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Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Edwin M. Lee, Mayor
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Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Bruce R. Storrs, City and County Surveyor

TENTATIVE MAP DECISION

2013.1226Q NW

Date: August 22, 2013

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Project ID: 7760			
Project Type: 27 Units Residential and 3 Units Commercial Multi Use New Construction Condominium			
Address#	StreetName	Block	Lot
1501	FILBERT ST	0527	051
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

X

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address): **SEE ATTACHED.**

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

PLANNING DEPARTMENT

DATE 10.25.13

C. LAMORENA

FOR Mr. Scott F. Sanchez, Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

Per Final Mitigated Negative Declaration and NSRs #2010J097837 and #2010J097838 for Case No. 2009.0335CEKV adopted by the Planning Commission and Zoning Administrator of the City and County of San Francisco on October 7, 2010, as set forth in Planning Commission Motion No. 18194, per Building Application No. 201106017181 for a change of use of the existing gas station to a mixed-use residential development (27 residential units & 2,700 square feet of commercial space).

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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

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Planning Commission Motion No. 18194

Date: October 7, 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 AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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 July 15, 2010 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until August 4, 2010; and

On October 7, 2010, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

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

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2009.0335E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On 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.

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 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.

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.

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

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

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. 18194. 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

Motion No. 18194
Hearing Date: October 7, 2010

CASE NO 2009.0335C
2559 Van Ness Avenue and 1527 Filbert Street

AYES: Commissioners Miguel, Olague, Antonini, Borden, Moore

NAYS: none

ABSENT: Commissioner Sugaya

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. 18194.
3. The Conditions of Approval under 'Exhibit A' of this Motion No. 18194 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. The Project Sponsor shall continue working with Planning Department staff to improve the proposed design. Specifically, the project should provide a better transition to the existing building scale and massing along the block-face of Filbert Street. The overall project should be refined to be more residential in character, i.e. less glazing, use of punched windows, architectural detail, exterior materials, etc.
11. 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.
12. The curb cut shall be located along Filbert Street and limited to a maximum width of 12 feet including curb returns.
13. 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.
14. 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.
15. 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.
16. An attractive ground floor commercial space shall be maintained by providing visibility of the commercial interior through clear storefront windows.
17. 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.

18. Signs and exterior lighting for the commercial use shall be reviewed and approved by the Planning Department before they are installed.
19. An enclosed garbage area shall be provided. All garbage containers shall be kept within the building until pick-up by the disposal company.
20. 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.
21. Fourteen (14) Class 1 bicycle spaces shall be provided at the basement level.

Affordable Housing

22. **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%).
23. **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).

24. Mitigation Measures

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

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 Conditions of Approval – EXHIBIT C

File No. 2009.0335E
 1527 Filbert Street/2559 Van Ness Avenue Project

DRAFT MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURES				
MITIGATION MEASURES	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION AND IMPROVEMENT MEASURES AGREED BY THE PROJECT SPONSOR WHICH REDUCE THE IMPACT TO LESS-THAN-SIGNIFICANT FOR THE 1527 FILBERT STREET/250 VAN NESS AVENUE PROJECT				
MITIGATION MEASURES				
<i>Archeological Resources Mitigation Measures</i>				
Mitigation Measure M-Archeo-1: Accidental Discovery				
<p>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.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an</p>	Project Sponsor and/or Head Foreman	Prior to any soil disturbing activities	If required by the ERO, the Project Sponsor to provide a monitoring report prepared by an archaeologist to the Environmental Review Officer (ERO)	If required by the ERO, considered complete upon receipt of final monitoring report at completion of construction

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<p>archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>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.</p>				

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MITIGATION MEASURES	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Hazardous Materials Mitigation Measure</p> <p>M-HZ-1: <u>Underground Storage Tanks</u> 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.</p> <p>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</p>	Project Sponsor	Prior to removal of any undiscovered USTs	Sponsor or contractor shall submit a "Certificate of Closure to Planning Department and DBI.	Considered complete upon receiving "Certificate of Closure".

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<p>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.</p>				

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MITIGATION MEASURES	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><u>M-HZ-2: Testing for and Handling of Contaminated Soil</u></p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Project Sponsor</p>	<p>Prior to a building permit approval.</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon approval of each subsequent project</p>

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<p>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 Department of Public Health (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.</p> <p>Step 3: Handling, Hauling, and Disposal Contaminated Soils.</p> <p>(a) <u>specific work practices</u>: 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.</p> <p>(b) <u>dust suppression</u>: 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.</p> <p>(c) <u>surface water runoff control</u>: 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</p>				

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<p>stockpiles during inclement weather.</p> <p>(d) <u>soils replacement</u>: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the Plan Area, where lead-contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) <u>hauling and disposal</u>: 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.</p> <p>Step 4: Preparation of Closure/Certification Report. After excavation and foundation construction activities are completed, a closure/certification report shall be prepared and submitted 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.</p> <p><u>Mitigation Measure M-HZ-3 – Hazards (Decontamination of Vehicles)</u> 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</p>	Project Sponsor	After equipment use and prior to removal from the work site	Project Sponsor or contractor.	Considered completed upon receiving monitoring logs.

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been removed.					
IMPROVEMENT MEASURES					
<i>Transportation and Circulation Improvement Measures</i>					
<u>Improvement Measure I-TR-1 – Loading: Yellow Zone Provision</u> 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.	Project Sponsor	Prior to construction	Project Sponsor	Considered complete upon receiving a copy of MTA's authorization letter.	
<u>Improvement Measure I-TR-2 – Loading: Monitoring on Filbert Street</u> 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. The Project Sponsor and/or tenants should monitor vendors' compliance.	Project Sponsor	During the life of the building.	Project Sponsor	Considered complete upon receiving a letter from sponsor stating how this improvement measure would be implemented.	
<u>Improvement Measure I-TR-3 – Construction-Period Traffic Planning</u> 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.	Project Sponsor	Prior to construction	Project Sponsor	Considered complete upon receiving a letter from sponsor stating the outcome of the meeting.	