conditional use authorization to allow: 1) the conversion of the prior gasoline service station into another use (per Section 228.3), 2) construction of a building that exceeds 40 feet in height in a residential district (per Section 253), and 3) exception to the diagonal bulk requirement (per Section 271), and In addition, the Zoning Administrator will consider the granting variances to the rear yard setback requirement under Section 134, and the dwelling unit exposure requirement for nine units under Section 140.

Planning staff is recommending approval of the requested authorizations.

Gasoline Station Conversion: The Project satisfies the Section 228.3 criteria for conversion of a gasoline service station to another use as the benefits the project provides to the City and the neighborhood outweigh any reduction in automotive goods and services availability. The prior owner of the site removed all of the gasoline service stations improvements, including the underground storage tanks, in July 2009, and thus the site has not provided any automotive goods or services for some time. The site also does not currently provide any current employment opportunities, and the tax revenue to the City associated with the currently vacant

site is minimal. The uses proposed by the Project are significantly more desirable and necessary than the existing vacant site. The Project will benefit the City and the neighborhood by providing 27 new dwelling units suitable for families, active ground floor commercial uses, higher tax revenue to the City, employment opportunities during the construction of the Project, and thereafter within the commercial space.

Project height and bulk: The Project proposes a building that maximizes the permitted residential density (up to 27 units for the site), and height designation which is appropriate for the corner lot location. The Project will require a slight bulk exception from the diagonal dimension, which is subject to a 125' limit under the Code. The additional bulk at the top of the building is needed to provide for the design supported by the Department staff. The bulk exception only applies to the diagonal dimension (proposed at 126'6" at the sixth floor at a 55'4" height, and at 129'8" at the fifth floor at a 46' height), and the Project complies with the length dimension (proposed at 100' compared to the 110' Code limit). Overall the diagonal bulk exceedance is relatively minimal, and allows the Project to provide a better design.

Variations: The Zoning Administrator will review an additional request for variations from the rear yard setback and dwelling unit exposure requirements. In order to avoid any obstructions over Van Ness Avenue (US Highway 101 subject to CalTrans jurisdiction), the building façade along Van Ness Avenue has been set back approx. 3'8" from the Property line in order to provide for the bay window features providing architectural richness. As a result, the inner courtyard provided at the rear of the building has been reduced, and thus the Project requires a variance for not providing a Code complying rear yard setback. The granting of the variance will have no negative impact on other properties' access to light and air. Because the Project does not provide a Code complying rear yard, nine of the units that face onto the inner courtyard also need variance from the dwelling unit exposure requirement. All of these units are provided with ample access to light and air as they face a 20' wide inner courtyard, and have a private balcony accessible directly from their unit and access to the 3,000-sf common roof deck.

F. Conclusion.

We look forward to presenting the Project to you next Thursday and are happy to answer any further questions you might have. The Project proposes a principally permitted use, and provides for a more appropriate and desirable use of a currently vacant site previously used as a gasoline service station. We respectfully request that the Commission approve the conditional use authorization.

Very truly yours,
REUBEN & JUNIUS, LLP



Tuija I. Catalano

President Ron Miguel
San Francisco Planning Commission
September 29, 2010
Page 5

cc: Commissioner Christina Olague-Vice President
Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
John Rahaim, Planning Director
Scott Sanchez, Acting Zoning Administrator
Linda Avery, Commission Secretary
Glenn Cabrerros, Project Planner
Russ Naylor, Naylor & Chu Architects
Tim Brown

EXHIBIT A



San Francisco
HOUSING
ACTION
COALITION

August 2, 2010

Mr. Tim Brown
1501 Filbert, LLC
One Bush St, Suite 600
San Francisco, CA 94104

Re: 2559 Van Ness Ave – Mixed-Use Project

Dear Mr. Brown,

On behalf of the San Francisco Housing Action Coalition (SFHAC), I am pleased to inform you that we endorse the 2559 Van Ness project. Following review and discussion, our Endorsement Committee believes the project has many merits and will make a substantial contribution to SFHAC's mission of increasing the supply of well-designed, well-located housing that conforms to good urban design principles and meets the needs of present and future San Franciscans.

A copy of the endorsement guidelines we applied in reviewing your project is attached. The proposed project meets our guidelines in the following ways:

Project Size:

The proposed project involves the construction of 27 dwelling units, the maximum allowed on the site, including 12 townhouses and 15 flats, and 2,800 square feet of ground-floor retail space.

Land Use:

The proposed moderate-density mixed-use project makes an appropriate use of the site and is well suited for the surrounding neighborhood.

Density:

The proposed building has maximum allowable density by City regulations, with 27 units on an 11,006 square foot site. The building is the maximum allowable height - 65 feet tall.

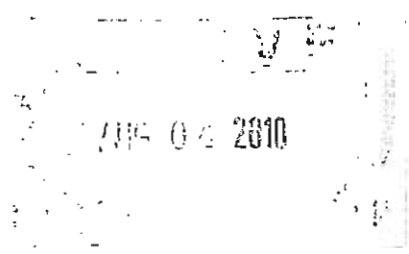
Affordability:

Although the project will comply with the Inclusionary Housing Ordinance, you were not able to provide details yet of how the building will meet these regulations. When you've worked out the details, the SFHAC would like to know whether the inclusionary units will be built on-site or an *in lieu* fee will be paid.

Alternative Transportation and Parking:

The SFHAC would appreciate your considering the addition of electric vehicle chargers, as well as including car sharing spaces to decrease the number of parking spaces. We applaud the inclusion of 28 bicycle parking spaces. There is access to many Muni transit lines and three City CareShare pods within one-quarter of a mile that would support a modest reduction in parking spaces.

95 Brady Street
San Francisco, CA 94103
415.541.9001 tel
415.431.2468 fax
info@sfhac.org
www.sfhac.org



Mr. Brown
August 2, 2010
Page Two

Historic Preservation:

The site was formerly a gas station and is now an empty lot. There are no historic resources to be demolished as a result of the project. And it appears that no proximate historic resources are to be negatively affected by the project.

Urban Design:

The proposed project promotes the principles of good urban design and we believe that you have achieved a high degree of compatibility with the neighborhood.

Environmental Features:

The SFHAC is highly supportive of the project's commitment to the City's Greenpoint standards. However, we encourage you to consider additional greening measures for the building. Such measures include: electrical vehicle chargers in the garage, individual unit water and electric meters and increasing the amount of area on the roof for solar panels.

Community Input:

The SFHAC encourages you to continue to meet with the surrounding neighbors and other community groups in the area as the project plan moves forward. You indicated to the SFHAC that the members of your team met with several neighborhood organizations and met no real opposition. Since the building permit applications have not yet been submitted, there will be ample opportunity for additional meetings, input and changes to be made by interested parties in the future.

Thank you for submitting this project to the SFHAC Endorsements Committee. Please keep us abreast of any changes or updates with this project. However, we are pleased to fully endorse your excellent project. Please let us know how we may be of assistance.

Sincerely,






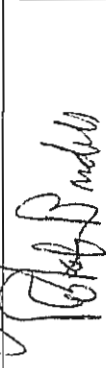
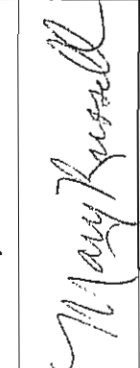
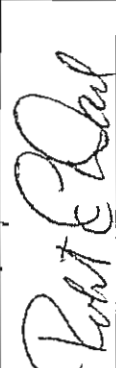
A handwritten signature in black ink, appearing to read 'Tim Colen', with a long horizontal line extending to the right.

Tim Colen
Executive Director

EXHIBIT B

2559 Van Ness and 1527 Filbert
 Supporters of a 27-unit mixed-use project

By signing below, I am expressing my support for the proposed 27-unit project with 3,000 sf of ground floor retail and below-grade parking at 2559 Van Ness and 1527 Filbert Street. I have reviewed the plans for the project prepared by Naylor & Chu Architects, dated June 29, 2010, and **urge the Planning Commission to approve the project.**

Printed Name	Signature	Address	Comment	Date
Skye Gember		1722 Union St		8-17
Jerry Gember		1722 Union St		8-17/10
Megan Chechik		1792 Union St		" "
Bree Hamilton		2834 Octavia		8/17/10
Sarah Hamilton		2834 Octavia		8/17/10
Robert Bardell		1922 Filbert		8/17/10
MARY RUSSELL		1580 Filbert		8/17/10
BOB DAVID		2634 FRANKLIN		8/17/10



Post Office Box 29086, Presidio Station, San Francisco, California 94129 (415) 931-3438

September 28, 2010

Linda Avery, Commission Secretary
San Francisco Planning Commission

Via Facsimile

RE: Case number 2009.0335CEKV 2559 Van Ness Avenue & 1527 Filbert Street

Golden Gate Valley Neighborhood Association urges the Planning Commission to grant a Conditional Use Authorization allowing a change in use of the subject property from a gasoline service station to a mixed-use development that exceeds 40 feet in height in a residential neighborhood and requires exemptions from the bulk limits of an RC-3 District and a 65-A Height and Bulk District. Golden Gate Valley believes that the six-story, 27-unit mixed-use building with approximately 2,700 square feet of ground floor commercial space will be a welcome addition to our neighborhood and finds no reason to object to the proposed exemptions from height and bulk requirements.

Golden Gate Valley's only objection to this project is aesthetic. The proposed façade of this imposing six-story mixed-use development bears a strong family resemblance to the Marina Heritage Hotel across the street, a horrid example of 1950s motel architecture, instead of to the gracious, older apartment buildings nearby. Apparently, the Planning Department prefers the already outdated style of modern South of Market buildings to that of neighborhood classics from the 1920s—a preference Golden Gate valley does not share.

Sincerely,

Robert Bardell
President, Golden Gate Valley Neighborhood Association

EXHIBIT C

RENDERINGS SHOWING DESIGN PROGRESS AND REVISIONS

ORIGINAL PROPOSAL



FINAL, CURRENT PROPOSAL

VAN NESS

SAN FRANCISCO PLANNING COMMISSION HEARING
OCT 7, 2010

2559 VAN NESS AVENUE
SAN FRANCISCO, CA 94109



ARCHITECT:
Naylor & Chu
ARCHITECTS

1515 Vallejo Street
San Francisco, CA 94109
Tel 415.749.6500
Fax 415.749.5266
www.naylorandchu.com

OWNER:
1501 FILBERT, LLC.

1501 Filbert St
San Francisco, CA 94123

PROJECT:
VAN NESS

2559 Van Ness Ave.
San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:
COVER SHEET
A.001

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.

PROJECT DIRECTORY

OWNER

1501 FILBERT LLC
 CONTACT: MOREY FOX
 FOX MANAGEMENT
 1022 SANCHEZ ST.
 SAN FRANCISCO, CA 94114
 PHONE: 415.285.7945
 E-MAIL: ACUFOX@RCN.COM

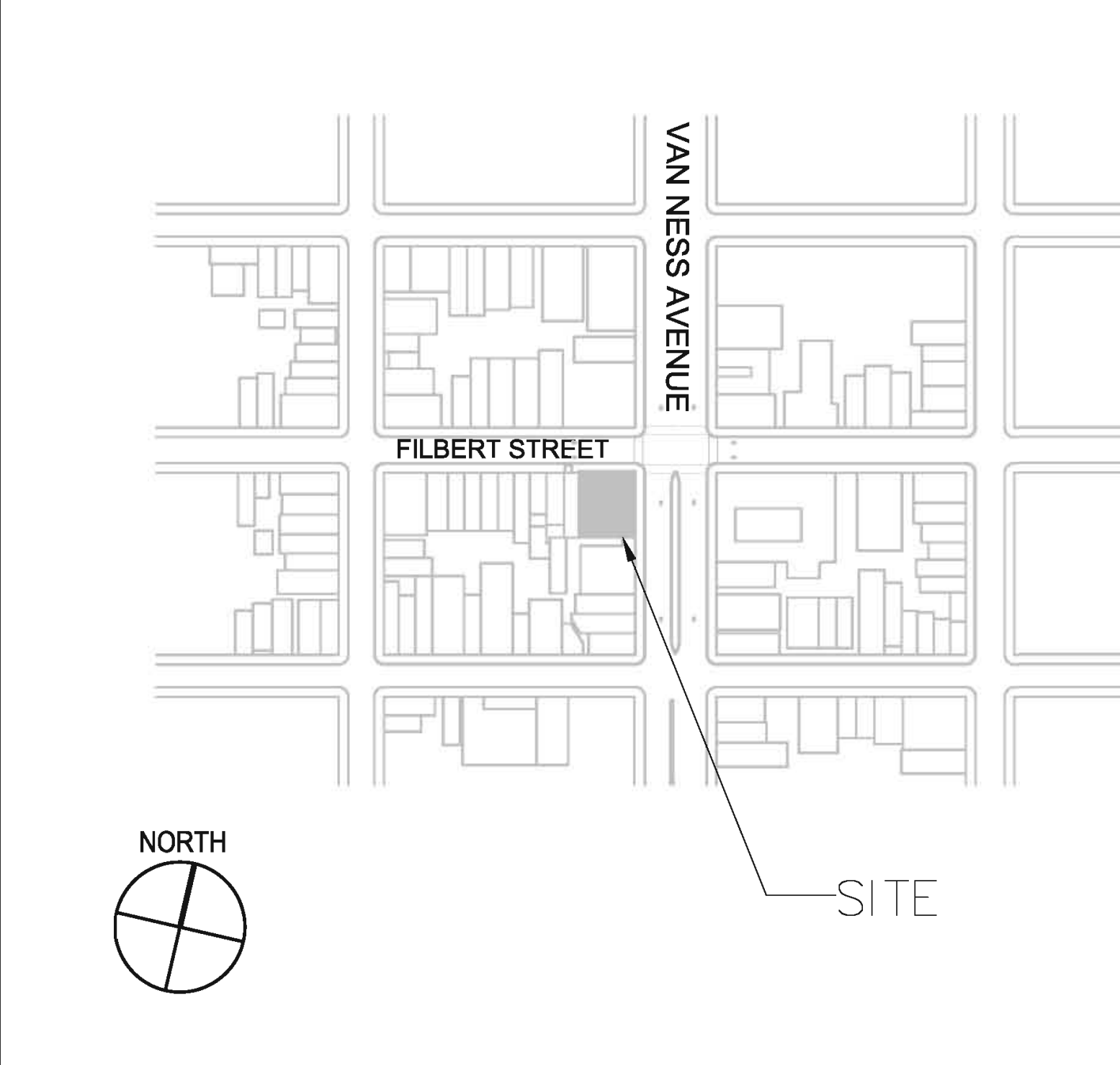
ARCHITECT

NAYLOR & CHU ARCHITECTS
 1515 VALLEJO STREET
 SAN FRANCISCO, CA 94109
 FAX: 415.749.5266
 PHONE: 415.749.6500
 CONTACT: DAVID McADAMS

STRUCTURAL - CONCRETE

RJS & ASSOCIATES
 1675 SABRE STREET
 HAYWARD, CA 94545
 FAX: 510.670.1181
 PHONE: 510.670.9111
 CONTACT: ROSS EDWARDS
 EMAIL: ROSS@CONCRETEHOUSING.COM

VICINITY MAP



UNIT AREA SUMMARY

UNIT AREA SUMMARY										
UNIT TYPE	#	# BDRMS	# BATHS	SQ FT/UNIT FLOOR	TOTAL UNIT SF	Open Space SF				
TOWNHOMES:										
UNIT 1	1	2	3.5	856	856		Required	Provided	Add. Open Space	
UNIT 2	2	2	3.5	884	1768		60	425		
UNIT 3	2	2	3.5	884	1768		60	425		
UNIT 4	4	2	2.5	810	3240		60	55	Common	
UNIT 5	2	2	2.5	916	1832		60	124	Common	
UNIT 6	2	2	2.5	958	1916		60	80		
UNIT 7	2	2	2.5	958	1916		60	80		
UNIT 8	2	2	2.5	958	1916		60	80		
UNIT 9	2	2	2.5	958	1916		60	80		
UNIT 10	2	2	2.5	958	1916		60	80		
UNIT 11	2	2	2.5	865	1730		60	124	Common	
UNIT 12	2	2	2.5	916	1832		60	124		
UNIT 13	2	2	2.5	916	1832		60	124		
UNIT 14	2	2	2.5	958	1916		60	124		
UNIT 15	2	2	2.5	958	1916		60	124		
UNIT 16	2	2	2.5	958	1916		60	124		
UNIT 17	2	2	2.5	958	1916		60	124		
UNIT 18	2	2	2.5	865	1730		60	124	Common	
UNIT 19	2	2	2.5	958	1916		60	124		
UNIT 20	2	2	2.5	958	1916		60	124		
UNIT 21	2	2	2.5	872	1744		60	124		
FLATS:										
UNIT 5	5	2	2	1092	5460		60	55	Common	
UNIT 6	2	2	2	1146	2292		60	60		
UNIT 7	2	2	2	1191	2382		60	60		
UNIT 12	2	2	2	1092	2184		60	55	Common	
UNIT 13	2	2	2	1146	2292		60	60		
UNIT 14	2	2	2	1191	2382		60	60		
UNIT 15	2	2	2	1092	2184		60	55	Common	
UNIT 16	2	2	2	1146	2292		60	60		
UNIT 17	2	2	2	1191	2382		60	60		
UNIT 22	2	2	2	1092	2184		60	55	Common	
UNIT 23	2	2	2	1146	2292		60	60		
UNIT 24	2	2	2	1191	2382		60	60		
UNIT 25	2	2	2	995	1990		60	50	Common	
UNIT 26	2	2	2	1090	2180		60	50	Common	
UNIT 27	2	2	2	1140	2280		60	50	Common	
TOTALS	27	54	63	27780	10375	1903	40058	1620	5458	3000

PROJECT DATA

VAN

PLANNING CODE SUMMARY

Site Address: 2559 Van Ness Block 0527, Lot 001
 1527 Filbert Block 0527, Lot 002
 San Francisco, CA 94109
 Northwest Quadrant

Zoning: RC-3

Site Area: Lot 001 8,511 S.F.
 Lot 002 2,495 S.F.
 Total 11,006 S.F.

Buildable Area: 11,006 S.F.

Height and Bulk: 65-A
 110' Length
 125' Diagonal

Setbacks: Residential Commercial
 Front: None None
 Side: None None
 Rear: 25% of total lot depth None

Exposure: 1 m greater than 120 S.F. must face 25' open area

Affordable Housing: project must comply if over 5 dwelling units
 On Site: 15% of total units
 Off Site: 20% of total units

DENSITY SUMMARY

Min. Site Area per Dwelling Unit: 400 S.F.

Max. Allowable No. of Dwelling Units: 27 Units

Proposed No. of Units : 27

TOTAL 27 Units

FLOOR AREA SUMMARY

Buildable Area (Site Area - Setbacks): 11,006 S.F.

Basic FAR (RC-3 districts): 3.6

Max. Allowable Gross Building S.F.: 39,622 S.F.

Floor Area by Use: 49,672 GSF
 Residential
 Residential Amenity - S.F.
 Retail 2,725 S.F.
 Lobby/Sales 830 S.F.
 Storage/Mech. 675 S.F.

Total Floor Area: 53,902 S.F.

UNIT MIX SUMMARY

Proposed Unit Mix:
 56% 2 BR FLAT 15 Units
 33% 2 BR TOWNHOME 9 Units
 11% 2 BR + DEN TOWNHOME 3 Units

Proposed Ave. Typ. Unit Size:
 2 BR FLAT 1129 S.F.
 2 BR TOWNHOME 1751 S.F.
 2 BR + DEN TOWNHOME 2454 S.F.

Total Unit S.F.: 40,058 S.F.

Average Unit S.F.: 1,484 S.F.

PARKING SUMMARY

Parking Required:
 Residential (1.0/Dwelling Unit) 27 Spaces
 (1 Handicap)
 Retail (1/500 S.F. if > 5,000 S.F.) 4 Spaces
 Bicycle (.5/Dwelling Unit Req.) 14 Class A
 14 Other

Total 27 Spaces
 (31) w/ 4 lifts

Total Parking Area:
 Below Grade 9,260 S.F.
 On Grade - S.F.

OPEN SPACE SUMMARY

Private Open Space Required: 1,620 S.F.
 60 S.F./dwelling unit

Private Open Space Provided: 5,458 S.F.

Common Open Space Provided: 3,000 S.F.
 1/1.33

BUILDING DEPARTMENT NOTES

1. DESCRIPTION OF PROJECT: THE PROJECT IS LOCATED ON VAN NESS AVENUE AT THE CORNER OF FILBERT STREET IN SAN FRANCISCO. IT IS ON A MILDLY SLOPED SITE WHICH IS CURRENTLY OCCUPIED BY A GAS STATION. THERE IS A THREE STORY RESIDENTIAL BUILDING TO THE WEST AND A TWO STORY MIXED-USE DEVELOPMENT TO THE SOUTH. THE EXISTING GAS STATION WILL BE DEMOLISHED TO CONSTRUCT A SIX STORY BUILDING WITH 27 RESIDENTIAL CONDOMINIUMS AT LEVELS ONE THROUGH SIX, APPROXIMATELY 4,000 SF OF RETAIL AT LEVEL ONE, AND ONE LEVEL OF SUBTERRANEAN PARKING. THE HEIGHT OF THE BUILDING WILL BE APPROXIMATELY 65 FT, ALTHOUGH THE ZONED HEIGHT LIMIT IS 40 FT.

2. JURISDICTION: San Francisco Planning, Zoning, and Building Codes, CEQA

3. APPLICABLE CODES: ALL WORK IS TO BE PERFORMED ACCORDING TO THE FOLLOWING CODES, ORDINANCES, AND LAWS WHICH INCLUDE BUT ARE NOT LIMITED TO:
 A. CALIFORNIA BUILDING CODE (CBC) - 2007 EDITION
 B. CALIFORNIA MECHANICAL CODE (CMC), PART 4 OF TITLE 24, - 2007 EDITION, REFERENCING THE 2007 UMC
 C. CALIFORNIA PLUMBING CODE (CPC), PART 5 OF TITLE 24, - 2007 EDITION, REFERENCING THE 2007 UPC
 D. CALIFORNIA ELECTRIC CODE (CEC), PART 3 OF TITLE 24, - 2007 EDITION, REFERENCING THE 2007 NEC
 E. CALIFORNIA FIRE CODE (CFC), PART 9 OF TITLE 24, - 2007 EDITION, REFERENCING THE 2007 UFG OTHER APPLICABLE FEDERAL, STATE AND LOCAL REQUIREMENTS.

4. USE AND OCCUPANCY CLASSIFICATION(S) (Chapter 3): Proposed Use and Occupancy of the Project- gsf per plans:

Level	Use	Classification	Area	Stories
Basement:	Parking	S-2	9,260 sf	1 story below grade
Basement:	Mech./Storage	S-2	600 sf	1 story below grade
1	Mercantile	M	3,800 sf	1 story
1	Mech./Storage	S-2	725 sf	1 story
1	Residential Lobby	R-2	950 sf	1 story
1-6	Residential	R-2	40,791 sf	6 stories
Approx. Gross Above-Grade Total			46,266 sf	6 stories above grade
Approx. Gross Total			56,126 sf	

5. BUILDING HEIGHT AND ALLOWABLE AREA (Chapter 5, Equation 5-1)
 (Basement Areas are excluded per 506.1.1)

Table 503	Area	Type	IB	Allowable Area**
Mercantile	M	3,800 sf	UL sf / 11 stories / 160ft.	UL
Storage/Mech.	S-2	725 sf	73,000 sf / 11 stories / 160ft.	256,750
Residential	R-2	41,741 sf	UL sf / 11 stories / 160ft.	UL
Total Proposed: 46,266 sf			Total Allowable Area: Unlimited sf	
(% of occupancy x total allowable/per use)				

* Sec. 504.2: Sprinkler Height Increase: Increase allowable height by 20' and 1 story
 **Sec 506.2: Frontage Area Increase: 25%
 ***Sec 506.3: Sprinkler Area Increase: 200 %
 **Sec 506.4.2: Buildings with 3 or more stories above grade multiply by 3.

3. TYPES OF CONSTRUCTION (Chapter 6): Proposed Building Type is Type IA at basement, IB above grade (sprinklered throughout). Structural system to-be-determined - analyzing PT concrete.

4. OCCUPANT LOAD (1003.2)

Table 503	Proposed Area	Occupant load factor	Total Occupants	Occupants by floor
Basement: Parking	S-2 9,260 sf	1/200 p/sf	47	
Basement: Storage	S-2 600 sf	1/300 p/sf	2	49
1st: Mercantile	M 3,800 sf	1/60 p/sf	64	
1st: Storage	S-2 725 sf	1/300 p/sf	3	
1st: Resist Lobby	R-2 950 sf	1/200 p/sf	5	
1st: Residential	R-2 2,251 sf	1/200 p/sf	12	84
2nd: Residential	R-2 7,800 sf	1/200 p/sf	39	39
3rd: Residential	R-2 7,800 sf	1/200 p/sf	45	39
4th: Residential	R-2 7,800 sf	1/200 p/sf	45	39
5th: Residential	R-2 7,570 sf	1/200 p/sf	45	38
6th: Residential	R-2 7,570 sf	1/200 p/sf	25	39
Total (including Basement)			56,126 sf	326 persons
Total without Basement			39,153	277 persons

* mercantile M < 49 requires only 1 exit

5. FIRE ALARM SYSTEM (Section 907): The project will require a fire alarm system.

6. AUTOMATIC SPRINKLER SYSTEM (Section 903): The project will be fully sprinklered.

7. REQUIRED SEPARATION OF OCCUPANCIES (Table 508.3.3):
 Required separations: R-2 + M = 1
 R-2 + S-2 = 1
 S-2 + M = 1

8. REQUIRED FIRE RESISTANCE RATINGS (Tables 601 and 602):
 a. Exterior walls and openings (at property lines) have requirements for fire resistance ratings- 1 hr.
 b. Parking beneath Group R (sec 509.4) - floor assembly between the parking garage and the Group R shall comply with the type of construction for the parking (Type I) and provide a fire resistance rating of not less than the mixed occupancy separation required in Section 508.3.3. 2 Hour floor assembly required.

9. MEANS OF EGRESS (Chapter 10):
 a. R-2 requires 1 door, 1 window per bedroom
 b. Egress width per occupant served: stairways 0.2 inches/occupant, other components 0.15 inches/occupant
 c. Maximum occupant load for spaces with one means of egress (Table 1015.1): R-2 / 10, M / 49, S-2 / 29
 d. Minimum 2 exits per floor up to 500 occupants (Table 1015.1)
 e. Exit Separation: Not less than 1/3 of the length of the maximum overall diagonal length of the area served (assumes sprinklers).
 f. Exit Access travel distance (Table 1016.1): R-2 / 250', M / 250', S-2 / 400' (assumes sprinklers)

10. ACCESSIBILITY (Chapter 11):
 a. Parking - requires handicap space for residential - minimum 1 handicap van space (2% of unit count but not less than 1) with 8'2" clearance from garage entry to HC Van parking space.

11. COMMENTS AND RECOMMENDATIONS:

DRAWING INDEX

Architectural Drawings			
A	001	Cover Sheet	
A	002	Project Data	
A	100	Site Plan	
A	101	Site Elevations	
A	102	Site Views	
A	200	G Garage Plan	1/8" = 1'-0"
A	201	1 Ground Floor Plan	1/8" = 1'-0"
A	201.1	1 Ground Floor Mezzanine	1/8" = 1'-0"
A	202	2 Second Floor Plan	1/8" = 1'-0"
A	203	3 Third Floor Plan	1/8" = 1'-0"
A	204	4 Fourth Floor Plan	1/8" = 1'-0"
A	205	5 Fifth Floor Plan	1/8" = 1'-0"
A	206	6 Sixth Floor Plan	1/8" = 1'-0"
A	207	R Roof Plan	1/8" = 1'-0"
A	208	UR Upper Roof Plan	1/8" = 1'-0"
A	300	Van Ness Avenue (East) Rendered Elevation	NTS
A	300A	Van Ness Avenue (East) Elevation	3/16" = 1'-0"
A	301	Filbert Street (North) Rendered Elevation	NTS
A	301A	Filbert Street (North) Elevation	3/16" = 1'-0"
A	302	West Rendered Elevation	NTS
A	302A	West Elevation	3/16" = 1'-0"
A	303	South Rendered Elevation	NTS
A	303A	South Elevation	3/16" = 1'-0"
A	304	Perspective	NTS
A	305	Perspective	NTS
A	306	Perspective	NTS
A	307	Perspective	NTS
A	308	Material Board	NTS
A	400	Building Section	1/8" = 1'-0"
A	401	Building Section	1/8" = 1'-0"
A	402	Building Section	1/8" = 1'-0"

ARCHITECT:

Naylor & chu
 ARCHITECTS

1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109



SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

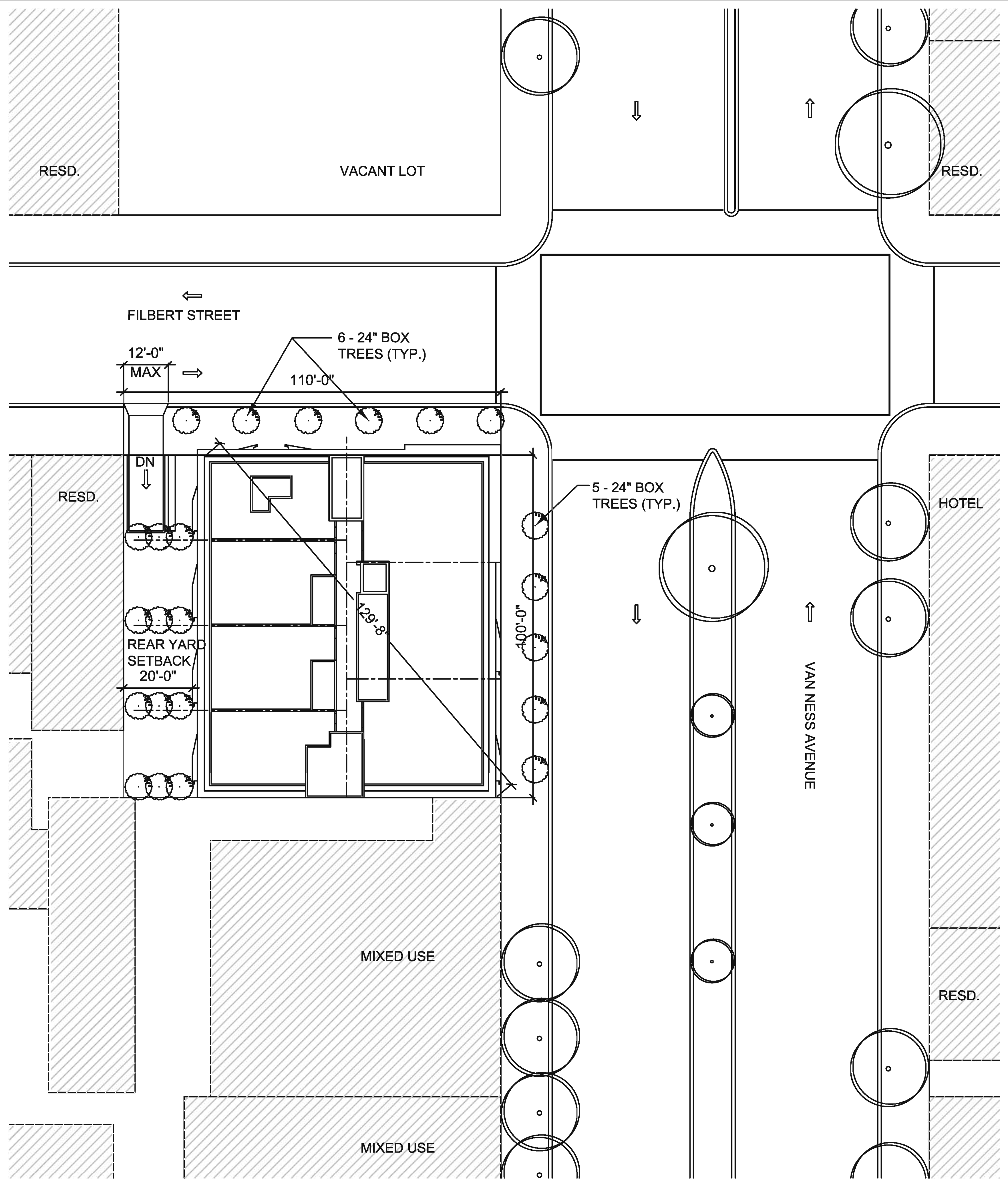
PROJECT DATA

A.002

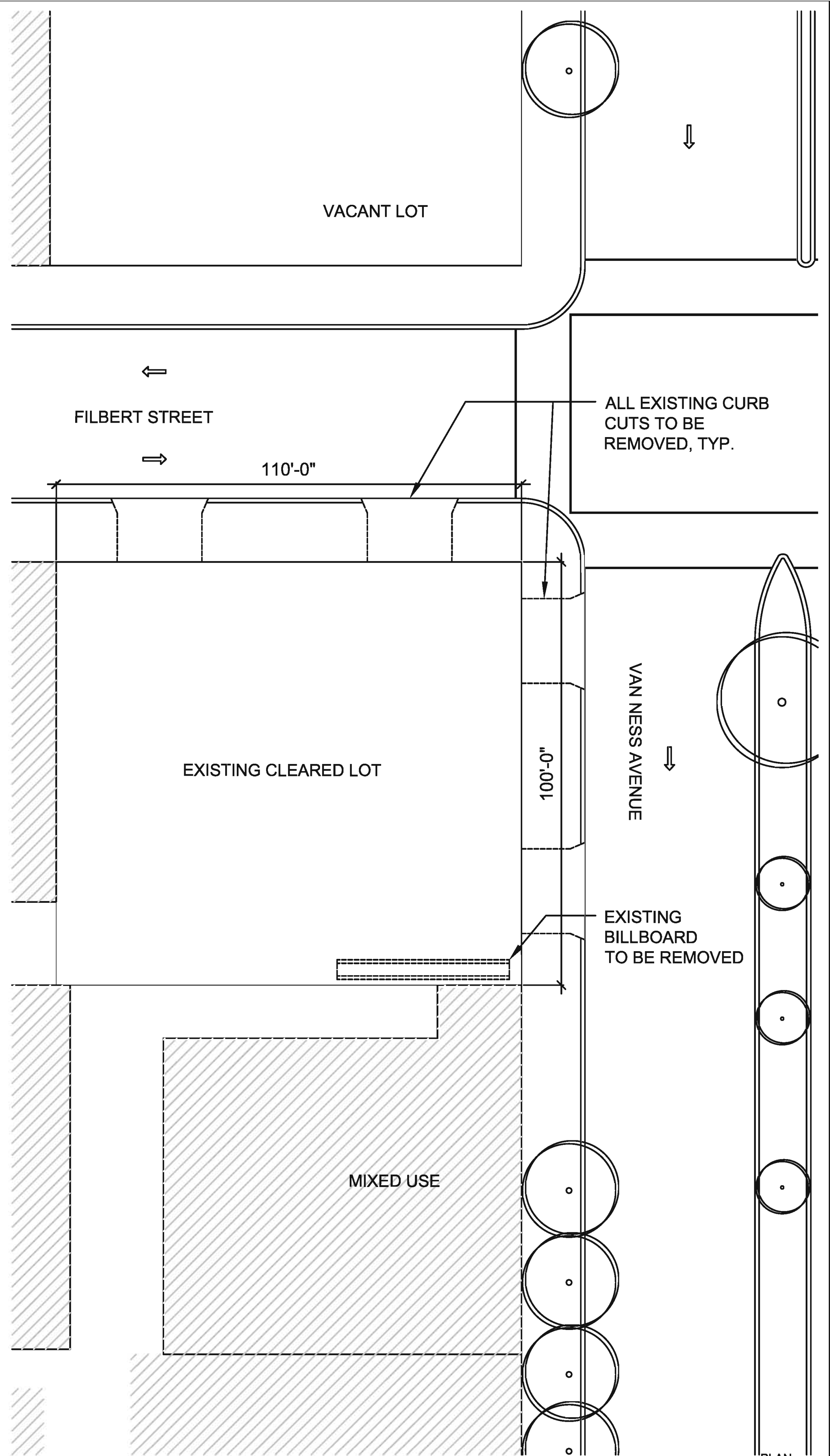
SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 SITE PLAN SCALE: 1/16" = 1'-0"



2 DEMOLITION SITE PLAN SCALE: 1/16" = 1'-0"

ARCHITECT:
Naylor & chu
 ARCHITECTS
 1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:
1501 FILBERT, LLC.
 1501 Filbert St
 San Francisco, CA 94123

PROJECT:
VAN NESS
 2559 Van Ness Ave.
 San Francisco, CA 94109

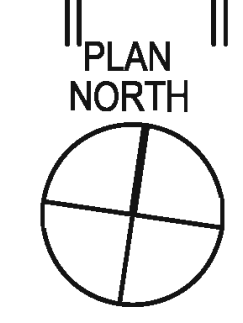
VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

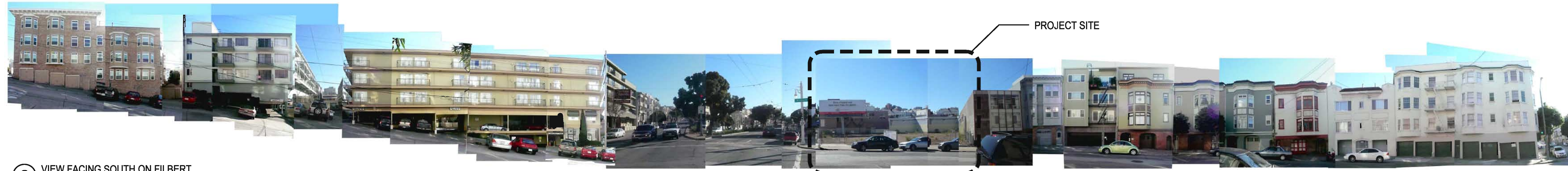
SHEET:
 SITE PLANS
A.100

SCALE:
 NOT ISSUED FOR CONSTRUCTION
 © Naylor & Chu Inc. DBA Naylor & Chu Architects.





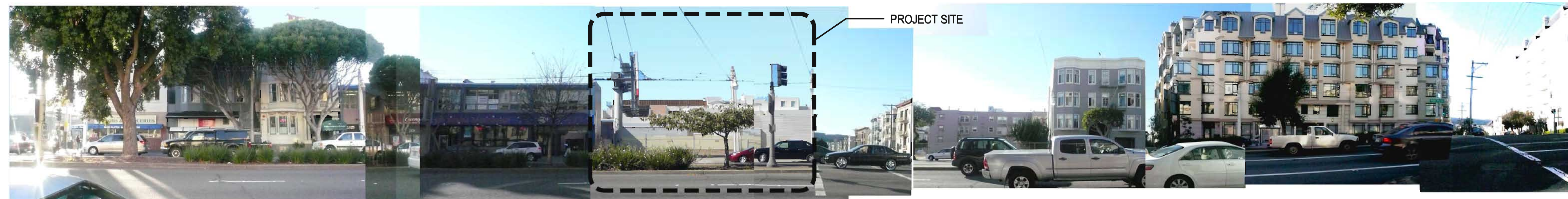
1 VIEW FACING NORTH ON FILBERT



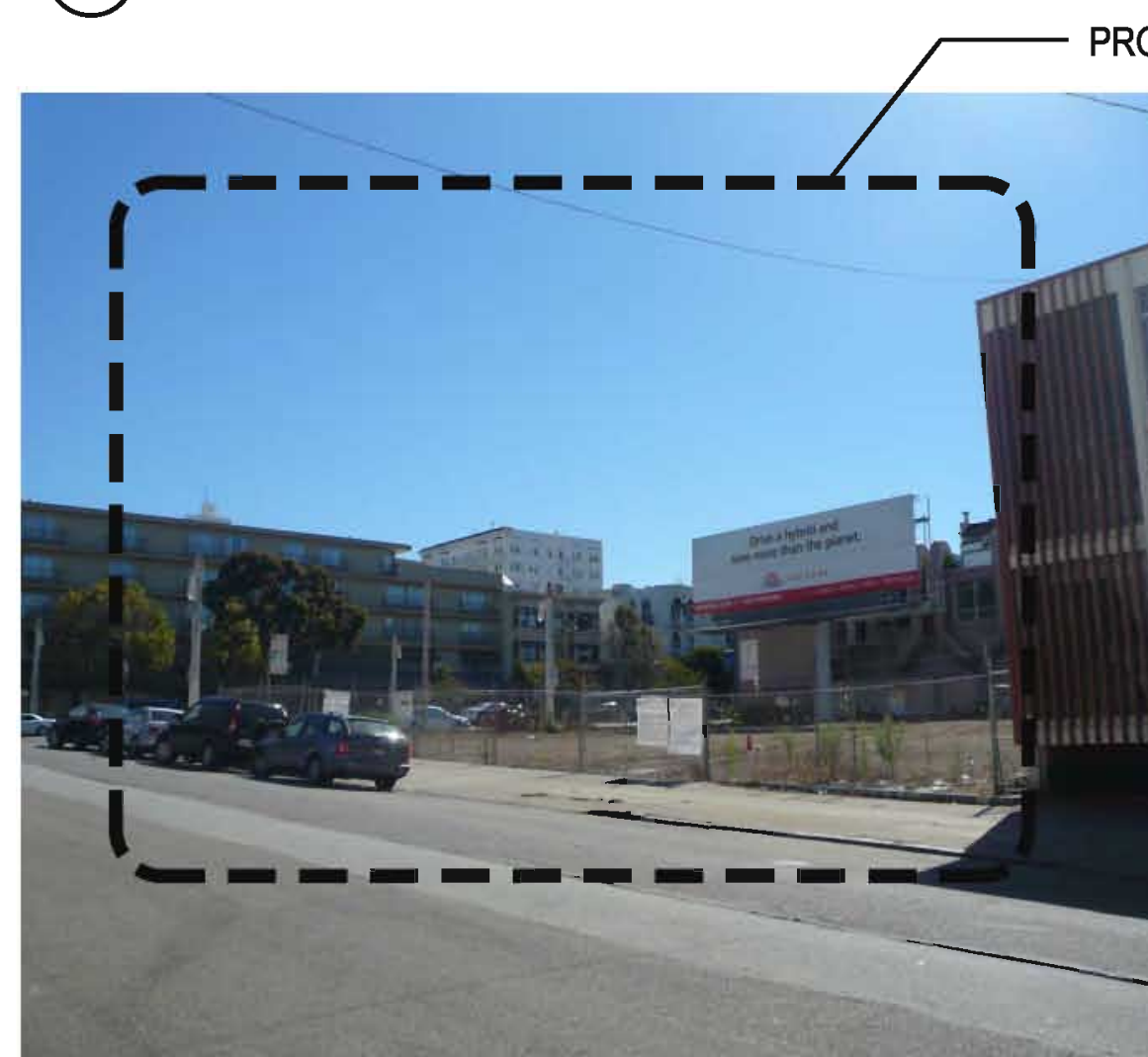
2 VIEW FACING SOUTH ON FILBERT



3 VIEW FACING EAST ON VAN NESS



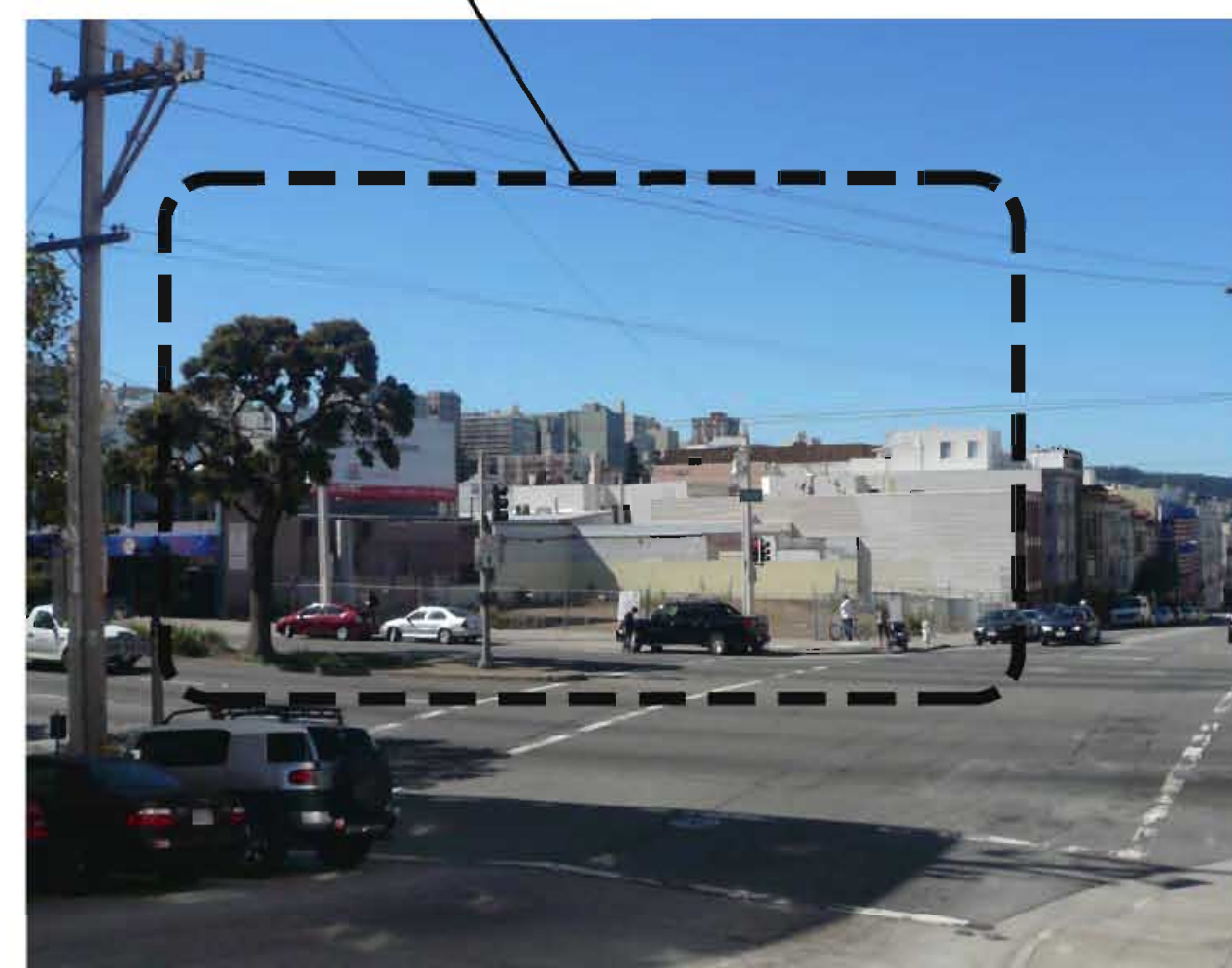
4 VIEW FACING WEST ON VAN NESS



5 VIEW 1



6 VIEW 2



7 VIEW 3



SITE KEY

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

SITE PHOTOGRAPHS

A.101

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION



1 VIEW 1

WEST

NORTH



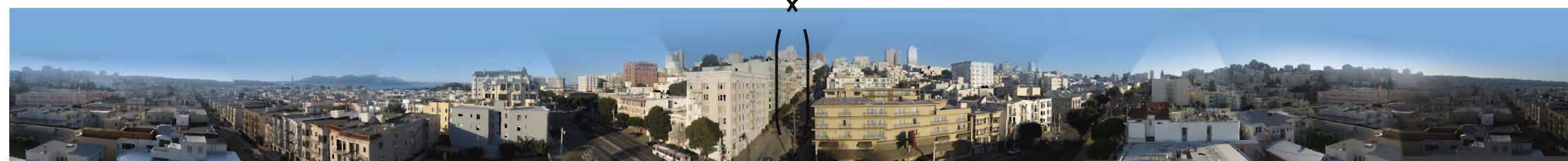
2 VIEW 2

EAST

SOUTH

WEST

1
A.102



2
A.102

ARCHITECT:
Naylor & chu
ARCHITECTS



1515 Vallejo Street
San Francisco, CA 94109
Tel 415.749.6500
Fax 415.749.5266
www.naylorandchu.com

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

SITE VIEWS

A.102

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

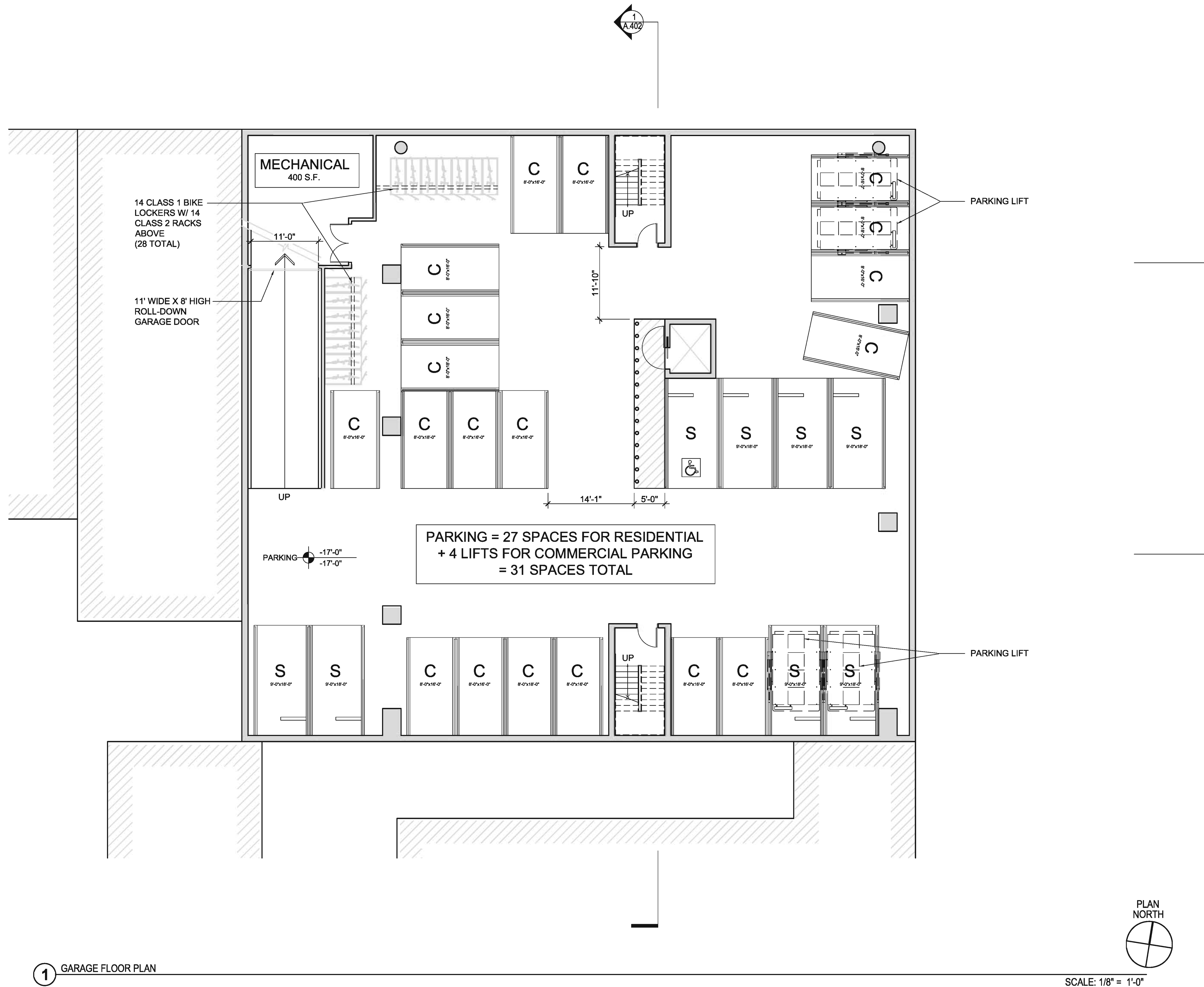
GARAGE FLOOR PLAN

A.200

SCALE: 1/8"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 GARAGE FLOOR PLAN

SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

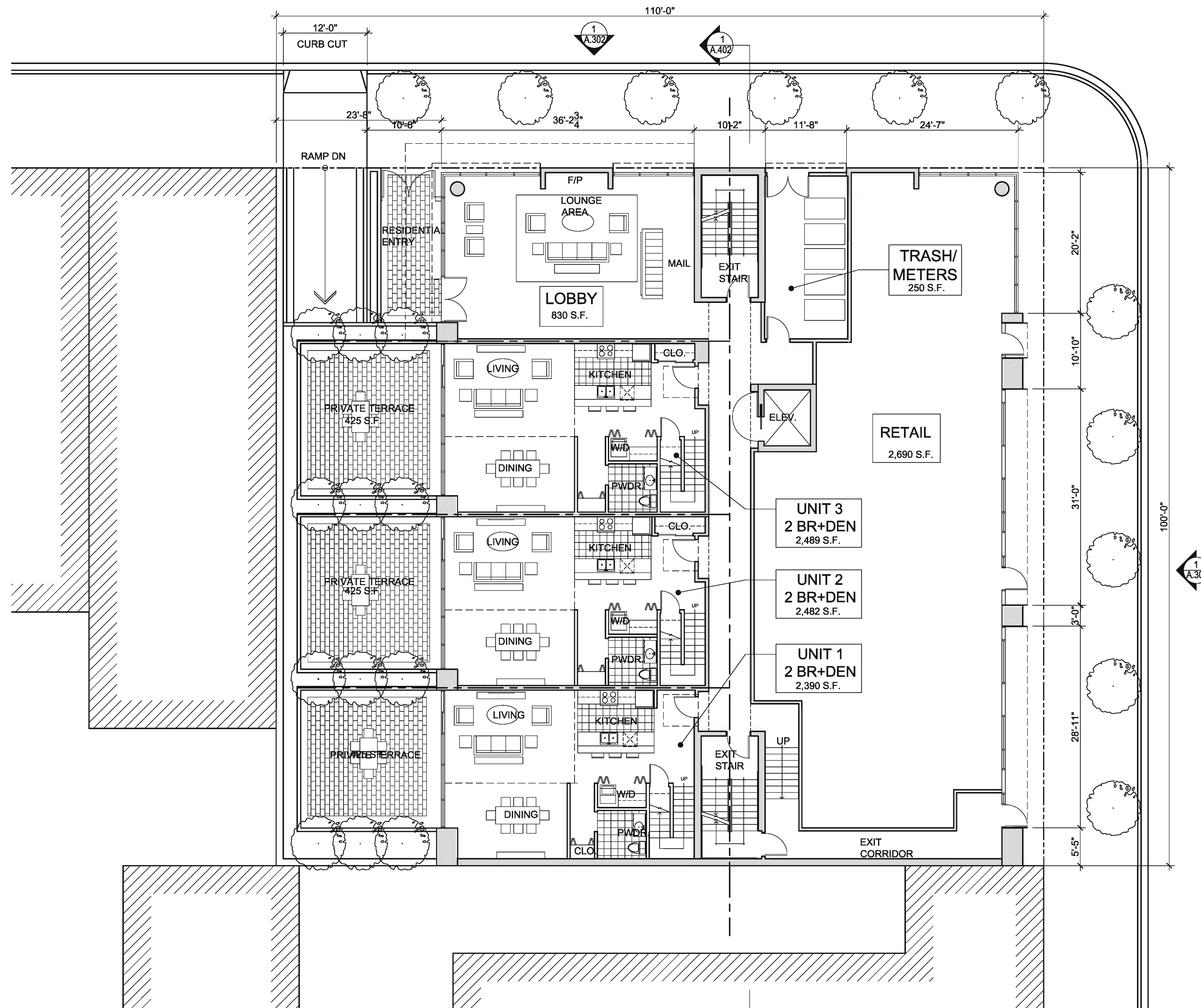
FIRST FLOOR PLAN

A.201

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 FIRST FLOOR PLAN



SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

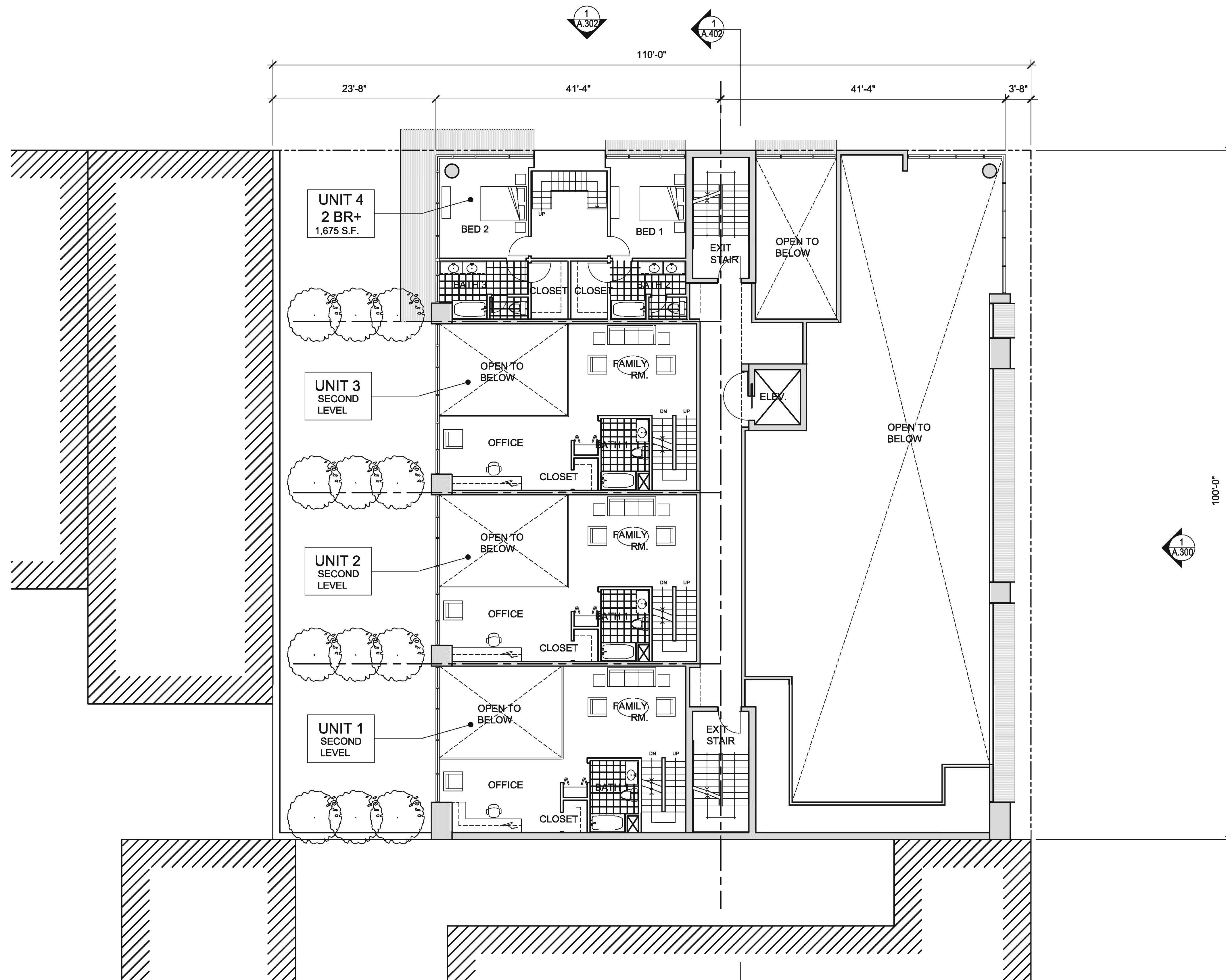
MEZZANINE LEVEL
 FLOOR PLAN

A.201.1

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

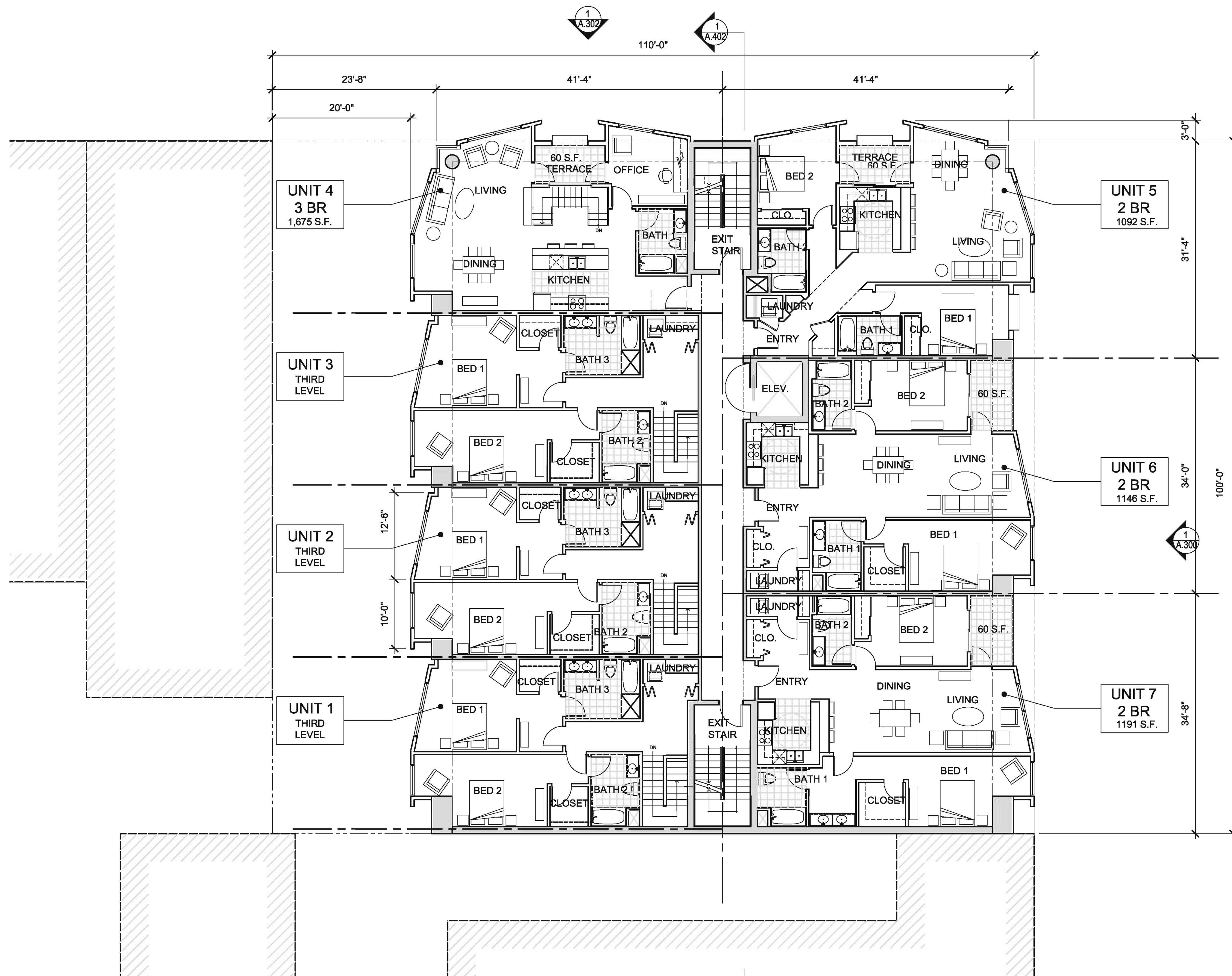
SECOND
 FLOOR PLAN

A.202

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 SECOND FLOOR PLAN



SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

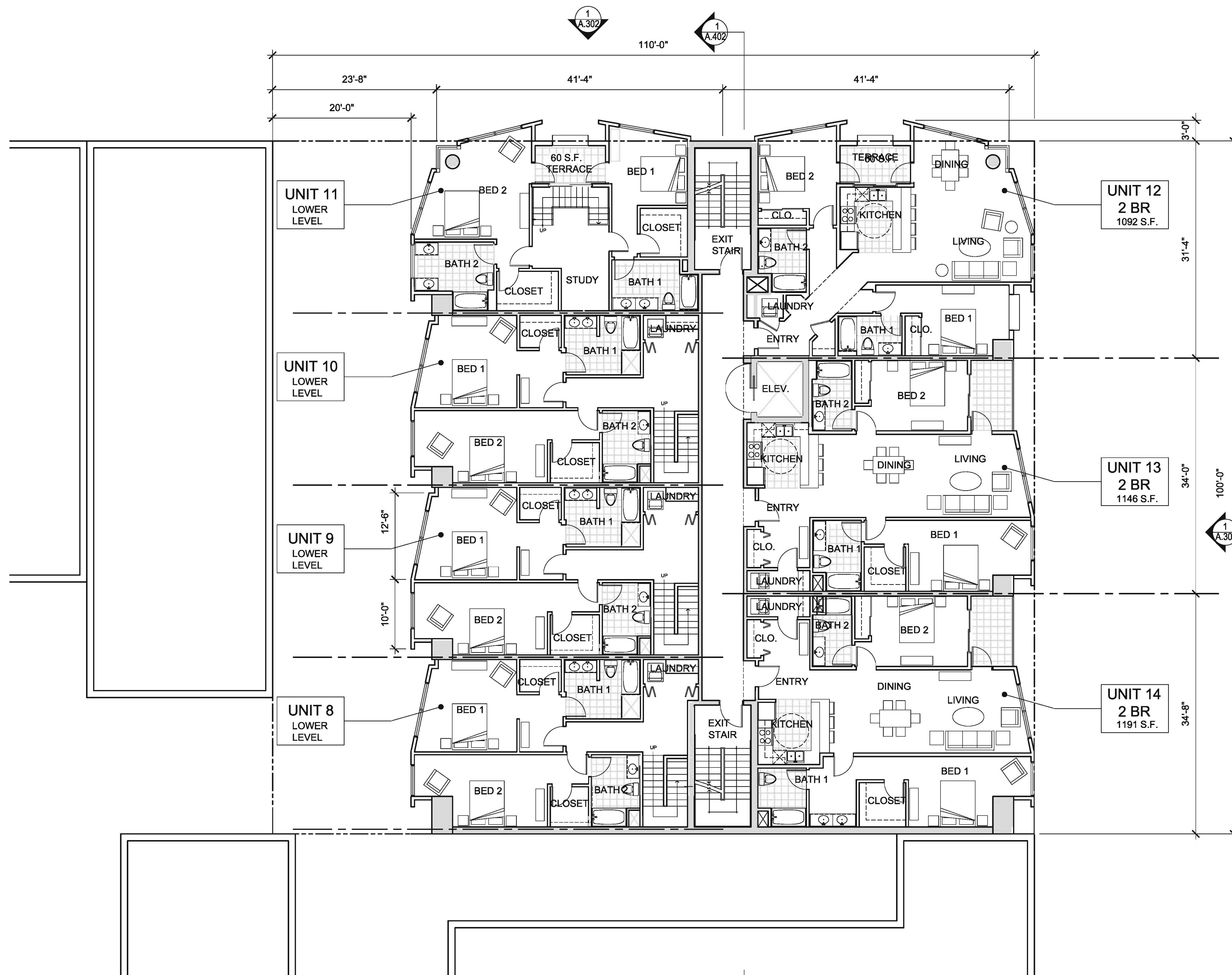
THIRD
 FLOOR PLAN

A.203

SCALE: 1/8" = 1'-0"

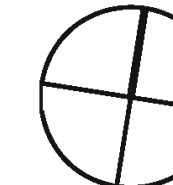
NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 THIRD FLOOR PLAN

PLAN
 NORTH



SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

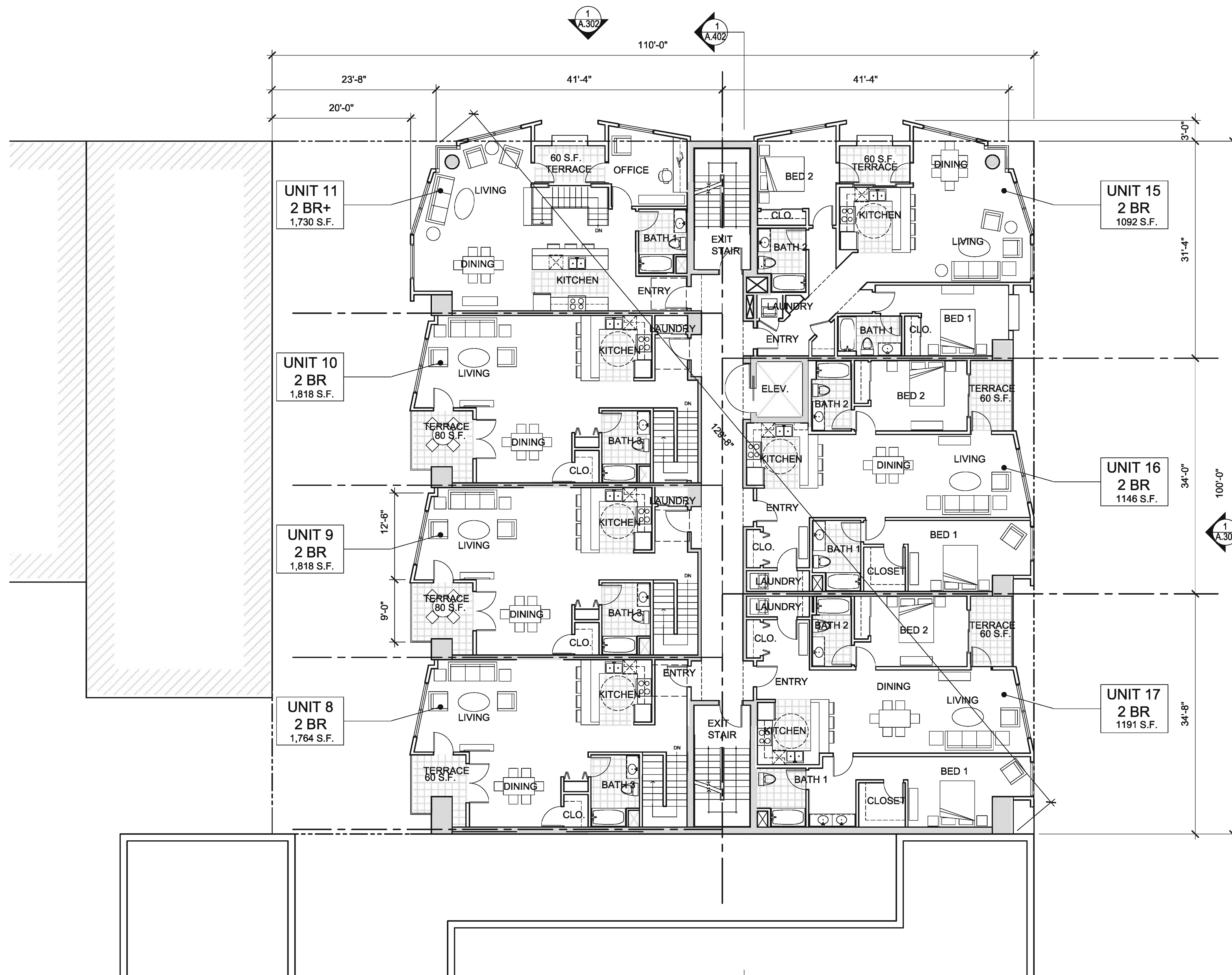
FOURTH FLOOR PLAN

A.204

SCALE: 1/8" = 1'-0"

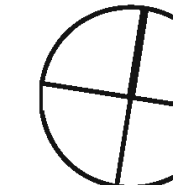
NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 FOURTH FLOOR PLAN

PLAN NORTH



SCALE: 1/8" = 1'-0"

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

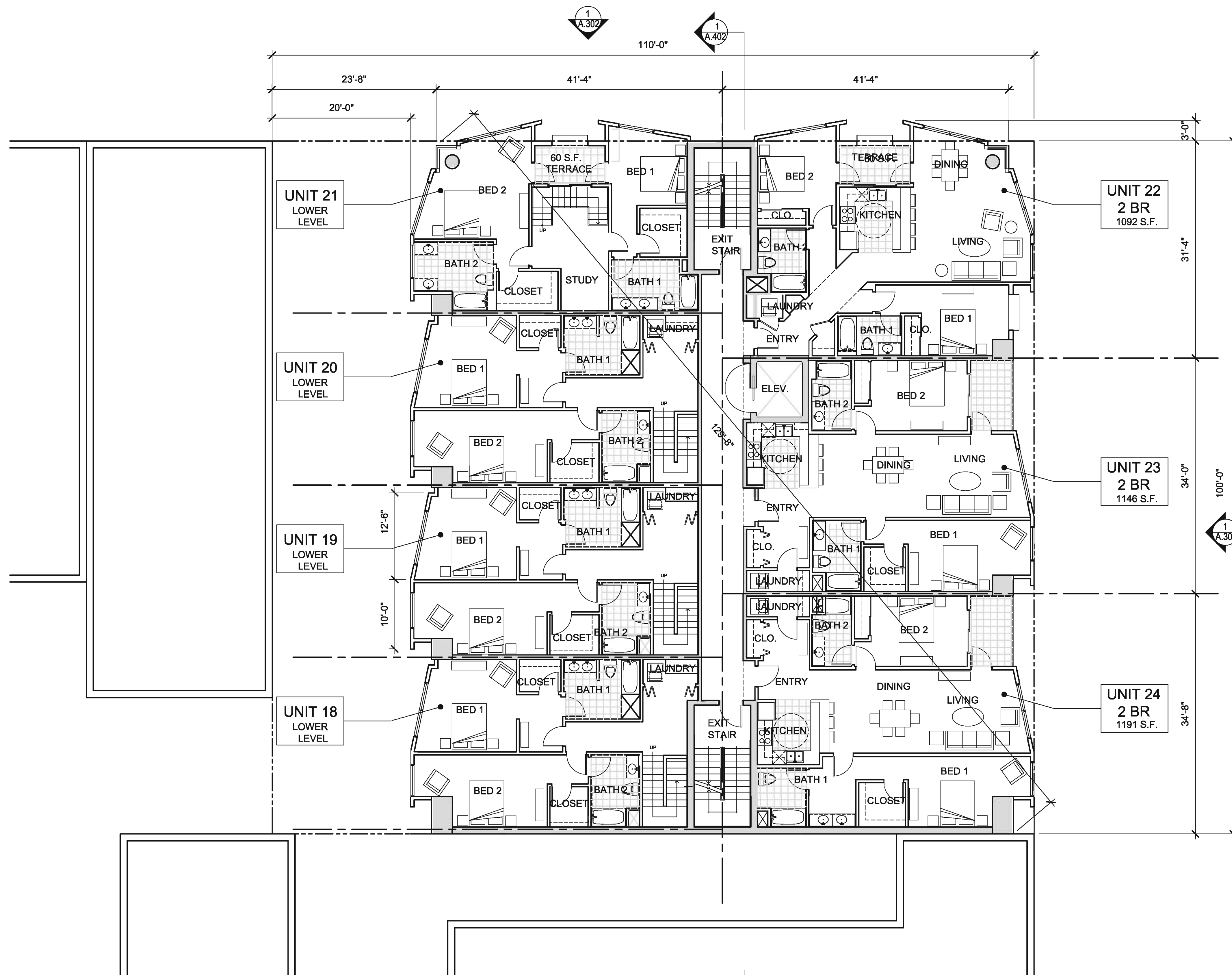
SHEET:
 FIFTH
 FLOOR PLAN

A.205

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 FIFTH FLOOR PLAN



SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

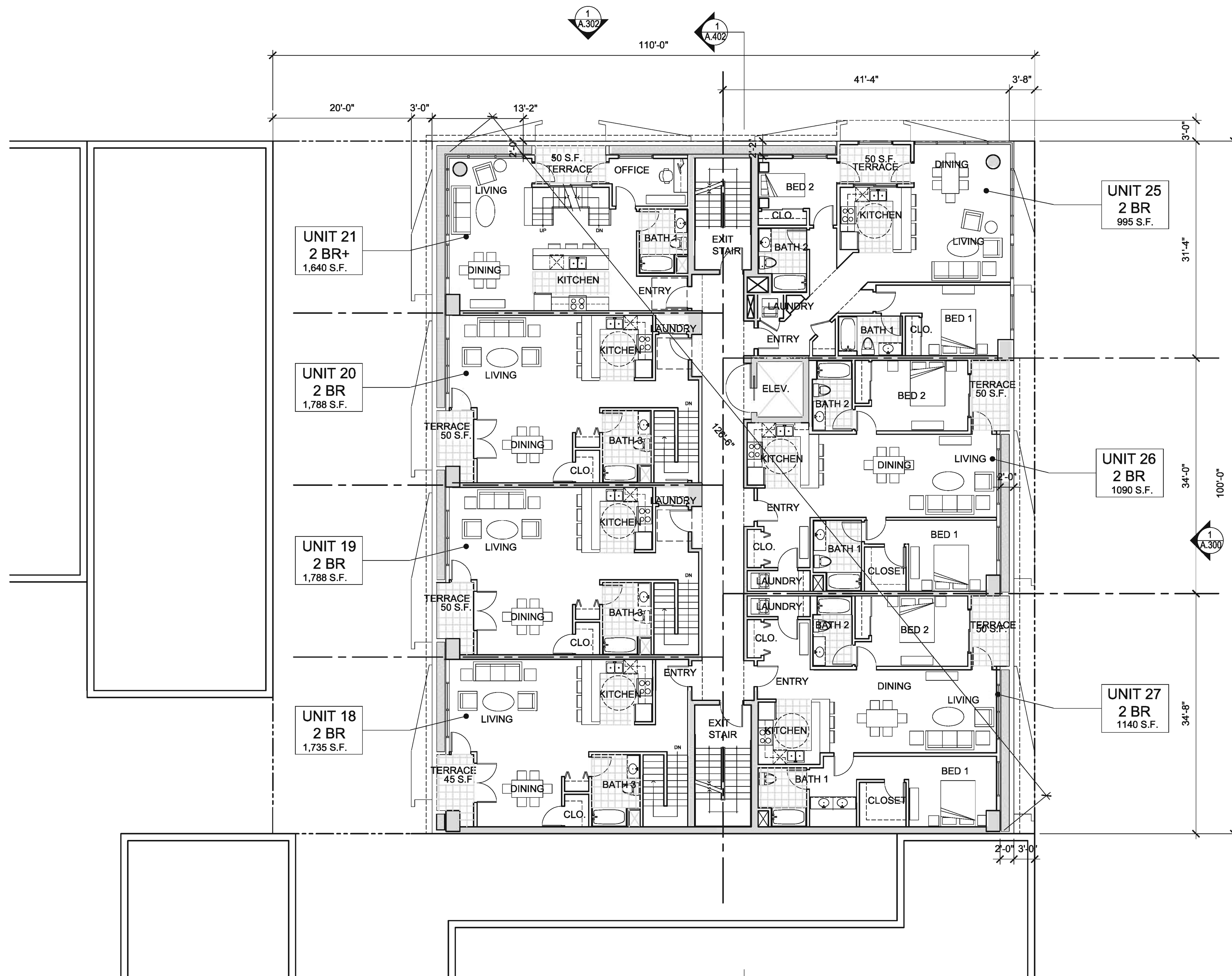
SIXTH
 FLOOR PLAN

A.206

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 SIXTH FLOOR PLAN



SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

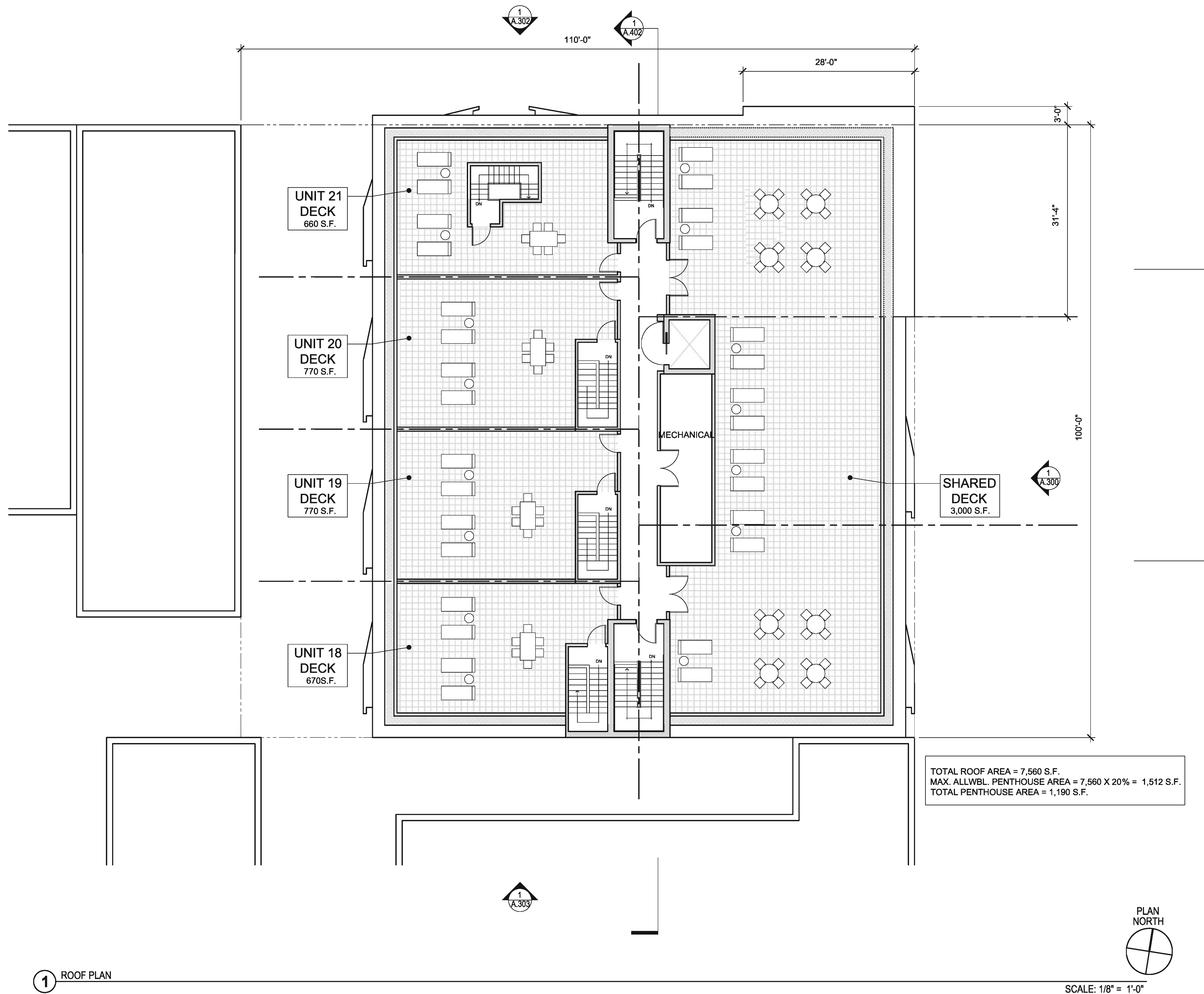
ROOF PLAN

A.207

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor&Chu Architects.



OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

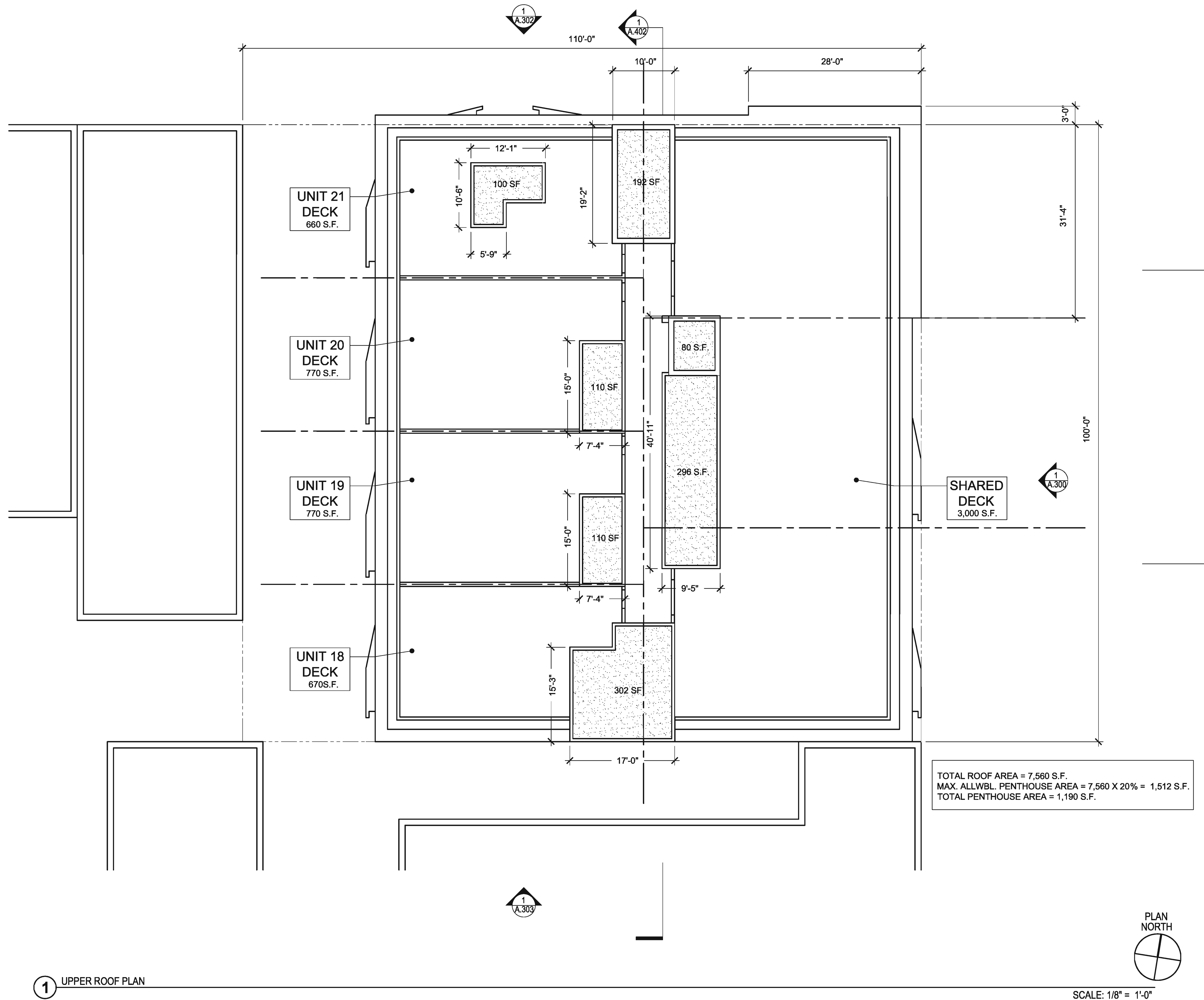
UPPER ROOF PLAN

A.208

SCALE: 1/8" = 1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



TOTAL ROOF AREA = 7,560 S.F.
 MAX. ALLWBL. PENTHOUSE AREA = 7,560 X 20% = 1,512 S.F.
 TOTAL PENTHOUSE AREA = 1,190 S.F.

1 UPPER ROOF PLAN

SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

EAST ELEVATION

A.300

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 EAST ELEVATION

KEY
ST1 - BUSH HAMMERED BASE STONE
ST2 - LIMESTONE
GL1 - LOW-E CLEAR GLASS
GL2 - TRANSLUCENT GLASS ACCENT
MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
MT2 - PAINTED METAL PANEL AT BAY WINDOWS
MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

EAST ELEVATION

A.300A

SCALE: 3/16"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 EAST ELEVATION

KEY
 ST1 - BUSH HAMMERED BASE STONE
 ST2 - LIMESTONE
 GL1 - LOW-E CLEAR GLASS
 GL2 - TRANSLUCENT GLASS ACCENT
 MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
 MT2 - PAINTED METAL PANEL AT BAY WINDOWS
 MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

NORTH ELEVATION

A.301

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor&Chu Inc. DBA Naylor&Chu Architects.



1 NORTH ELEVATION

KEY
ST1 - BUSH HAMMERED BASE STONE
ST2 - LIMESTONE
GL1 - LOW-E CLEAR GLASS
GL2 - TRANSLUCENT GLASS ACCENT
MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
MT2 - PAINTED METAL PANEL AT BAY WINDOWS
MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

NORTH ELEVATION

A.301A

SCALE: 3/16"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 NORTH ELEVATION

KEY
 ST1 - BUSH HAMMERED BASE STONE
 ST2 - LIMESTONE
 GL1 - LOW-E CLEAR GLASS
 GL2 - TRANSLUCENT GLASS ACCENT
 MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
 MT2 - PAINTED METAL PANEL AT BAY WINDOWS
 MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

WEST ELEVATION

A.302

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor&Chu Inc. DBA Naylor&Chu Architects.



1 WEST ELEVATION

KEY

- ST1 - BUSH HAMMERED BASE STONE
- ST2 - LIMESTONE
- GL1 - LOW-E CLEAR GLASS
- GL2 - TRANSLUCENT GLASS ACCENT
- MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
- MT2 - PAINTED METAL PANEL AT BAY WINDOWS
- MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

WEST ELEVATION

A.302A

SCALE: 3/16"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 WEST ELEVATION

KEY

- ST1 - BUSH HAMMERED BASE STONE
- ST2 - LIMESTONE
- GL1 - LOW-E CLEAR GLASS
- GL2 - TRANSLUCENT GLASS ACCENT
- MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
- MT2 - PAINTED METAL PANEL AT BAY WINDOWS
- MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

SOUTH ELEVATION

A.303

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 SOUTH ELEVATION

KEY

- ST1 - BUSH HAMMERED BASE STONE
- ST2 - LIMESTONE
- GL1 - LOW-E CLEAR GLASS
- GL2 - TRANSLUCENT GLASS ACCENT
- MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
- MT2 - PAINTED METAL PANEL AT BAY WINDOWS
- MT3 - PAINTED METAL PANEL AT CORNICE

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

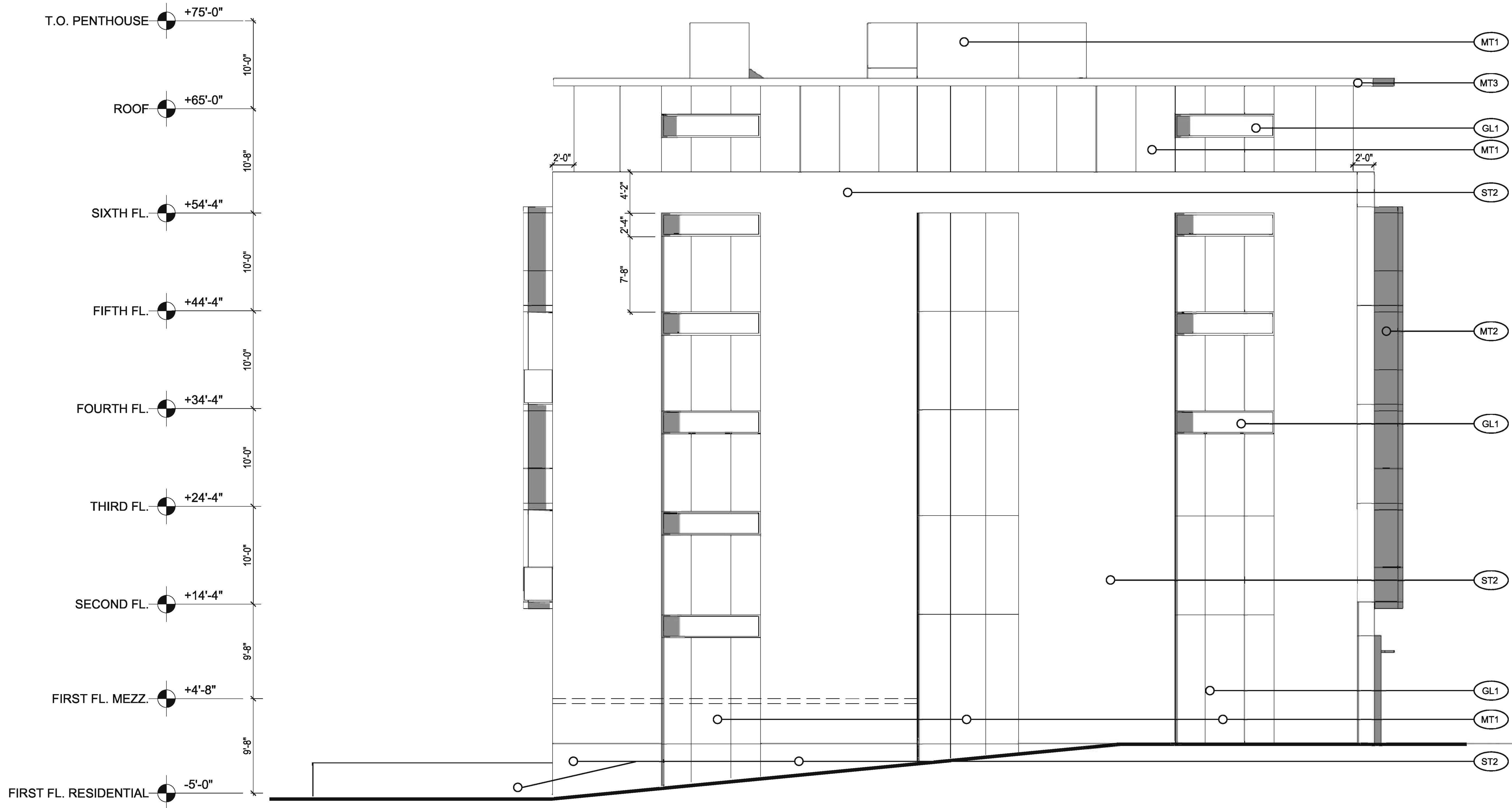
SOUTH ELEVATION

A.303A

SCALE: 3/16"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 SOUTH ELEVATION

KEY

- ST1 - BUSH HAMMERED BASE STONE
- ST2 - LIMESTONE
- GL1 - LOW-E CLEAR GLASS
- GL2 - TRANSLUCENT GLASS ACCENT
- MT1 - PAINTED METAL PANEL AT BASE & PENTHOUSE
- MT2 - PAINTED METAL PANEL AT BAY WINDOWS
- MT3 - PAINTED METAL PANEL AT CORNICE



ARCHITECT:
Naylor & chu
 ARCHITECTS

1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:
1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:
VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:
**VAN NESS & FILBERT
 PERSPECTIVE**

A.304

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor&Chu Inc. DBA Naylor&Chu Architects.

① VAN NESS AND FILBERT PERSPECTIVE



ARCHITECT:
Naylor & chu
 ARCHITECTS



1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

**VAN NESS LOOKING
 NORTH PERSPECTIVE**

A.305

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor&Chu Inc. DBA Naylor&Chu Architects.

1 VAN NESS LOOKING NORTH PERSPECTIVE



ARCHITECT:
Naylor & chu
 ARCHITECTS



1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

FILBERT LOOKING EAST PERSPECTIVE

A.306

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.

① FILBERT LOOKING EAST PERSPECTIVE



ARCHITECT:
Naylor & chu
 ARCHITECTS

1515 Vallejo Street
 San Francisco, CA 94109
 Tel 415.749.6500
 Fax 415.749.5266
 www.naylorandchu.com

OWNER:
1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:
VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:
**FILBERT RESIDENTIAL
 ENTRY PERSPECTIVE**

A.307

SCALE: NTS

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.

① FILBERT RESIDENTIAL ENTRY PERSPECTIVE



Cornice Painted Metal (MT3)

Dark Anodized Aluminum Window Frame

Clear Glass (GL 1)

Penthouse Level Painted Metal Panel (MT 1)

Limestone Cladding (ST2)

Anodized Aluminum Window Frame

Clear Glass (GL 1)

Bay Windows Painted Metal Panel (MT2)

Translucent Glass (GL2)

Stainless Steel Signage

Painted Metal at Base and Storefront (MT 1)

Bush Hammered Base Stone (ST 1)

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

OWNER:

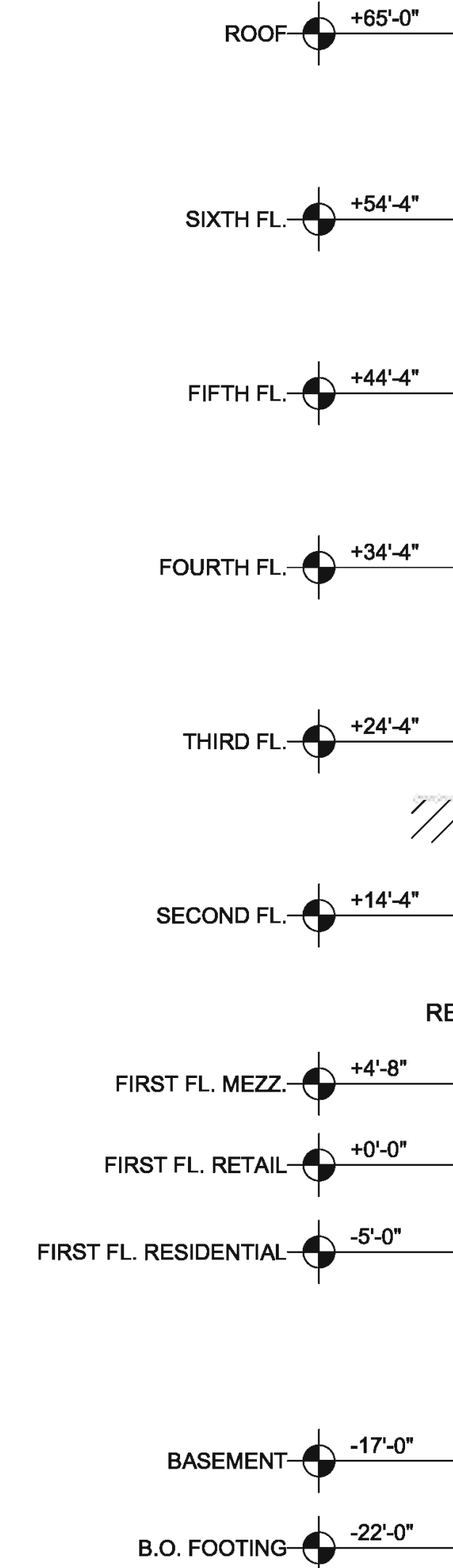
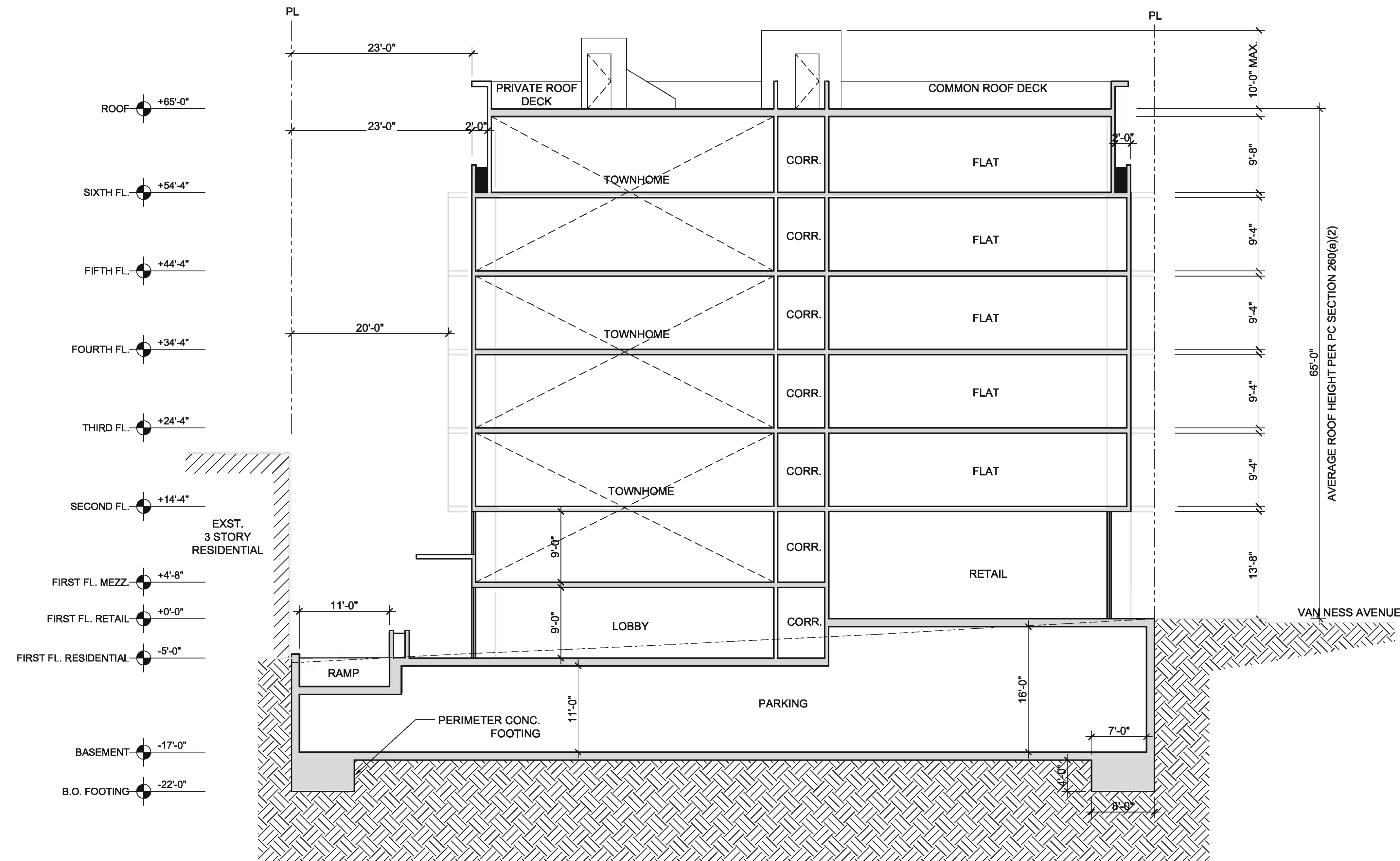
1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109



1 TYPICAL BUILDING SECTION

SCALE: 1/8" = 1'-0"

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

TRANSVERSE BUILDING SECTION

A.400

SCALE: 1/8"=1'-0"

NOT ISSUED FOR CONSTRUCTION

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

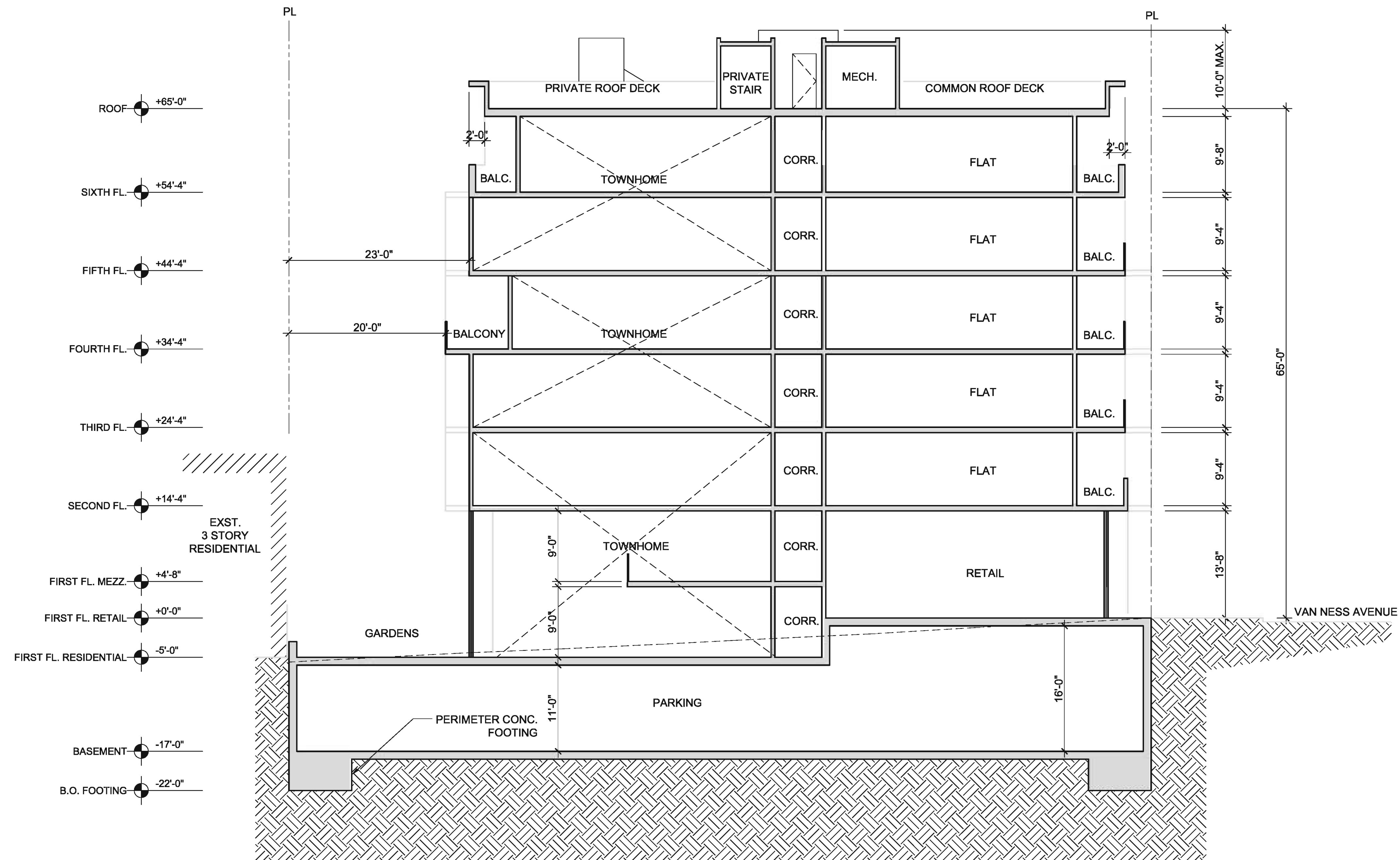
TRANSVERSE BUILDING SECTION

A.401

SCALE: 1/8"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 TYPICAL BUILDING SECTION

SCALE: 1/8" = 1'-0"

OWNER:

1501 FILBERT, LLC.

1501 Filbert St
 San Francisco, CA 94123

PROJECT:

VAN NESS

2559 Van Ness Ave.
 San Francisco, CA 94109

VAN NESS

SUBMITTAL:

#	DATE	ISSUE
1	090130	SF Planning
2	090220	SF Planning
3	090311	SF Planning
4	090526	C.U.P.
5	100506	C.U.P. Revised
6	100629	SF Planning
7	100913	SF Planning
8	101007	SFPC Hearing

SHEET:

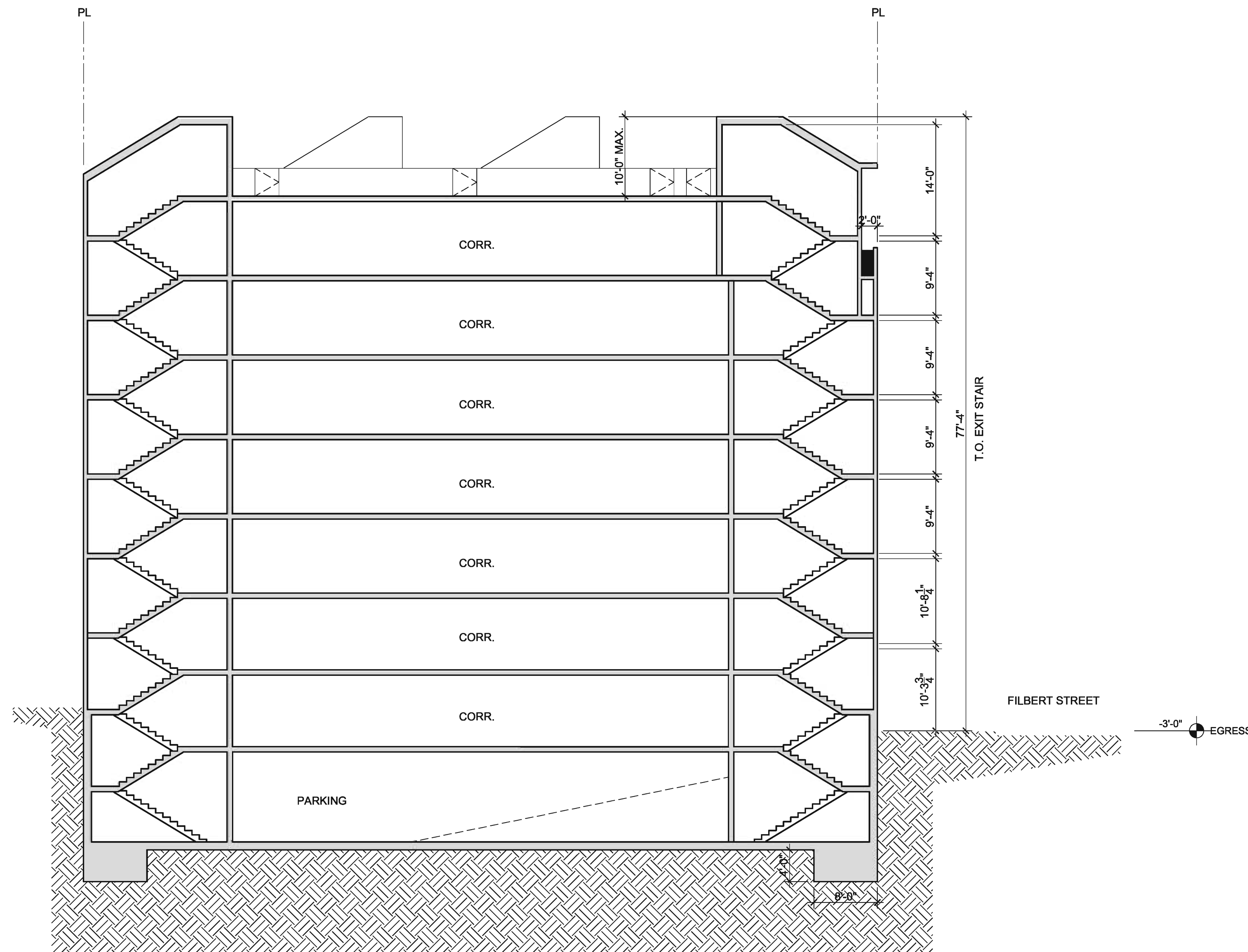
LONGITUDINAL BUILDING SECTION

A.402

SCALE: 1/8"=1'-0"

NOT ISSUED FOR CONSTRUCTION

© Naylor & Chu Inc. DBA Naylor & Chu Architects.



1 TYPICAL BUILDING SECTION

SCALE: 1/8" = 1'-0"