

Stephen A. Devencenzi

2960 Hawkhill Lane, San Luis Obispo CA 93405

RECEIVED

DEC 06 2017

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION

December 5, 2017

San Francisco City and County Planning Commissioners
1650 Mission Street, Suite 400,
San Francisco, CA 94103-2414

Attn: Members of the San Francisco City and County Planning Commission:

From: Stephen Devencenzi, Representing 1525 Union St.

RE: 2465 Van Ness: December 14, 2017 - Planning Commission Record 2015-014058CUA/VAR

I represent the owners of 1525 Union St and we have a number of concerns regarding the design of this proposal. We do not oppose development of the site. However, there are a number of issues we believe were not adequately addressed and require a series of project design modifications prior to approval of the proposed project.

As this correspondence is required to be submitted in advance of the staff report, I am unaware of the staff recommendation and may be providing additional comments. Having dealt with a wide variety of issues over my career as a transportation and land use planner I have found it necessary to summarize and present recommendations in a manner that is 'digestible' for busy decision makers in a manner that can be logically and systematically addressed. With that in mind, I will try and present our position in a format that addresses both the policy and project specific concerns. The summary of Key Issues/Recommendations is followed by a discussion of each concern. I will also be submitting a separate letter regarding my experience with this project that will address the submittal, review, and approval process.

Key Issues/Recommendations:

1. We strongly oppose granting the rear yard, bulk and exposure variance request for this project.
Recommendation: Deny Variance requests to exceed standards for Exposure, Bulk and Rear Yard Setbacks.
2. We advocate a project design modification that eliminates the proposed garage entry/exit interference with transit operations within the Union St. eastbound bus stop.
Recommendation: Require the proposed garage entry/exit within the Union St. eastbound bus stop be relocated to/or near the existing 16' driveway on Van Ness allowing for right-in right-out traffic only.
3. We request modifications to the proposed design to better relate the proposed project to the site and neighborhood. .
Recommendation: Relocate the commercial and residential entrances to provide greater separation from the Bus Shelter.
4. Our site is bracketed by two proposed construction projects. Construction impacts will last for several years and our site will be very heavily restricted and impacted due to construction activity to the point that we will be unable to maintain regular or adequate access and the quiet use and enjoyment of our site.
Recommendation: In addition to standard "good neighbor" practices see the list of recommended activities (a-e) listed on pages 5 and 6.

Discussion:

Variance Requests

We oppose the variance requests to exceed standards for the setback, bulk and exposure required for the site based on the loss of light, air, and open space that would result from the proposed westerly expansion of the project that would consume 20% of the required 25' rear yard setback.

Modification to the original proposal in response to viewshed and environmental concerns expressed by residents of 2415 Van Ness does not constitute something that "...caused the project building to be extended."

The existence of a lightwell as part of the adjacent structure is not an exceptional or extraordinary circumstance applying to the property and does not represent a practical difficulty or unnecessary hardship.

A substandard rearyard setback, excess bulk and lack of required exposure are not a property right and are not required or necessary for the preservation and enjoyment of the site.

The originally proposed Gross Square Footage (GSF) of the project was 85,534 GSF and is currently proposed at 94,362 GSF. This 10.7% increase clearly indicates that **the proposed additional 8,882 GSF results in encroachment into the rearyard setback and significantly expands the project beyond the original proposal** and is not warranted.



The site's corner location, frontage on Van Ness Ave, and the massing characteristics of the adjacent lots and structures do not represent exceptional or extraordinary circumstances where the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship. A Code compliant rear yard was provided in the original application. The proposed variance - according to the applicant and owner of the property has "...presented the potential conflicts..." and are therefore are not justification for approval

The November 28, 2017 submittal for a Variance Request does not present "...facts sufficient to establish each finding." pursuant to Planning Code Section 305(c) and does not adequately demonstrate how the project qualifies under the specific findings required as set forth in Section 134(e)(1) as the proposed new structure will significantly impede the access of light and air to and views from our adjacent property and that of others; and, the proposed new structure will adversely affect the interior block open space.

There is no practical difficulty or unnecessary hardship associated with maintaining the required rear yard, bulk and exposure standards.

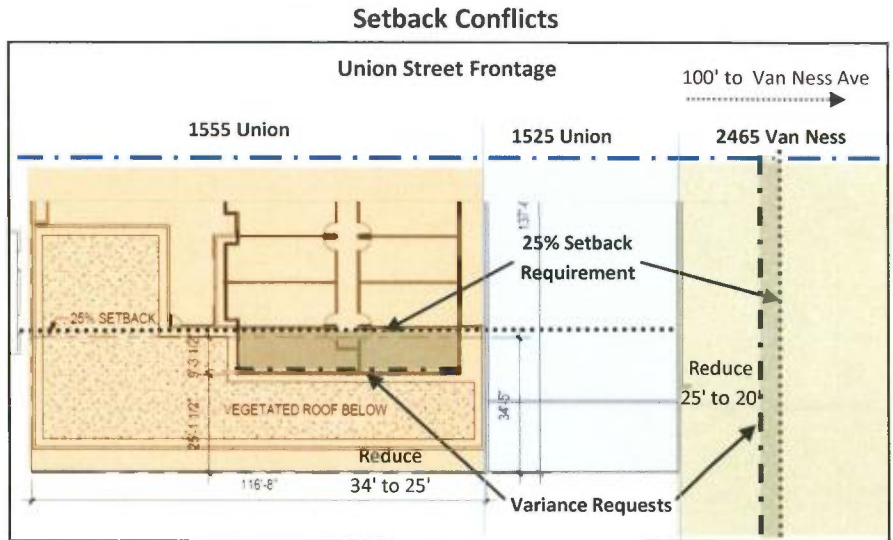


The applicant does not require the proposed variance to allow the enjoyment of a substantial property right and uses the rationale that other sites in the vicinity do not have compliant rear yards and therefore this project should be entitled to violate the standard.

As the owners of the adjacent structure at 1525 Union St., we are in the position of having 2 proposed projects come before you within a few weeks time requesting approval of rear yard setback variances that will have negative impacts on our site.

The 1555 Union project would extend a little over 9' beyond the distance allowed for their site as well as ours. This will result in closing our site off from light and air as well.

Arguments that cite the lack of compliant rear yards on many sites that pre-date the current setback requirements as justification for more of the same simply perpetuates a shortfall and should not be used to justify the request.



The granting of the proposed variance will be materially detrimental to the public welfare by reducing open space within this mid-block area and materially injurious to our property. Granting of such variance will not be in harmony with the general purpose and intent of this Code as the project would not be adequately setback from the adjacent building to the west per existing standards and thereby does not meet the goal of the rear yard setback requirement.

Site Access and Interference with Transit Operations

We request the Planning Commission require project design modifications that eliminate interference with transit operations within the Union St. eastbound bus stop.

In my capacity as the Planning Director of a Regional Transportation Planning Agency, Metropolitan Planning Organization, and Council of Governments I have spent a great deal of time promoting the shift to more transit friendly multimodal networks. The use of the public right of way at this location by pedestrians, bicyclists, and public transit users should be of the highest priority consistent with the city's Transit First policy which states they "...shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot..."

The **Transit Conflicts** graphic highlights two key issues - the garage entrance and the Bus Shelter.

- The permanent dedication of 20% of the Bus Zone to auto access results in conflicts with pedestrian movement due to the shallow setback of the garage doors and 2-way traffic using the driveway and the loading or off-loading passengers etc.

Eastbound Union St. Transit Stop Conflicts



- **Left turn movements into the proposed garage's 12' driveway apron (11' wide ramp) will conflict at times with the ability of transit vehicles to smoothly operate in exiting and entering the Bus Zones.** Development fronting this leg of the Union/Van Ness BRT network (including the adjacent westbound Bus Stop) should seek to avoid any interference with the efficient operation of the transit network.
- **The proposed garage entry/exit will interfere with Muni operations at the site** as noted in the 2465 Van Ness Circulation Memorandum which states: "... Because the parking garage would allow for two-way traffic flow in/out of the parking garage, vehicles attempting to enter the parking garage (10 and 28 vehicle trips during the AM and PM peak hours, respectively) would be required to stop for a gap in traffic along Union Street prior to entering the garage."
- The proposed entry to the residential units is designed to overlap the location of the bus shelter and the large entry canopy appears to overhang the shelter. In addition, the retail entry unnecessarily crowds the shelter location. **Given the narrow clearance between the proposed structure and the bus shelter these entries should be relocated to avoid the inherent conflicts that will result from the current design.**

I believe the emphasis on the earlier Van Ness Plan in directing driveways to the secondary streets overlooked the Transit-First emphasis in evaluating and recommending actions to protect and enhance the pedestrian and transit environment as a first priority.

The site fronts the adjacent Union/Van Ness BRT node and the connecting east/west Muni operations. Therefore **the proposal should be viewed from a perspective consistent with the SEC. 8A.115. TRANSIT-FIRST POLICY** that provides that "...commissions, and departments shall implement these principles in conducting the City and County's affairs: Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety"...and that ..."Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot' ...and, "... wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway..."

The following discussion responds to each of the reasons staff indicated was the basis for recommending the driveway on Union St.

Planning Staff provided the following references as the policy guidance used by the SDAT to justify the Union St garage entrance for the project. I believe the Street Design Advisory Team (SDAT) recommendation is in error as it did not adequately consider the TRANSIT-FIRST POLICY directives; erred in not recognizing the existing driveway that currently serves the site; and, the change from curbside bus service to the BRT system along Van Ness.

• **OBJECTIVE 9 PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.**

The Van Ness Avenue right of way performs many functions. It is a primary state highway carrying heavy auto and truck traffic. Two Municipal Railway routes — the 47 and 42 lines — travel most of its length as do Golden Gate transit buses. Appropriate measures are required to make certain this traffic flows smoothly. Measures must also be taken to assure that the sidewalk remains pleasant for the pedestrian and that the street will be as attractive a "front yard" for Van Ness Avenue residents as possible.

POLICY 9.5 - Whenever feasible, provide access to parking from minor east-west streets. Prohibit new parking access from Van Ness Avenue. For development of lots with no direct access to an east-west street, allow off-site provision of required parking as set forth in Section 159(c) of the Planning Code.

Response: The BRT system shifts service away from the through lanes and the right-in/right-out movements from the site's currently existing Van Ness driveway would not adversely affect traffic flow or pedestrian safety.

Current usage of the existing driveway location by the 12-14 Zip cars that populate the site may be relatively close to the projected site generated volumes. The proposed vehicular access is shown as 80' from the Van Ness/Union intersection and the use of **a right-in/right-out access point along Van Ness could be located 145' from the intersection and would eliminate turning movement and pedestrian conflicts within the bus stop frontage consistent with the Transit-First policies.**

POLICY - Improve the efficient and free flowing use of sidewalk space in new development.

Sidewalk space along Van Ness Avenue is shared by pedestrians, transit patrons, sidewalk elevators, light fixtures, MUNI power poles, traffic signals, news racks, benches and street trees, and moving vehicles entering or exiting an on-site parking area. Design of sidewalk space associated with new development should reduce clutter and pedestrian obstacles.

Response: I concur that design of sidewalk space associated with new development should reduce clutter and avoid creating pedestrian obstacles. In this case, the proposed design needs to make adjustments to avoid the creation of clutter by relocating two active entries astride the Bus Shelter.

The staff indicated the decision was also based on ...design constraints imposed by the site topography.

Response: Site topography is not a criteria for determining traffic impacts. Consideration of an alternate entry/exit location that would eliminate the turning movement and pedestrian conflicts within the bus stop frontage is consistent with the Transit-First policies.

Construction Impacts

We have a number of concerns related to construction impacts and timing relative to this site and the additional proposal at 1555 Union with overlapping timeframes (delayed on November 30th and scheduled to be considered at your January 25, 2018 meeting).

We are in the position of having our site very heavily restricted and impacted due to construction activity to the point that we will be unable to maintain regular or adequate access and the quiet use and enjoyment of our site - for a period of years. Each of the proposals will take years to complete with the potential to have activity on both sides of our location at the same time (or overlapping) - given the timing of the two project proposals under consideration.

Even with the development of a TDM program with requirements for contractors to shuttle workers to the sites, the ability of the neighborhood - and especially our site - to accommodate vehicles needed for daily activity will be heavily impacted. We are likely to find it literally impossible to gain reasonable access or conduct business.

Recommendation:

- a. **Require contractors to shuttle workers to the site.**
- b. **Require the establishment of a Construction Impact Mitigation Plan prior to the award of the construction contract for the project including timing of construction activity on a month-by-month basis for the duration of the project.**
- c. **Provide a detailed Communications Plan outlining the steps that will be taken by the contractors and the project owner during the course of construction of the project to alleviate the identified impacts, schedule of regular meeting to coordinate with any other construction project within 500 feet of the project.**

- d. Identify potential impacts to businesses within a 500 foot radius of the Project that shall be addressed in the Construction Impact Mitigation Plan, and if applicable, shall include: 1. Impacts on patronage due to impediments to pedestrian and vehicular access, visual impediments to signage; loss of on street parking, or perceived safety issues; 2. Forced temporary business closure due to loss of utilities, loss of access for patrons and employees, loss of access for services such as deliveries or garbage service, or perceived safety issues ; 3. Forced permanent business closure due to permanent loss of pedestrian or vehicular access.
- e. Provide marketing assistance, technical business support, and cross-promotion efforts with adjacent businesses

Thank you for your attention to the above listed concerns.

Sincerely,



Stephen A. Devencenzi
Devencenzi Family Trust

devencenzi@aol.com