



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: SEPTEMBER 22, 2016

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

*Date:* September 12, 2016  
*Case Nos.:* 2016-000559PCA, 2016-007198PCA, 2012.0646PCA, 2007.1070C,  
2007.1071C, 2007.1073C, 2007.1074C, 2007.1077C, 2007.1082C,  
2007.1083C  
*Project(s):* **Adoption of Planning Code Amendments Related to the Academy  
of Art University (AAU) and Conditional Use Authorization  
Requests for Properties Used by AAU as Student Housing;**  
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### CASE PACKET ORGANIZATION

The subject case report contains materials for 10 cases related to Academy of Art University properties. Three (3) cases are for Planning Code Amendments related to the AAU sites (one Amendment has been initiated by the Planning Commission whereas the other two have been initiated by AAU) and seven (7) are for the Conditional Use Authorizations for each of the seven properties used by AAU as Student Housing that require Planning Commission action.

On September 22, 2016, Planning Department Staff will present all 10 cases before the Planning Commission, starting with the Planning Code Amendments first.

The contents of the case report will be organized in the following manner, generally resembling the order in which the cases will be presented to the Planning Commission:

#### **A. PLANNING CODE AMENDMENTS**

1. **Executive Summary** for all three Planning Code Amendments. The three Planning Code Amendments are as follows:
  - a. The Planning Commission-initiated ordinance which provides a limited waiver on the prohibition of the conversion of Residential Units to Student Housing for two specific properties at 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - b. AAU's-initiated ordinance which enables the legalization of all seven sites currently used as Student Housing without the benefit of a permit and in a manner that violates the Planning Code.
  - c. AAU's-initiated ordinance which enables the legalization of the property at 601 Brannan Street by extending the grace period to legalize non-conforming uses in the SALI – Service / Arts / Light Industrial Zoning District.
2. **Exhibit 1:**
  - a. Resolution for Planning Commission-initiated Planning Code amendment related to the conversion of Residential Units to Student Housing enabling the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.

**Recommendation: Approval of the Proposed Planning Code Amendment**

- b. Resolution for AAU-initiated Planning Code amendment related to the conversion of Residential Units to Student Housing enabling the legalization of 2209 Van Ness Avenue, 2211 Van Ness Avenue, 1916 Octavia Street, 1055 Pine Street, 1080 Bush Street, 1153 Bush Street and 860 Sutter Street.

**Recommendation: Disapprove the Proposed Planning Code Amendment**

- c. Resolution for AAU-initiated Planning Code amendment related to the conversion of Industrial to Post-Secondary Institutional Uses, enabling the legalization of 601 Brannan Street.

**Recommendation: Disapprove the Proposed Planning Code Amendment**

3. **Exhibit 2:**

- a. Draft Ordinance for Planning Commission-initiated Planning Code Amendment

4. **Exhibit 3:**

- a. AAU Application for Legislative Amendment related to Conversion of Residential Units to Student Housing
- b. AAU Application for Legislative Amendment related to 601 Brannan Street

**Required Commission Action:** The Commission may approve or disapprove the Commission-Initiated Ordinance. The Commission may also disapprove either or both of the proposed AAU-Initiated ordinances at this hearing. Should the Commission wish to approve either of the AAU-Initiated ordinances, the Commission should adopt a motion of intent to do so and ask the City Attorney to work with staff to draft an approved-as-to form ordinance for the Commission's consideration at a later hearing.

- B. **CONDITIONAL USE AUTHORIZATIONS.** At this hearing, the Planning Department will be bringing forward all of the Academy of Art's residential properties that require Commission approval. Planning staff has provided the Commission with an update to the residential section of the May 19, 2016 "Memo to the Planning Commission", which includes a map and table of all the residential sites requiring Planning Commission action, including the Planning Department's recommendation.

Each of the following seven cases will include:

- **Project Data Sheet (Updated from the May 19, 2016 "Memo to the Planning Commission")**
- **Executive Summary**
- **Draft Motion**
- **Exhibits**
- **Plans**

The case reports for 2209 Van Ness Avenue and 2211 Van Ness Avenue also include:

- **Conditions of Approval**
- **Final Environmental Impact Report (EIR) Certification**
- **CEQA Findings**
- **Individual Site Assessments** conducted as part of the Existing Sites Technical Memorandum (ESTM)

- **Transportation Management Plan (TMP)** conducted as part of the ESTM

1. **2209 Van Ness Avenue.** This project is associated with both the Planning Commission and AAU Initiated Planning Code Amendments related to the conversion of Residential Units to Student Housing. The last legal use was a single family Dwelling Unit. If the Commission recommends approval of the Commission Initiated Legislation for this property, it will authorize the Commission to take action through a Conditional Use Authorization.

**Recommendation: Approval with Conditions**

2. **2211 Van Ness Avenue.** This project is associated with both the Planning Commission and AAU Initiated Planning Code Amendments related to the conversion of Residential Units to Student Housing. The last legal use was a building containing two-family Dwelling Units over ground-floor Commercial space. If the Commission recommends approval of the Commission Initiated Legislation for this property, it will authorize the Commission to take action through a Conditional Use Authorization.

**Recommendation: Approval with Conditions**

3. **1916 Octavia Street.** This project is associated with the AAU Initiated Planning Code Amendment related to the conversion of Residential Units to Student Housing. The last legal use was a Residential Hotel containing 20 Group Housing rooms. The proposed change of use is inconsistent with General Plan policies relating to displacement and/or conversion of affordable housing units as well as requiring that higher educational institutions meet the housing demand they generate.

**Recommendation: Disapproval**

4. **1055 Pine Street.** This project is associated with the AAU Initiated Planning Code Amendment related to the conversion of Residential Units to Student Housing. The last legal use was a Residential Hotel containing 59 Group Housing rooms. The proposed change of use is inconsistent with General Plan policies relating to displacement and/or conversion of affordable housing units as well as requiring that higher educational institutions meet the housing demand they generate.

**Recommendation: Disapproval**

5. **860 Sutter Street.** This project is associated with the AAU Initiated Planning Code Amendment related to the conversion of Residential Units to Student Housing. The last legal use was a building containing 50 Residential Hotel and 30 Tourist Hotel rooms. The proposed change of use is inconsistent with General Plan policies relating to displacement and/or conversion of affordable housing units as well as requiring that higher educational institutions meet the housing demand they generate.

**Recommendation: Disapproval**

6. **1080 Bush Street.** This project is associated with the AAU Initiated Planning Code Amendment related to the conversion of Residential Units to Student Housing. The last legal use was a building containing 42 Dwelling Units and 15 Group Housing rooms. Only the 15 Group Housing rooms require action by the Planning Commission. The proposed change of use is inconsistent with General Plan policies relating to

displacement and/or conversion of affordable housing units as well as requiring that higher educational institutions meet the housing demand they generate.

**Recommendation: Disapproval**

7. **1153 Bush Street.** This project is associated with the AAU Initiated Planning Code Amendment related to the conversion of Residential Units to Student Housing. The last legal use was a building containing 15 Group Housing rooms. The proposed change of use is inconsistent with General Plan policies relating to displacement and/or conversion of affordable housing units as well as requiring that higher educational institutions meet the housing demand they generate.

**Recommendation: Disapproval**

**Required Commission Action:** Following the Commission's action on the aforementioned Planning Code Amendments, the Planning Commission will need to approve or disapprove each of the seven Conditional Use Authorizations listed above.

# **PLANNING CODE AMENDMENTS**

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Amendment ADOPTION HEARING DATE: SEPTEMBER 22, 2016

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*Project Name:* **Planning Code Text Amendments Related to Academy of Art University (AAU).** Planning Department Proposal: Reject AAU’s Two Proposed Ordinances and instead Adopt an Ordinance developed by the Planning Department for a Limited Waiver of Planning Code Section 317(e) for Two Specific Properties

*Case Numbers:* **2012.0646PCA, 2016-000559PCA, and 2016-007198PCA**  
[Board File No. pending]

*Initiated by:* Planning Commission

*Staff Contact:* Tina Chang, Planner  
Tina.Chang@sfgov.org, 415-575-9197

*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
AnMarie.Rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Adopt a Recommendation for Approval of Planning Commission-Initiated Ordinance; Adopt a Recommendation of Disapproval for Both Ordinances Initiated by Application of AAU**

The action before the Commission is consideration of adoption of three proposed Ordinances amending the Planning Code: 1) a Planning Commission-Initiated proposed Ordinance providing a conversion waiver to two potential properties, 2) an AAU-Initiated proposed Ordinance providing a conversion waiver to seven potential properties, and 2) an AAU-Initiated proposed Ordinance allowing an exception to the preservation of Production, Distribution and Repair uses in the SALI zoning district.

### PLANNING COMMISSION -INITIATED PLANNING CODE TEXT AMENDMENT

On July 28, 2016, the Planning Commission initiated a proposed Ordinance as recommended by staff in approving Resolution No. 19705 (“Commission-Initiated Ordinance”). The Commission-Initiated Ordinance would largely retain the prohibition on conversion of Residential Units to Student Housing set forth in Planning Code Section 317(e), but would create a limited waiver of this conversion prohibition for two properties: 2209 Van Ness Avenue (Lot 029 in Assessor’s Block 0570) and 2211 Van Ness Avenue (Lot 005 in Assessor’s Block 0570).

#### The Way It Is Now:

Planning Code Section 102 defines Student Housing as follows:

**Student Housing.** A Residential Use characteristic defined as a living space for students of accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units, Group Housing, or SRO Unit and is owned, operated, or otherwise controlled by an accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in this Code, the use of Student Housing is permitted where the form of housing is permitted in the underlying Zoning District in which it is located. Student Housing may consist of all or part of a

building, and Student Housing owned, operated, or controlled by more than one Post-Secondary Educational Institution may be located in one building.

Planning Code Section 317 regulates the loss of residential units. Subsection (e) expressly prohibits the conversion of existing residential units into Student Housing as follows:

**Conversion to Student Housing.** The conversion of Residential Units to Student Housing is prohibited. For the purposes of this subsection, Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.

However, notwithstanding the foregoing, at the time of the establishment of a definition for Student Housing, the Planning Code also established four specific criteria which, if met, effectively “grandfathered” the conversion of existing residential units to Student Housing without Commission approval. Specifically, Section 317(g)(3)(3)A-D states:

“Planning Commission approval shall not be required for the change of use or occupancy of a dwelling unit, group housing, or SRO to Student Housing if the dwelling unit, group housing or SRO will be Student Housing owned, operated or otherwise controlled by a not for profit post-secondary Educational Institution and

- (A) it was built by the post-secondary Educational Institution;
- (B) it is in a convent, monastery, or similar religious order facility;
- (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-secondary Educational Institution, so long as the lot has been owned by the post-secondary Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or
- (D) as of August 10, 2010, it was owned, operated or otherwise controlled by a post-secondary Educational Institution that had an Institutional Master Plan on file with the Planning Commission, and where the occupancy by those other than students at that date was less than 20% of the total occupants. For purposes of determining occupancy, the post-secondary Educational Institution shall present to the Planning Department verified information regarding its rental or lease of units as of that date.”

This provision permits conversions that are both limited in scale and grounded in good public policy principals. Specifically, these exclusions were established to:

- (A) acknowledge that the City encourages Educational Institutions to build new housing to meet the demand that the institutions generate;
- (B) provide for a limited exclusion for religious orders which have provided housing on-site;
- (C) grandfather a specific long-standing property owned by and immediately adjacent to an Educational Institution; and
- (D) grandfather limited existing sites where the controlling post-secondary Educational Institution had demonstrated actions of good-faith with the City by having an Institutional Master Plan on file with the Planning Commission and where the occupancy of the site was demonstrated to be overwhelmingly dedicated to students.

#### The Way It Would Be, Under the Commission-Initiated Ordinance:

The Commission-Initiated Ordinance would provide a limited waiver of the prohibition on conversion of Residential Units to Student Housing set forth in Planning Code section 317(e) against the conversion of Residential Units to Student Housing. This waiver would only be available for two specific properties at 2209 Van Ness Avenue and 2211 Van Ness Avenue. Under the proposed

Commission-Initiated Ordinance, each such property shall be permitted to apply for all Conditional Use Authorizations, permits and approvals as are required under the Planning and Building Codes to legalize their current use as Student Housing and to obtain permits for previous unpermitted improvements and changes in use. Nothing in this Ordinance requires the Planning Commission, the Planning Department, Department of Building Inspection, the Board of Supervisors, or the Historic Preservation Commission to grant any such Conditional Use Authorizations, permits or approvals. The final approvals would be left to the sole discretion of each such City agency, board or commission.

**Recommendation:** Adopt a recommendation of approval and forward the proposed Commission-Initiated Ordinance to the Board of Supervisors.

### **AAU-INITIATED PLANNING CODE TEXT AMENDMENT ALLOWING THE CONVERSION OF SEVEN RESIDENTIAL UNITS TO STUDENT HOUSING**

The proposed Ordinance was initiated by application of AAU and would amend Planning Code Section 317(e) such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for the seven (7) residential properties at 2209 Van Ness Avenue, 2211 Van Ness Avenue, 1916 Octavia Street, 1055 Pine Street, 1080 Bush Street, 1153 Bush Street, and 860 Sutter Street which had filed for Planning entitlements prior to October 11, 2012.

#### **The Way It Would Be, in the First Ordinance Initiated by the Academy of Art University:**

The Planning Code Text Amendment as proposed by the Academy of Art University would enable the legalization of the unauthorized conversion of Residential Units to Student Housing by modifying Planning Code Section 317(e), such that the “prohibition shall not extend to conversions identified in a building permit application, conditional use application or environmental evaluation application filed prior to the effective date of Ordinance 188-12.” Amendment 188-12 amended Section 317 to prohibit the conversion of Residential Units to Student Housing, and became effective on October 11, 2012. AAU’s proposed ordinance would require Conditional Use Authorization to legalize the existing uses at the seven properties, applying criteria set forth in Planning Code Section 317(g)(3).

AAU’s proposed Code Amendment would enable the legalization of the following seven properties:

- 2209 Van Ness Avenue, Lot 029 in Assessor’s Block 0570
- 2211 Van Ness Avenue, Lot 005 in Assessor’s Block 0570
- 1916 Octavia Street, Lot 011 in Assessor’s Block 0640
- 1055 Pine Street, Lot 009 in Assessor’s Block 0275
- 1080 Bush Street, Lot 015 in Assessor’s Block 0276
- 1053 Bush Street, Lot 026 in Assessor’s Block 0280
- 860 Sutter Street, Lot 006 in Assessor’s Block 0281

Under the proposed Ordinance, each such property shall be permitted to apply for all Conditional Use Authorizations, permits and approvals as are required under the Planning and Building Codes to legalize their current use as Student Housing and to obtain permits for previous unpermitted improvements and changes in use. Nothing in this Ordinance requires the Planning Commission, the

Planning Department, Department of Building Inspection, the Board of Supervisors, or the Historic Preservation Commission to grant any such Conditional Use Authorizations, permits or approvals. The final approvals would be left to the sole discretion of each such City agency, board or commission.

**Recommendation:** Disapprove the Academy of Art Initiated Ordinance and do not forward the proposed Ordinance to the Board of Supervisors.

## **AAU-INITIATED PLANNING CODE TEXT AMENDMENT ALLOWING AN EXCEPTION TO THE PRESERVATION OF PRODUCTION, DISTRIBUTION AND REPAIR USES IN THE SALI ZONING DISTRICT**

### **The Way It Is Now:**

Planning Code Section 846 establishes the SALI – Service / Arts / Light Industrial -- District within the Western SOMA Special Use District. The SALI Zoning District became effective in 2013 with the intent of preserving service, light industrial and arts and entertainment uses, a need identified by the Western SOMA Citizens Planning Task Force, which was established by Board of Supervisors Resolution No. 731-04 in 2004.

**Institutions.** The SALI Zoning District explicitly prohibits Educational Service uses, under which the Academy of Art University falls.

**Nonconforming Uses.** Section 175.5 governs the applicability of Western SOMA Controls to pending projects in the SALI District. In recognition of the numerous projects with pending Development Applications within the, then newly forming SALI District, a grace period of 36 months from the effective date of the Western Soma Controls (April 27, 2013) was legislated.

Projects containing nonconforming uses with Development Applications as of June 20, 2012 had 36 months from April 27, 2013 to legalize. If said projects did not receive their first building or site permit by April 27, 2016 (36 months after the effective date of the Western SoMa Controls, the projects would be subject to all applicable Planning Code and Zoning Map controls in effect at the date of issuance of their first building or site permit.

### **The Way It Would Be, under the Second Ordinance Initiated by the Academy of Art University:**

The Planning Code Text Amendment initiated by the Academy of Art University would enable the legalization of 601 Brannan by extending the period within which nonconforming uses could be legalized from 36 to 48 months. Accordingly, projects would have until April 27, 2018 to legalize their nonconforming uses.

**Recommendation:** Disapprove the Academy of Art-initiated Ordinance and do not forward the proposed Ordinance to the Board of Supervisors.

## **BACKGROUND**

The Academy of Art University (hereinafter, "AAU"), located within the City and County of San Francisco (City), is a private for-profit post-secondary academic institution that occupies buildings throughout the City (predominantly in the northeast quadrant) for its existing art programs. AAU plans on expanding its facilities and programs to accommodate a projected on-site student enrollment of approximately 17,282 students by 2020, resulting in a total increase of approximately 6,100 students (or

five percent a year) as compared to a 2010 on-site student enrollment of 11,182. In addition, AAU also anticipates an increase of 1,220 faculty and staff, beyond the 2,291 faculty and staff that were employed by AAU in 2010, resulting in 3,511 faculty and staff by 2020. In order to accommodate AAU's increased enrollment, AAU plans on expanding its existing facilities and shuttle service. Note, most recently AAU's enrollment and staffing has fallen slightly and is reported at 8,649 students and 1,954 staff in the November 2015 IMP Update.

The Proposed Project studied in the Environmental Impact Report consists of four general components: program-level growth, project-level growth, legalization of prior unauthorized changes, and shuttle expansion.

The draft Commission-Initiated Ordinance, which was initiated by the Planning Commission on July 28, 2016 per Resolution No. 19705, is now being considered for adoption by the Commission. The Commission-Initiated Ordinance addresses only the AAU applications for legalizing student housing at two specific properties where that the Department is recommending legalization through a proposed Conditional Use authorization process.

AAU proposed two Ordinances for 1) the properties at 2209 Van Ness Avenue, 2211 Van Ness Avenue, 1916 Octavia Street, 1055 Pine Street, 1080 Bush Street, 1053 Bush Street, and 860 Sutter Street (Case No. 2016-000559PCA) and 2) 601 Brannan Street (Case No. 2012.0646PCA). AAU requested the proposed Ordinances by virtue of their applications submitted on January 13, 2016 and April 7, 2016, respectively. Planning Department Staff recommends that the Planning Commission reject both of AAU's proposed Ordinances.

## **ISSUES AND CONSIDERATIONS.**

### **Student Housing:**

- 1) Educational Institutions Should Work to Meet their Own Demand**
- 2) San Francisco's Housing Stock is Precious and Should be Available to All Residents and Not Restricted to Student Only Use**

There are two basic policy mandates regarding Student Housing in San Francisco. The first is that institutions that generate a need or demand for student housing also have a responsibility to provide new housing to meet their generated need. The second is that San Francisco's existing housing stock is critical for its residents and that this housing must be protected from conversion to a use that would be limited to serve only students.

The General Plan provides the following guidance from the Housing Element:

### **Produce New Student Housing:**

**Policy 1.9** *Require* (emphasis added) new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

### **Retain Existing Affordable Housing:**

**OBJECTIVE 2** Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.

**POLICY 2.1** Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

**OBJECTIVE 3** Protect the affordability of the existing housing stock, especially rental units.

**POLICY 3.1** Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**POLICY 3.5** Retain permanently affordable residential hotels and single room occupancy (SRO) units.

**The Need for Student Housing in San Francisco.**

The City is currently experiencing a housing crisis. Availability of Student Housing is one aspect of that crisis. There are over thirty (30) educational institutions that draw people to The City with an estimated enrollment of 80,000 students. At a February 29, 2016 Land Use and Transportation Committee hearing of the Board of Supervisors, it was reported that the following local post-secondary educational institutions provided housing for their students at the following rates:

<b>University of San Francisco</b> .....	<b>38%</b>
<b>University of California, Hastings</b> .....	<b>30%</b>
<b>University of California, San Francisco</b> .....	<b>14%</b>

And, according to the University of San Francisco Institutional Master Plan, dated August 2013, peer institutions in other dense, urban cities provide the following amounts of housing for their students:

<b>Boston College</b> .....	<b>98%</b>
<b>Georgetown, DC</b> .....	<b>78%</b>
<b>Loyola Marymount, Los Angeles</b> .....	<b>57%</b>
<b>Fordham, New York City</b> .....	<b>55%</b>
<b>University of Portland</b> .....	<b>54%</b>
<b>University of San Diego</b> .....	<b>48%</b>

**AAU Housing for Existing Students**..... **21%\***

\*Note: The existing AAU housing includes some Student Housing that is legally permitted, some Student Housing that is not yet permitted but has a path to legalization, and some Student Housing that currently has no path to legalization without enabling legislation. While other institutions of higher learning can and do build Student Housing—even in expensive urban markets—to help meet their need, AAU has yet to do so. The result is that all of the demand created by AAU is currently being met through the conversion of existing housing stock. It should further be noted that the 21% of students whose housing requirements are accommodated by AAU is a current and relatively high percentage compared to previous years due to the fluctuation of AAU's student population. In 2016, AAU's student population was reported to be 8,649 whereas in 2010, the population was reported to be 11,182. Based on their 2010 student population figure, the percentage of students housed by AAU student housing was 16%. The following three tables depict the breakdown of AAU buildings. The first table includes a breakdown of the buildings' last legal use, the second contains a breakdown of the type of entitlement required for the buildings to be legalized, and the third describes a similar breakdown for the beds housed across the various buildings.

Table 1: Use Breakdown of AAU Buildings Containing Residential Uses

# of buildings used as residential	Buildings where legal use is residential	Buildings where legal use is tourist hotel / motel	Buildings where legal use is residential & tourist hotel / motel
17	14	2	1
100%	82%	12%	6%

Table 2: Breakdown of Buildings Legally Containing Student Housing & Action Required

# of Buildings used as Residential	Legal	Requires Legislative Amendment	Requires Conditional Use Authorization	Requires Building Permit / Historic Preservation
17	6	7	2	2
100%	35%	41%	12%	12%

Table 3: Breakdown of Beds Legally used as Student Housing and Action Required

# of beds	Legal	Requires Leg Amendment	Requires CU	Requires BP / HP
1810	690	621	303	196
100%	38%	34%	17%	11%

### Production Distribution and Repair

Production, Distribution and Repair uses or “PDR” refers to a wide variety of activities that have traditionally occurred and still occur in our industrially zoned areas. This includes the production or manufacture of things (such as clothing, food, and art), the distribution of people and things (as undertaken by wholesalers, UPDS, MUNI, etc.) and the repair of things (the work of auto mechanics and plumbers, for example).

In general, PDR activities, occurring with little notice and largely in San Francisco, provide critical support to the drivers of San Francisco's economy, including the tourist industry, high tech industry and financial and legal services, to name a few. PDR businesses also tend to provide stable and well-paying jobs for the 50% of San Francisco residents who do not have a college degree.

Overall, there are approximately 60,000 PDR jobs in San Francisco – about 10% of the city’s workforce. The types of PDR jobs in the city are shown in the table below. Note that this data is from 2012. The Department is working to update with more recent data that may be more reflective of the rapid changes occurring in SoMa<sup>1</sup>.

<sup>1</sup> Central SoMa Draft Policy Document, Production, Distribution, and Repair, November 2014.

**PDR Job Sectors in San Francisco**

Production		Distribution		Repair	
Manufacturing	8,500	Wholesale	11,500	Contractors	8,400
Construction	6,500	Transportation	8,200	Auto Repair	2,600
Media, Printing and Publishing	5,500	Utilities	3,500	Other Repair	1,100
Audio, Film and Video	2,400	Other Distribution	2,700		

Source: Dun & Bradstreet 2012.

As part of the Eastern Neighborhoods planning process, a study that evaluated the importance of PDR was conducted and published in 2002, and incorporated policies and procedures into what would become new zoning controls that encourage industrial uses on industrially zoned parcels.<sup>2</sup> The SALI – Service/ Arts / Light Industrial District, was one such zoning district created as part of the Eastern Neighborhoods planning process that protect industrial uses.

The Draft Central SOMA Area Plan shows that the subject parcel at 601 Brannan may be rezoned as Mixed Use Office (MUO), which principally permits educational uses and office use which are both unpermitted uses in the SALI Zoning District. However, this Plan has not yet been adopted; therefore staff continues to apply the current zoning controls to the subject property. 601 Brannan is located in the SALI – Service / Arts / Light Industrial District. It should be noted that the Central SoMa Plan Area will continue to protect PDR uses, as evidenced by the Central SoMa Draft Policy Document cited above.

**Grandfathering Provisions**

Recognizing that changes to the Planning Code may be challenging for those attempting to complete actions authorized prior to the effective date of new controls, the Planning Code incorporated grandfathering provisions for both the conversions of housing to student housing and for the legalization of non-conforming uses in the SALI zoning district.

As mentioned above, Section 317(g) allowed the conversions of housing to student housing under certain conditions, including the existence of an accepted Institutional Master Plan as of August 10, 2010. Similarly, Section 175.5 allowed 36 months for any project to receive its first building or site permit after that had a pending Development Application as of June 20, 2012, could be grandfathered into the prior zoning controls so long as the project was legalized by April 7, 2016, which was 36 months after the effective date of the Western SoMa , and effectively, the SALI zoning controls.

The Department believes that the codified grandfathering provisions were appropriate and sufficient. Especially since parties who demonstrate actions of good faith can typically attain the first construction document within 36 months.

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<sup>2</sup> *Industrial Land in San Francisco: Understanding Production, Distribution, and Repair*, San Francisco Planning Department. July 2002, page 51.

### Recommending Approval of Legalization

Legalization of certain unauthorized uses may be recommended for approval when public policy goals may be furthered. When consideration of legalization also requires changes to the Planning Code, the burden of the City is heightened that such legalization and changes to law would be firmly within the public interest. Such changes should be minimized and must fit within the constraints of established City policy, in this case the General Plan.

### IMPLEMENTATION

The Department has determined that the Planning Commission Initiated Ordinance will not impact our current implementation procedures.

### REQUIRED COMMISSION ACTION

The Commission may approve or disapprove the Commission-Initiated Ordinance. The Commission may disapprove either or both of the proposed AAU-Initiated ordinances at this hearing. Should the Commission wish to approve either of the AAU-Initiated ordinances, the Commission should adopt a motion of intent to do so and ask the City Attorney to work with staff to draft an approved-as-to-form ordinance for the Commission's consideration at a later hearing.

### RECOMMENDATION

Staff recommends that the Commission approve the Commission-Initiated Ordinance and that the Commission reject the two ordinances requested by AAU. The Commission-Initiated Ordinance would not authorize the use of Student Housing at the two properties discussed in the proposed legislation. Instead, the Commission-Initiated Ordinance would enable the Commission to consider legalization at two properties located at 2209 Van Ness Avenue and 2211 Van Ness Avenue.

### BASIS FOR RECOMMENDATION

There is a need for housing for AAU students. The General Plan simply and strongly states that the City should require that this need be met through the production of new housing. Although AAU has failed to meet their demonstrated housing demand through new housing to date, the City can build on past precedent by generally prohibiting the conversion of existing housing to Student Housing and by protecting lands intended for PDR use from conversion to post-secondary educational institution uses. This forms the bedrock for our recommendations. At the same time, there are two sites that have converted a relatively low-intensity of Residential Use into a high intensity of Student Housing Use. Where this conversion serves a high number of students and would relieve additional pressure on housing supply as compared with the housing that would be provided if the low-density Residential Use remained, the Department believes that enabling the Commission to consider this limited exemption from the prohibition on the conversion is warranted. This does not indicate that the Department would take a similar position should AAU or other institutions engage in unauthorized conversions in the future. Rather, this recommendation is limited to two properties on Van Ness Avenue that represent a policy-driven exception and where the supporting transit service is high.

**AAU Applications for Planning Code Amendments.** The Department recommends against initiation of the AAU applications to amend the Planning Code for the following reasons:

1. **AAU Ordinance Number One: Amendment allowing the conversion of seven residential units to student housing. (Case No. 2016-000559PCA).** The first legislative application<sup>3</sup> initiated by AAU seeks to amend Planning Code Section 317(f) such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects that had filed for planning entitlements prior to October 11, 2012. As proposed by AAU, this requested Planning Code amendment could enable the legalization of seven properties. **Because of the Planning Commission’s past strong statements that existing residential uses should not be converted to Student Housing, but instead that institutions should be encouraged to build new housing to meet the housing need that they generate, the Department recommends that the Commission not adopt this legislation requested by AAU.**
2. **AAU Ordinance Number Two: Amendment allowing an exception to the preservation of production, distribution and repair uses in the SALI zoning district (Case No. 2012.0646PCA).** The second legislative application<sup>4</sup> initiated by AAU seeks to amend Planning Code Section 175.5(b) to permit existing projects to be continued for which an EIR has been filed within 48 months of the effective date of the Western SoMa Controls. This legislation would enable the legalization of 601 Brannan Street. This property has a legal use of 73,666 square feet of Industrial Use and the current use is Institutional with 37 classrooms, studios, a library and recreational space. Planning Code Section 175.5 is intended to “provide for an orderly transition from prior zoning and planning requirements to the requirements imposed in implementing the Western SoMa Controls, without impairing the validity of prior actions by the City, or frustrating completion of actions authorized prior to the effective date of those Controls”. This Section provides a grandfathering for certain projects *if* they receive a first building permit or site permit within 36 months of the effective date of the Western SoMa Controls. These controls established the SALI (Service/Arts/Light Industrial) district upon the effective date of April 27, 2013. The new SALI zoning district “is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities.” In establishing a policy framework for reviewing AAU’s legalization requests concerning the conversion of Industrial to Institutional uses, the Department is inclined to be unsupportive of conversions that detract from the goal of preserving industrial space dedicated to production, distribution, and repair in certain districts. As indicated in the May 19, 2016 Memo to the Planning Commission, staff is further inclined to recommend disapproval of the unauthorized change of use because the proposed Institutional use is incompatible with the surrounding context. The Conditional Use Authorization for 601 Brannan is scheduled to be heard at Planning Commission on November 3, 2016. **Because the existing legal use of this site and in the neighborhood is an Industrial use and because the intent of the SALI district is to preserve space for such uses, the Department recommends that the Commission reject this legislation requested by AAU.**

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<sup>3</sup> This application is associated with record identification number 2016-000559PCA and was filed on January 13, 2016.

<sup>4</sup> This application is associated with record identification number 2012.0646PCA and was filed on April 7, 2016.

**Planning Department Recommendation for Planning Code Amendments.** As described in this report, the Planning Department recommends that the Commission adopt a more limited Ordinance that would only enable the legalization of two properties: 2209 Van Ness Avenue and 2211 Van Ness Avenue, and that the Commission reject the broader pieces of legislation requested by AAU. The Commission-Initiated Ordinance would not authorize the use of Student Housing at either location. Instead, the Commission-Initiated Ordinance would enable the Commission to consider legalization.

**Three Safeguards.** Further, the Commission-Initiated Ordinance establishes three safeguards to ensure that even these limited conversions of existing Residential Use to Student Housing Use would occur within the bounds of good public policy. The three safeguards include:

- 1) establishing reasonable criteria for the Commission's consideration of conversion;
- 2) providing for expiration of the Commission-Initiated Ordinance three years from the date of its adoption; and
- 3) establishing by Ordinance appropriate conditions of operation.

First, the conversion criteria in the Commission-Initiated Ordinance are tailored to the issues arising from converting existing housing to Student Housing. The proposed criteria include the following:

When considering the legalization of Student Housing use to be permitted by this Ordinance, the Planning Commission shall consider the standard Conditional Use criteria described in Section 303 and the additional criteria listed below:

- (A) whether legalization of the Student Housing use would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;
- (B) whether the legalization would provide desirable new Student Housing at sufficient densities to warrant the loss of the existing residential use;
- (C) whether legalization will bring the building closer into conformance with the Uses permitted in the zoning district;
- (D) whether legalization of the Student Housing use will be detrimental to the City's housing stock;
- (E) whether legalization of the Student Housing use will remove Affordable Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.
- (F) whether the location for proposed Student Housing use will reduce Green House Gas emissions relative to other potential locations for the students of the post-secondary Educational Institution.
- (G) whether the Student Housing would be owned, operated or otherwise controlled by a post-secondary Educational Institution that has an up-to-date Institutional Master Plan on file with the Department and accepted by the Planning Commission.

Second, the Commission-Initiated Ordinance would offer a limited window of effectiveness. Under the proposal, AAU would need to secure Planning entitlements and building permits within three years of the enactment date of the Ordinance. If entitlements are obtained during this timeframe, the Student Housing use would be a legally permitted use. If entitlements are not obtained during this time period, there would be no path to legalization.

Lastly, the proposed Ordinance would establish the following conditions for the operation of the facilities:

**Student Housing Operating Conditions.** Such uses permitted by this Ordinance shall operate in accordance with the following conditions:

(1) **The institution shall establish and maintain a community liaison.** Prior to issuance of a building permit to legalize and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

(2) **Prohibition of Short-Term Rentals.** Student Housing shall not be used for Short-Term Residential Rentals under Chapter 41A of the Administrative Code, which restriction shall be recorded as a Notice of Special Restriction on the subject lot.

## ENVIRONMENTAL REVIEW

Environmental Review for the Academy of Art University has been addressed in two separate documents: the Environmental Impact Report (hereinafter "EIR"), and the Academy of Art University Existing Sites Technical Memorandum ("ESTM"). The EIR consisted of four general components: program-level growth, study area growth, project-level growth, legalization of prior unauthorized changes, and shuttle service expansion. Program-level growth consists of approximately 110,000 net square feet (sf) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in 12 geographic areas (study areas) where AAU could occupy buildings to accommodate future growth. Project-level growth consists of six additional sites that have been occupied, identified, or otherwise changed by AAU since publication of the September 2010 Notice of Preparation (NOP) for this EIR. The six project sites would include a total of 411,070 sf of institutional, bus storage, and community facility uses. The EIR also analyzed extension of AAU's shuttle service to serve growth in the study areas and at the project sites, and legalization of changes in use and/or appearance undertaken without benefit of permits prior to issuance of the NOP at 28 of AAU's 34 existing sites.

On May 19, 2016, the Planning Commission held a public hearing on the Draft ESTM, published by the Planning Department. The ESTM examines the environmental impacts of past non-permitted work at 34 AAU properties and recommends conditions of approval to remedy those impacts. The 30-day public comment period for the Draft ESTM document began May 4, 2016 and extended through June 3, 2016. The Planning Department considered all comments received on the ESTM, incorporated changes as necessary, and finalized the ESTM. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations.

On July 28, 2016, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

## PUBLIC COMMENT

As of the date of this report, the Planning Department has received one letter of support from the Fisherman's Wharf Community Benefit District.

### RECOMMENDATION:

- (1) Adopt a Recommendation of Approval for Commission-Initiated Ordinance;
- (2) Adopt a Resolution Disapproving the AAU-Initiated Planning Code Amendment allowing the conversion of seven residential units to student housing; and
- (3) Adopt a Resolution Disapproving the AAU-Initiated Planning Code Amendment allowing an exception to the preservation of Production, Distribution and Repair uses in the SALI Zoning District

### Attachments:

Exhibit 1:

#### Resolutions

- a. Draft Planning Commission Resolution Recommending Approval of Commission-Initiated Ordinance
- b. Draft Planning Commission Resolution Recommending Disapproval of AAU-Initiated Ordinance Number One: Amendment allowing the conversion of seven residential units to student housing
- c. Draft Planning Commission Resolution Recommending Disapproval of AAU-Initiated Ordinance Number Two: Amendment allowing an exception to the preservation of Production, Distribution and Repair uses in the SALI Zoning District

Exhibit 2:

#### Draft Ordinance for Planning Commission Initiated Planning Code Amendment

Exhibit 3:

#### AAU Applications for Legislative Amendments related to:

- Conversion of Residential Units to Student Housing
- 601 Brannan Street

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# EXHIBIT

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

ADOPTION HEARING DATE: SEPTEMBER 22, 2016

*Project Name:* **Planning Code Text Amendments Related to Academy of Art University (AAU).** Adopt an Ordinance Developed by the Planning Department Permitting a Limited Exception to the Prohibition of Conversion to Student Housing Use Under Planning Code Section 317€ for Two Specific Properties

*Case Number:* **2016-007198PCA**  
[Board File No. pending]

*Initiated by:* Planning Commission

*Staff Contact:* Tina Chang, Planner  
Tina.Chang@sfgov.org, 415-575-9197

*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
AnMarie.Rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval of Planning Code Amendment**

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**RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE PLANNING CODE TO WAIVE APPLICABILITY OF THE PROHIBITION ON CONVERSION OF RESIDENTIAL UNITS TO STUDENT HOUSING SET FORTH IN PLANNING CODE SECTION 317(e) TO 2209 VAN NESS AVENUE (LOT 005 IN ASSESSOR'S BLOCK 0570) AND 2211 VAN NESS AVENUE (LOT 029 IN ASSESSOR'S BLOCK 0570); ESTABLISHING CRITERIA FOR CONDITIONAL USE AUTHORIZATION APPLICABLE TO CONVERSIONS TO STUDENT HOUSING FOR 2209 VAN NESS AVENUE AND 2211 VAN NESS AVENUE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1; AND PROVIDING FOR EXPIRATION OF THE PROVISION BY OPERATION OF LAW THREE YEARS AFTER ITS EFFECTIVE DATE.**

WHEREAS, on August 10, 2010, Supervisor Dufty introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1095 to add a definition for Qualified Student Housing to the Planning Code so that particular student housing projects would be exempt from the Inclusionary Housing Program.

WHEREAS, on November 23, 2010, the Planning Commission considered the proposed Ordinance and made the following findings and recommendations in Resolution No. 18218:

“The Commission understands the unique situation that large Educational Institutions have in San Francisco and supports the concept of allowing an exemption from the Inclusionary Housing Program to create an incentive for the production of new student housing.

By creating an incentive to encourage the production of student housing while protecting the City’s existing housing stock and other vulnerable uses, the City may be able to both 1) relieve the pressure student demand for housing on the existing housing stock and 2) and encourage the creation of new housing for students within the City.

However, the Commission believes that the certain potential loopholes in the legislation should be closed. Therefore, the Commission recommends the following:

1. Create a definition for student housing in the Planning Code.
2. Recapture Inclusionary fees if a “qualified student housing” project later converts to another housing type.
3. Prohibit the conversion of existing residential units including dwelling units, Single Room Occupancy, and Residential Hotel Housing as regulated by Chapter 41 of the Administrative Code, as well as Large Tourist Hotels as regulated by Chapter 41F of the Administrative Code to student housing use;
4. Allow conversions of other uses to the new “student housing use” by Conditional Use authorization; and
5. Remove the requirement that each development be occupied by students of a certain income and instead require qualified education institution to require that at least 30% of students meet the definition of “qualified students”; and
6. Encourage the placement of new student housing projects along transit-preferential corridors.

Therefore, the Commission supports the proposed legislation with the modifications listed above and recommends approval with modifications of the proposed Ordinance.”

WHEREAS, The Board of Supervisors adopted Ordinance No. 321-10, which largely incorporated the Commission’s recommendations by ensuring that Qualified Student Housing Projects would not result in the loss of existing housing;

WHEREAS, Ordinance No. 321-10 also required that such Qualified Student Housing Projects only be permitted where there is an Institutional Master Plan (§304.5) on file with the Planning Department which describes the a) type and location of housing used by students; b) plans for the provision of qualified student housing; c) the Institution’s need for student housing to support its program; and d) the percentage of its students that receive some form of need-based assistance;

WHEREAS, the adoption of Ordinance No. 321-10 was consistent with earlier Board action in adopting Ordinance 228-08 which established an Interim Moratorium on the Conversion of Residential Rental Units to Student Housing; and

WHEREAS, similar issues were considered by the Planning Commission in 2012, when the Commission passed Resolution No. 18652 recommending that the Board of Supervisors adopt with modifications a proposed ordinance that would amend the Planning Code to add a new section 102.36 to create a definition of Student Housing, to amend the Code to create certain incentives for Student Housing, to amend section 307 to permit the conversion of student housing to residential uses that do not qualify as student housing, to amend section 317 to prohibit the conversion of residential uses to Student Housing, and to make various other amendment. At this hearing, the Commission recommended that “the proposed Ordinance generally keep the prohibition on the conversion of existing housing into student housing”; and

WHEREAS, Resolution No. 18652 included provisions allowing three permitted conversions of SROs and housing to Student Housing; and

WHEREAS, in allowing this exception to the prohibition, the Commission stated, “Allow ...the conversion of a relatively small amount of existing housing to student housing use, however, the circumstances whereby such conversions would be allowed are very limited”; and

WHEREAS, the Commission emphasized the need to further limit conversions by seeking to, “add another exemption for Student Housing currently in existence that is operated or owned by an institution that has a Commission accepted Institutional Master Plan on file prior to August 10, 2010 *and* (emphasis in original) where the occupancy by those other than students had been reported to be less than 20% occupied as of August 10, 2010”; and

WHEREAS, the Commission also recommended that “if the Board enacts any provisions enabling conversions via Conditional Use authorization, the Commission recommends adding protections for tenants from unfair evictions and to ensure rent control protections” and;

WHEREAS, the Commission reaffirms the two basic policy thrusts it has previously stated regarding Student Housing in San Francisco.

- The first policy is that institutions generate a need for housing and that it is the responsibility of those institutions to meet their generated need.
- The second policy is that San Francisco's existing housing stock is critical for its residents and that this housing must be protected from conversion to a use that would be limited to serve only students.

WHEREAS, the Commission finds support for these policies in the existing Housing Element of the City's General Plan, which contains the following policies and objectives:

**Produce New Student Housing:**

**Policy 1.9** Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

**Retain Existing Affordable Housing:**

**OBJECTIVE 2** Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.

**POLICY 2.1** Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

**OBJECTIVE 3** Protect the affordability of the existing housing stock, especially rental units.

**POLICY 3.1** Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**POLICY 3.5** Retain permanently affordable residential hotels and single room occupancy (SRO) units.

WHEREAS, the Commission finds that the previous legal uses of 2209 Van Ness Avenue and 2211 Van Ness Avenue were less intense residential uses than the Student Housing uses proposed in the Commission-Initiated Ordinance considered here, and thus legalizing the conversion of these properties to Student Housing would help ease the pressure on existing housing stock otherwise created by students in need of housing; and

WHEREAS, while the Planning Commission recommends approval of this Ordinance, which permits conversion of two existing housing sites to Student Housing, the Commission's support is predicated on the very limited nature of the proposed exemptions and on the understanding that such conversions would be "very unusual"; and

WHEREAS, the conversion permitted by this Ordinance serves a high number of students and would relieve additional pressure on housing supply than if the low-density Residential Use remained, the Department believes that enabling the Commission to consider this limited exemption from the prohibition on the conversion is warranted; and

WHEREAS, the conversion permitted by this Ordinance does not indicate that the Department would take a similar position should AAU or other institutions engage in unauthorized conversions in the future; and

WHEREAS, this Ordinance does not prevent the Commission or the Board of Supervisors from disapproving the Conditional Use Authorization requests for legalization should the findings warrant a disapproval; and

WHEREAS, the AAU Environmental Impact Report has reviewed the legalization of the two subject properties; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Commission-Initiated Ordinance; and

WHEREAS, based on the foregoing, the public necessity, convenience and general welfare require the proposed Planning Code amendment.

**RESOLVED**, that the Commission hereby recommends that the Board of Supervisors approve the proposed Planning Code Amendment Ordinance, and adopt the attached Resolution to that effect.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 22, 2016

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# **EXHIBIT 1b**

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

ADOPTION HEARING DATE: SEPTEMBER 22, 2016

*Project Name:* **Planning Code Text Amendments Related to Academy of Art University (AAU). Disapprove AAU-Initiated Ordinance Number One: Amendment allowing the conversion of seven residential units to student housing**

*Case Number:* **2016-000559PCA**  
[Board File No. pending]

*Initiated by:* Planning Commission

*Staff Contact:* Tina Chang, Planner  
Tina.Chang@sfgov.org, 415-575-9197

*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
AnMarie.Rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Disapprove Proposed Planning Code Amendment**

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**DISAPPROVE AN AMENDMENT TO THE PLANNING CODE TO WAIVE APPLICABILITY OF THE PROHIBITION ON CONVERSION OF RESIDENTIAL UNITS TO STUDENT HOUSING SET FORTH IN PLANNING CODE SECTION 317(e), FORMERLY 317(F), FOR SEVEN PROPERTIES AT 2209 VAN NESS AVENUE (LOT 005 IN ASSESSOR'S BLOCK 0570); 2211 VAN NESS AVENUE (LOT 029 IN ASSESSOR'S BLOCK 0570); 1916 OCTAVIA STREET (LOTT 011 IN ASSESSOR'S BLOCK 0640); 1055 PINE STREET (LOT 009 IN ASSESSOR'S BLOCK 0275); 1080 BUSH STREET (LOT 015 IN ASSESSOR'S BLOCK 0276); 1153 BUSH STREET (LOT 026 IN ASSESSOR'S BLOCK 0280); AND 860 SUTTER STREET (LOT 006 IN ASSESSOR'S BLOCK 0281).**

WHEREAS, on August 10, 2010, Supervisor Dufty introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1095 to add a definition for Qualified Student Housing to the Planning Code so that particular student housing projects would be exempt from the Inclusionary Housing Program.

WHEREAS, on November 23, 2010, the Planning Commission considered the proposed Ordinance and made the following findings and recommendations in Resolution No. 18218:

"[The Commission] understands the unique situation that large Educational Institutions have in San Francisco and supports the concept of allowing an exemption from the Inclusionary Housing Program to create an incentive for the production of new student housing.

By creating an incentive to encourage the production of student housing while protecting the City's existing housing stock and other vulnerable uses, the City may be able to both 1)

relieve the pressure student demand for housing on the existing housing stock and 2) and encourage the creation of new housing for students within the City.

However, the Commission believes that certain potential loopholes in the legislation should be closed. Therefore, the Commission recommends the following:

1. Create a definition for student housing in the Planning Code.
2. Recapture Inclusionary fees if a “qualified student housing” project later converts to another housing type.
3. Prohibit the conversion of existing residential units including dwelling units, Single Room Occupancy, and Residential Hotel Housing as regulated by Chapter 41 of the Administrative Code, as well as Large Tourist Hotels as regulated by Chapter 41F of the Administrative Code to student housing use;
4. Allow conversions of other uses to the new “student housing use” by Conditional Use authorization; and
5. Remove the requirement that each development be occupied by students of a certain income and instead require qualified education institution to require that at least 30% of students meet the definition of “qualified students”; and
6. Encourage the placement of new student housing projects along transit-preferential corridors.

Therefore, the Commission supports the proposed legislation with the modifications listed above and recommends approval with modifications of the proposed Ordinance.”

WHEREAS, The Board of Supervisors adopted Ordinance No. 321-10, which largely incorporated the Commission’s recommendations by ensuring that Qualified Student Housing Projects would not result in the loss of existing housing;

WHEREAS, Ordinance No. 321-10 also required that such Qualified Student Housing Projects only be permitted where there is an Institutional Master Plan (§304.5) on file with the Planning Department which describes the a) type and location of housing used by students; b) plans for the provision of qualified student housing; c) the Institutions’ need for student housing to support its program; and d) the percentage of its students that receive some form of need-based assistance;

WHEREAS, the adoption of Ordinance No. 321-10 was consistent with earlier Board action in adopting Ordinance 228-08 which established an Interim Moratorium on the Conversion of Residential Rental Units to Student Housing; and

WHEREAS, similar issues were considered by the Planning Commission in 2012, when the Commission passed Resolution No. 18652 recommending that the Board of Supervisors adopt with modifications a proposed ordinance that would amend the Planning Code to add a new section 102.36 to create a definition of Student Housing, to amend the Code to create certain incentives for Student Housing, to amend section 307 to permit the conversion of student housing to residential uses that do not qualify as student housing, to amend section 317 to prohibit the conversion of residential uses to Student Housing, and to make various

other amendment. At this hearing, the Commission recommended that “the proposed Ordinance generally keep the prohibition on the conversion of existing housing into student housing”; and

WHEREAS, Resolution No. 18652 included provisions allowing three permitted conversions of SROs and housing to Student Housing; and

WHEREAS, in allowing this exception to the prohibition, the Commission stated, “Allow ...the conversion of a relatively small amount of existing housing to student housing use, however, the circumstances whereby such conversions would be allowed are very limited”; and

WHEREAS, the Commission emphasized the need to further limit conversions by further seeking to, “add another exemption for Student Housing currently in existence that is operated or owned by an institution that has a Commission accepted Institutional Master Plan on file prior to August 10, 2010 *and* (emphasis included in original Commission resolution) where the occupancy by those other than students had been reported to be less than 20% occupied as of August 10, 2010”; and

WHEREAS, the Commission also recommended that “if the Board enacts any provisions enabling conversions via Conditional Use authorization, the Commission recommends adding protections for tenants from unfair evictions and to ensure rent control protections” and;

WHEREAS, the Commission reaffirms the two basic policy thrusts regarding Student Housing in San Francisco.

- The first policy is that institutions generate a need housing and that it is the responsibility of those institutions to meet their generated need.
- The second policy is that San Francisco's existing housing stock is critical for its residents and that this housing must be protected from conversion to a use that would be limited to only serve students.

WHEREAS, the Commission finds support for these policies in the existing Housing Element of the City's General Plan which contains the following policies and objectives:

**Produce New Student Housing:**

**Policy 1.9** Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

**Retain Existing Affordable Housing:**

**OBJECTIVE 2** Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.

**POLICY 2.1** Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

**OBJECTIVE 3** Protect the affordability of the existing housing stock, especially rental units.

**POLICY 3.1** Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**POLICY 3.5** Retain permanently affordable residential hotels and single room occupancy (SRO) units.

WHEREAS, the Commission finds that the previous legal uses 1916 Octavia Street, 1055 Pine Street, 1080 Bush Street, 1153 Bush Street and 860 Sutter Street were high-intensity residential uses containing rent controlled units and that than their conversion to Student Housing uses proposed in the Ordinance considered here detracts from the stated citywide goal protect the affordability of the existing housing stock and to require Institutions to meet the housing needs they generate; and

WHEREAS, while the Planning Commission recommends disapproval of this Ordinance, which permits waiver of the prohibition in Planning Code section 317(e) against converting seven existing housing sites to Student Housing; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

**MOVED**, that pursuant to Planning Code Section 302(c), the Planning Commission Adopts a Resolution to disapprove amendments to the Planning Code;

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 22, 2016

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# EXHIBIT

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

ADOPTION HEARING DATE: SEPTEMBER 22, 2016

*Project Name:* **Planning Code Text Amendments Related to Academy of Art University (AAU). Disapprove AAU-Initiated Ordinance Number Two: Amendment allowing an exception to the preservation of Production, Distribution and Repair uses in the SALI Zoning District**

*Case Number:* **2012.0646PCA**  
[Board File No. pending]

*Initiated by:* Planning Commission

*Staff Contact:* Tina Chang, Planner  
Tina.Chang@sfgov.org, 415-575-9197

*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
AnMarie.Rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Disapprove the Proposed Planning Code Amendment**

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**DISAPPROVE AN AMENDMENT TO PLANNING CODE SECTION 175.5 TO EXTEND THE PERIOD TO LEGALIZE NONCONFORMING USES FROM 36 MONTHS TO 48 MONTHS WITHIN THE WESTEREN SOMA (SOUTH OF MARKET) SPECIAL USE DISTRICT, ENABLING THE LEGALIZATION OF THE PROPERTY AT 601 BRANNAN STREET.**

WHEREAS, Planning Code Section 846 establishes the SALI – Service / Arts / Light Industrial District within the Western SOMA Special Use District. The SALI Zoning District became effective in 2013 with the intent of preserving service, light industrial and arts and entertainment uses, a need identified by the Western SOMA Citizens Planning Task Force, which was established by Resolution No. 731-04 in 2004.

WHEREAS, The SALI Zoning District explicitly prohibits Educational Service uses, under which the Academy of Art University falls.

WHEREAS, Section 175.5 governs the applicability of Western SOMA Controls to pending projects in the SALI District. In recognition of the numerous projects with pending Development Applications within the then newly forming SALI District, a grace period of 36 months from the effective date of the Western Soma Controls (April 27, 2013) was legislated. Projects containing nonconforming uses with Development Applications as of June 20, 2012 had 36 months from April 27, 2013 to legalize. If said projects did not receive their first building or site permit by April 27, 2016 (36 months after the effective date of the Western

SoMa Controls), the projects would be subject to all applicable Planning Code and Zoning Map controls in effect at the date of issuance of their first building or site permit.

WHEREAS, The grace period of 36 months was sufficiently long to legalize non-conforming uses;

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance;

**MOVED**, that pursuant to Planning Code Section 302(c), the Planning Commission Adopts a Resolution to disapprove amendments to the Planning Code;

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 22, 2016

# **EXHIBIT 2**

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1 [Planning Code - 2209 Van Ness Avenue and 2211 Van Ness Avenue - Conversion to  
2 Student Housing Use]

3 **Ordinance waiving applicability of the prohibition on conversion of Residential Units to**  
4 **Student Housing set forth in Planning Code Section 317(e) to 2209 Van Ness Avenue**  
5 **(Lot 005 in Assessor's Block 0570) and 2211 Van Ness Avenue (Lot 029 in Assessor's**  
6 **Block 0570); establishing criteria for conditional use authorization applicable to**  
7 **conversions to Student Housing for 2209 Van Ness Avenue and 2211 Van Ness**  
8 **Avenue; making findings under the California Environmental Quality Act; making**  
9 **findings under Planning Code Section 302 of public necessity, convenience, and**  
10 **welfare; making findings of consistency with the General Plan and the eight priority**  
11 **policies of Planning Code Section 101.1; and providing for expiration of the provision**  
12 **by operation of law three years after its effective date.**

13 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**  
14 **Additions to Codes are in *single-underline italics Times New Roman font.***  
15 **Deletions to Codes are in *strikethrough italics Times New Roman font.***  
16 **Board amendment additions are in double-underlined Arial font.**  
17 **Board amendment deletions are in ~~strikethrough Arial font.~~**  
18 **Asterisks (\* \* \* \*) indicate the omission of unchanged Code**  
19 **subsections or parts of tables.**

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

21 Section 1. Environmental and Land Use Findings.

22 (a) On \_\_\_\_\_, 2016, the Planning Commission conducted a duly noticed  
23 public hearing on this ordinance. The Planning Commission, by Resolution No.  
24 \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are, on  
25 balance, consistent with the City's General Plan and the eight priority policies of Planning  
Code section 101.1. A copy of the Planning Commission Resolution is on file with the Clerk of

1 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.  
2 The Board adopts the Planning Commission findings as its own.

3 (b) Pursuant to Planning Code Section 302, this Board finds that this ordinance will  
4 serve the public necessity, convenience, and general welfare for the reasons set forth in  
5 Planning Commission Resolution No. \_\_\_\_\_,

6 (c) On July 28, 2016, the Planning Commission certified the Final Environmental  
7 Impact Report for the Academy of Art University Project, Planning Department Case No.  
8 2008.0586E (FEIR) by Motion No. \_\_\_\_\_, finding that the procedures through which  
9 the FEIR was prepared, publicized, and reviewed complied with the California Environmental  
10 Quality Act, California Public Resources Code Sections 21000 *et seq.* (CEQA), Title 14  
11 California Code of Regulations Sections 15000 *et seq.* (the "CEQA Guidelines"), and Chapter  
12 31 of the San Francisco Administrative Code ("Chapter 31").

13 (d) Because 2209 Van Ness Avenue and 2211 Van Ness Avenue had been previously  
14 converted to Student Housing use in violation of the Planning Code, their use as Student  
15 Housing is considered a baseline condition in the FEIR. To better understand the baseline  
16 conditions created by the AAU's illegal conversion of buildings to new uses, the Planning  
17 Department drafted an Existing Sites Technical Memorandum ("ESTM"), published on May 4,  
18 2016, which analyzed a total of 28 sites including existing, but unpermitted, alterations or  
19 changes in use, including the existing but unpermitted Student Housing uses at 2209 Van  
20 Ness Avenue and 2211 Van Ness Avenue. Thus, the waiver of the prohibition on conversion  
21 to Student Housing use at 2209 Van Ness Avenue and 2211 Van Ness Avenue proposed in  
22 this ordinance is analyzed in the FEIR and in the ESTM. The FEIR and ESTM concluded that  
23 legalization of the existing uses of 2209 Van Ness Avenue and 2211 Van Ness Avenue as  
24 Student Housing will not result in any significant impacts on the environment.  
25

1 (e) On \_\_\_\_\_, the Planning Commission approved Case No.  
2 \_\_\_\_\_, and in so doing, adopted CEQA findings by Motion No. \_\_\_\_\_.  
3 The CEQA findings contained in Planning Commission Motion No. \_\_\_\_\_ are  
4 incorporated herein by reference and adopted by this Board as its own findings with regard to  
5 the actions contained in this ordinance.  
6

7 Section 2. Additional Findings.

8 (a) 2211 Van Ness Avenue (Lot 029 in Assessor's Block 0570) is a two-story 5,076  
9 square foot building constructed in 1876, located on Van Ness Avenue between Vallejo Street  
10 and Broadway. The building currently contains three apartments, as well as eight group  
11 housing rooms, and has a capacity of 20 beds. The last legal use was as two residential units  
12 with a ground-floor restaurant. The building is now occupied as Student Housing with both  
13 apartment-style units with private kitchen and dormitory-style units with a communal kitchen  
14 and laundry room. The site is zoned RC-3 (Residential-Commercial, Medium Density), which  
15 provides for medium density residential buildings with supporting neighborhood-serving  
16 commercial uses typically located on the ground floor.

17 (b) 2209 Van Ness Avenue (Lot 005 in Assessor's Block 0570) is a four-story, 11,897  
18 square foot building constructed in 1912, located on Van Ness Avenue between Vallejo Street  
19 and Broadway, next to 2211 Van Ness Avenue. The building has 22 group housing rooms,  
20 with a capacity of 56 beds. The building was used for Residential use until the 1950s, after  
21 which it was occupied by the International Institute of San Francisco, providing services to  
22 immigrants, and various retail uses. The last legal use was as a single-family home. AAU  
23 began occupancy of the site in 1998. The current use includes a recreation room, kitchen and  
24 dining room, and a backyard patio. The site is zoned RC-3 (Residential-Commercial, Medium  
25

1 Density), which provides for medium density residential buildings with supporting  
2 neighborhood-serving commercial uses typically located on the ground floor.

3 (c) The Planning Department has recommended legalization of the existing Student  
4 Housing uses at 2209 Van Ness Avenue and 2211 Van Ness Avenue as proposed in this  
5 ordinance in its Executive Summary -- Planning Code Text Amendment (Initiation Hearing  
6 Date: July 28, 2016; Initiation of Planning Code Amendments Related to AAU). because those  
7 uses would result in higher intensity residential uses than would otherwise be located at the  
8 sites. Legalizing Student Housing uses at these two properties is consistent with San  
9 Francisco's policies to protect the affordability of San Francisco's housing stock and to require  
10 institutions to meet the housing demand that they generate.

11 (d) While the Planning Commission recommended approval of this ordinance in  
12 Planning Commission Resolution No. \_\_\_\_\_, to permit conversion of two existing  
13 housing sites to Student Housing, in so doing the Commission indicated that its support was  
14 predicated, in part, on the facts that the proposed exemptions were limited to two specific  
15 addresses and that the ordinance expires by operation of law three years from its effective  
16 date. The Planning Commission also acknowledged that such conversions would be "very  
17 unusual." Additionally, the Commission found that the previous legal use of these properties  
18 was a less intense residential use, and thus found that legalizing the conversion of these  
19 properties to Student Housing would help ease the pressure on existing housing stock  
20 otherwise created by students in need of housing.

21 (e) In December 2010, the City enacted Ordinance No. 321-10, providing an  
22 Affordable Housing Program exemption for Qualified Student Housing. When the Planning  
23 Commission considered Ordinance No. 321-10, the Commission recognized both the need for  
24 additional Student Housing and for protections for existing forms of housing from conversion  
25 to Student Housing, as described in Commission Resolution No. 18218.

1 (f) In Resolution No. 18218, the Planning Commission made the following findings:

2 (1) It is a long-stated goal of the City that persons of all affordability be able to  
3 live in San Francisco. To that end, the Inclusionary Housing Program requires developers to  
4 provide funding and/or units that will be dedicated to affordable housing.

5 (2) Educational Institutions are a unique land use in that they have a transient  
6 population that must be housed nearby the educational facilities.

7 (3) The Residential Nexus Analysis for the City and County of San Francisco  
8 (Keyser Marston Associates April 2007) examined the impact of the consumption of  
9 condominium buyers and how the goods and services these households purchase could  
10 create a need for housing for lower income households, to arrive at the demand for affordable  
11 housing generated by the residents of new units. The income of those condominium buyers  
12 was estimated based upon the income required to purchase or rent a unit in a prototypical  
13 new low-rise wood frame building. The analysis did not specifically examine the consumption  
14 of students. While it would be difficult to estimate the consumption of students, given the  
15 variety in their economic situations and incomes, one could reasonably assume that they  
16 would, on average, have a lower impact on demand for affordable housing.

17 (4) Student housing would create a demand for affordable housing, although  
18 likely lower than the demand created by typical market rate housing because students  
19 typically have less disposable income. However, the lack of student housing creates pressure  
20 on existing housing stock, resulting in a negative impact on existing affordable housing.  
21 Therefore, there are public motives to make a policy decision to address that housing  
22 pressure, given that this pressure is likely a larger impact than the direct demand they  
23 generate.

24 (5) The Commission understands the unique situation that large Educational  
25 Institutions have in San Francisco and supports the concept of allowing an exemption from

1 the Inclusionary Housing Program to create an incentive for the production of new student  
2 housing.”

3 (g) By permitting waiver of the prohibition in Planning Code Section 317(e) on  
4 converting Residential Units to Student Housing for 2209 Van Ness Avenue and 2211 Van  
5 Ness Avenue, where the Student Housing use represents a more intense residential use than  
6 the previous legal uses of the property, the City will be able to relieve some of the pressure of  
7 student demand for housing and thereby protect the City’s existing housing stock and other  
8 vulnerable uses from the demand for housing that would exist without this student housing.  
9

10 Section 3. Planning Code Section 317(e) Waiver.

11 (a) The prohibition on conversion of Residential Units to Student Housing set forth in  
12 Planning Code Section 317(e) shall not apply to 2209 Van Ness Avenue and 2211 Van Ness  
13 Avenue. Each such property shall be permitted to apply for all conditional use authorizations,  
14 permits, or approvals as are required under the Planning and Building Codes to legalize their  
15 current use as Student Housing and any associated previously unpermitted improvements  
16 and changes in use.

17 (b) Neither subsection (a) nor any other provision in this ordinance requires the  
18 Planning Commission, the Planning Department, Department of Building Inspection, Board of  
19 Supervisors, or Historic Preservation Commission, or any other board or commission to grant  
20 any such conditional use authorizations, permits, or approvals, or appeals therefrom, which  
21 approvals and decisions shall be left to the sole discretion of each such City agency, board, or  
22 commission.

23 (c) Except for removal of the prohibition contained in section 317(e), legalization of the  
24 change of use to Student Housing at 2209 Van Ness Avenue and 2211 Van Ness Avenue  
25 shall be subject to all other requirements set forth in the Planning Code, including without

1 limitation the conditional use authorization requirements of Section 317(c)(1), and all  
2 applicable requirements set forth in the Building Code, and may be subject to conditions of  
3 approval as set forth in the ESTM or as imposed by the Planning Department, Department of  
4 Building Inspection, Planning Commission, or Board of Supervisors, Historic Preservation  
5 Commission, or any other board or commission.  
6

7 **Section 4. Conditional Use Authorization Considerations.**

8 **Conversion of 2209 Van Ness Avenue and 2211 Van Ness Avenue to Student Housing**  
9 **shall require conditional use authorization under Planning Code Section 303. When**  
10 **considering such authorization, the Planning Commission shall not consider the criteria set**  
11 **forth in Planning Code Section 317(g)(3), but rather shall consider the conditional use criteria**  
12 **set forth in Planning Code Section 303 and the following additional criteria:**

13 (a) Whether legalization of the Student Housing use would eliminate only owner  
14 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner  
15 occupied;

16 (b) Whether the legalization would provide desirable new Student Housing at sufficient  
17 densities to warrant the loss of the existing Residential Use;

18 (c) Whether legalization would bring the building closer into conformance with the uses  
19 permitted in the zoning district;

20 (d) Whether legalization of the Student Housing use would be detrimental to the City's  
21 housing stock;

22 (e) Whether legalization of the Student Housing use would remove Affordable  
23 Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance, San  
24 Francisco Administrative Code Chapter 37;  
25

1 (f) Whether the location for proposed Student Housing use would reduce greenhouse  
2 gas emissions relative to other potential locations for the students of the post-secondary  
3 Educational Institution; and

4 (g) Whether the Student Housing would be owned, operated, or otherwise controlled  
5 by a post-secondary Educational Institution that has an up-to-date Institutional Master Plan on  
6 file with the Planning Department and accepted by the Planning Commission.

7  
8 **Section 5. Student Housing Operating Conditions.**

9 In addition to any conditions imposed as conditions of approval by the Planning  
10 Commission in approving a conditional use authorization or permit to legalize the existing use  
11 as Student Housing at 2209 Van Ness Avenue and 2211 Van Ness Avenue, Student Housing  
12 uses permitted by this ordinance shall operate in accordance with the following conditions:

13 (a) The post-secondary Educational Institution shall establish and maintain a  
14 community liaison. Prior to issuance of a conditional use authorization, building permit or  
15 other permit or authorization to legalize previous alterations or the conversion to Student  
16 Housing use at 2209 Van Ness Avenue or 2211 Van Ness Avenue, the post-secondary  
17 Educational Institution shall appoint a community liaison officer to deal with the issues of  
18 concern to owners and occupants of nearby properties. The post-secondary Educational  
19 Institution shall provide the Zoning Administrator with written notice of the name, business  
20 address, e-mail address and telephone number of the community liaison. Should the contact  
21 information change, the post-secondary Educational Institution shall make the Zoning  
22 Administrator aware of such change. The community liaison shall report in writing to the  
23 Zoning Administrator what issues, if any, are of concern to the community and what issues  
24 have not been resolved by the post-secondary Educational Institution.

1 (b) Student Housing permitted by this ordinance shall not be used for Short-Term  
2 Residential Rentals under Chapter 41A of the Administrative Code, which restriction shall be  
3 recorded as a Notice of Special Restriction on the subject lot.  
4

5 Section 6. The Planning Commission, Clerk of the Board of Supervisors, Planning  
6 Department, Department of Building Inspection, Board of Appeals, Building Inspection  
7 Commission, and Historic Preservation Commission are hereby authorized and directed to  
8 take any and all actions which they or the City Attorney may deem necessary or advisable to  
9 effectuate the purpose and intent of this ordinance including, without limitation, the filing of the  
10 ordinance in the Official Records of the City and County of San Francisco, and processing in  
11 the normal course and subject to the discretion of each City department, board or commission  
12 with authority to determine any application for conditional use authorization, building permit, or  
13 other permit or approval required to legalize the use of 2209 Van Ness Avenue and 2211 Van  
14 Ness Avenue as Student Housing.  
15

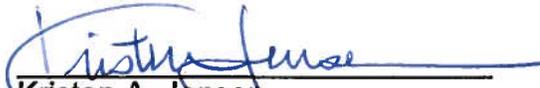
16 Section 7. Sunset Provision. This ordinance shall expire by operation of law three  
17 years after its effective date, unless by the end of the three-year period the City by ordinance  
18 has reenacted this ordinance. Any entitlements secured under this ordinance prior to this  
19 sunset date shall not be considered in violation of the requirements of Section 317(e) as long  
20 as the underlying zoning permits such uses and as long as the uses are otherwise operated  
21 legally and with all required permits and approvals.  
22

23 Section 8. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

  
7 Kristen A. Jensen  
8 Deputy City Attorney

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# **EXHIBIT 3**

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CASE NUMBER:  
For Staff Use only

# APPLICATION FOR Legislative Amendment

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Various; See Attachment	
PROPERTY OWNER'S ADDRESS:  79 New Montgomery San Francisco, CA 94105	TELEPHONE: (    )  EMAIL: GNorth@academyart.edu

APPLICANT'S NAME: Academy of Art University (AAU) <span style="float: right;">Same as Above <input type="checkbox"/></span>	
APPLICANT'S ADDRESS:  79 New Montgomery San Francisco, CA 94105	TELEPHONE: ( 415 ) 274-2200  EMAIL:

CONTACT FOR PROJECT INFORMATION: Gordon North, Vice President Business Operations (AAU) <span style="float: right;">Same as Above <input type="checkbox"/></span>	
ADDRESS:  79 New Montgomery San Francisco, CA 94105	TELEPHONE: ( 415 ) 274-2200  EMAIL: GNorth@academyart.edu

## 2. Property Location and Classification

STREET ADDRESS OF PROJECT: Various; See Attachment	ZIP CODE:
CROSS STREETS:	

ASSESSORS BLOCK/LOT: /	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
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## 3. Use and Associated Applications

PRESENT OR PREVIOUS USE: Various; See Attachment	
PROPOSED USE:	
ASSOCIATED BUILDING APPLICATION PERMIT NO(S):	DATE FILED:
ASSOCIATED PLANNING ENTITLEMENT APPLICATION(S):	DATE FILED:

#### 4. Description of Proposed Legislative Amendments

TYPE OF LEGISLATIVE AMENDMENT (ZONING MAP, PLANNING CODE TEXT, OR GENERAL PLAN AMENDMENT) <b>Planning Code Text Amendment</b>
PLANNING CODE SECTION PROPOSED FOR AMENDMENT: <b>Planning Code Section 317(f)(1)</b>
ZONING MAP PAGE(S) PROPOSED FOR AMENDMENT:
GENERAL PLAN ELEMENT PROPOSED FOR AMENDMENT:

5. Please describe the proposed Legislative Amendment(s). Attach separate sheets or other information if needed.

See Attachment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Please describe the public purpose or necessity of the proposed Legislative Amendment(s). Per Planning Code Sections 302 and 340, the Board of Supervisors will have to make findings of public necessity, convenience and general welfare. Attach separate sheets or other information if needed.

See Attachment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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 proposed project is residential and will not affect the existing neighborhood retail uses, nor were existing neighborhood-serving retail uses affected upon initial occupancy by Academy of Art University of buildings subject to the amendment. The amendment will allow for the review and approval of existing housing units for students who will continue to contribute positively to the overall vitality of the City's northern quadrant commercial zones by utilizing the surrounding neighborhood shopping areas.

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 includes the continued use of existing residential units in structures which have been specifically conserved and protected for the continued use for student housing. Continued use of existing residences for art students helps preserve cultural and economic diversity in the neighborhoods.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed project will maintain the City's existing housing stock and allow for the review and legalization of these residential units for student housing, which have been operating as such for many years prior to the 2012 approval of the Student Housing Legislation (conditional use applications on file since 2007). If displaced however these students could be compelled to seek housing somewhere else in the City, which could further exacerbate the City's housing crisis.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The proposed amendment will allow for the review and legalization of existing student housing which will not impede any of the City's transit services or overburden streets or neighborhood parking. In fact the project could serve to benefit the City, by encouraging walking and continued utilization of Academy of Art University's transportation system.

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 proposal does not involve or displace any industrial or service uses and does not include any office occupancy.

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

The residential buildings comply with all applicable seismic building codes and are not on the City's UMB list. AAU upgraded 1153 Bush Street in 2003 pursuant to the City's UMB Ordinance. Otherwise the project does not affect the City's preparedness for an earthquake.

7. That landmarks and historic buildings be preserved; and

The project maintains and preserves all affected buildings, in accordance with all applicable regulations.

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

The project includes only existing buildings and will not involve any changes to the buildings height or bulk. As such, there is no development that could affect parks or open space.

CASE NUMBER:  
For Staff Use only

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

*J. T. [Signature]*

Date: \_\_\_\_\_

*1/12/2016*

Print name, and indicate whether owner, or authorized agent:

Gordon North, V.P. Business Operations, AAU

Owner / Authorized Agent (circle one)

## Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTACHMENT  
to Application for Legislative Amendment

1. Property Owner
2. Location(s) and Classification
3. Use and Associated Applications

The proposed Text Amendment likely will affect the following seven residential properties and concomitant Conditional Use (CU) applications; details are provided per requirements set forth in items 1-3 on the subject application.

Property Owner: 1080 Bush Street LLC					
Street Address <b>1080 Bush Street</b>		Zip Code 94109	Cross Streets Jones & Leavenworth Streets		
Assessor's Block/Lot 0276/015	Lot Dimensions 45.8 x 137.5	Lot Area Sq.Ft. 6,297	Zoning District RC-4	Height/Bulk: 65-A	
Present or <i>Previous Use</i> Dwelling units / group housing					
Proposed Use Student Housing					
Associated Building Permit Application Permit No(s)			Date Filed		
Associated Planning Entitlement Application(s) <b>2007.1070C</b> - change in use / residential to group housing for post-secondary educational institution			Date Filed 9/14/2007		

Property Owner: 1153 Bush Street LLC					
Street Address <b>1153 Bush Street</b>		Zip Code 94109	Cross Streets Hyde & Leavenworth Streets		
Assessor's Block/Lot 0280/026	Lot Dimensions 42.5 x 137.5	Lot Area Sq.Ft. 5,841	Zoning District RC-4	Height/Bulk 65-A	
Present or <i>Previous Use</i> Dwelling unit & group housing					
Proposed Use Student Housing					
Associated Building Permit Application Permit No(s)			Date Filed		
Associated Planning Entitlement Application(s) <b>2007.1071C</b> - change in use / residential to group housing for post-secondary educational institution			Date Filed 9/14/2007		

Property Owner: 1916 Octavia Street LLC					
Street Address <b>1916 Octavia Street</b>		Zip Code 94109	Cross Streets: Sacramento & California Streets		
Assessor's Block/Lot 640/011	Lot Dimensions 130 x 75	Lot Area Sq.Ft. 9,750	Zoning District RH-2	Height/Bulk 40-X	
Present or <i>Previous Use</i> Group Housing					
Proposed Use Student Housing					

AAU - Proposed Text Amendment Application  
 Student Housing Legislation

Associated Building Permit Application Permit No(s)	Date Filed
Associated Planning Entitlement Application(s) <b>2007.1073C</b> - change in use / residential to group housing for post-secondary educational institution	Date Filed  9/14/2007

Property Owner: 1055 Pine Street LLC				
Street Address <b>1055 Pine Street</b>		Zip Code 94109	Cross Streets Taylor & Jones Street	
Assessor's Block/Lot 0275/009	Lot Dimensions 94.5 x 137.45	Lot Area Sq.Ft. 12,989	Zoning District RM-4	Height/Bulk 65-A
Present or <i>Previous Use</i> Group Housing				
Proposed Use Student Housing				
Associated Building Permit Application Permit No(s)		Date Filed		
Associated Planning Entitlement Application(s) <b>2007.1074C</b> - change in use / residential to group housing for post-secondary educational institution		Date Filed  9/14/2007		

Property Owner: 860 Sutter Street LLC / Academy of Art University				
Street Address <b>860 Sutter Street</b>		Zip Code 94109	Cross Streets Leavenworth & Jones Streets	
Assessor's Block/Lot 0281/006	Lot Dimensions 46.625 x 137.5	Lot Area Sq.Ft. 6,410.25	Zoning District RC-4	Height/Bulk 80-A
Present or <i>Previous Use</i> Tourist hotel rooms/ group housing units				
Proposed Use Student Housing				
Associated Building Permit Application Permit No(s)		Date Filed		
Associated Planning Entitlement Application(s) <b>2007.1077C</b> - change in use / residential to group housing for post-secondary educational institution		Date Filed  9/14/2007		

Property Owner: 2209 Van Ness Avenue LLC				
Street Address <b>2209 Van Ness Avenue</b>		Zip Code 94109	Cross Streets Vallejo & Broadway	
Assessor's Block/Lot 0570/029	Lot Dimensions 47 x 137.25	Lot Area Sq.Ft. 6,368	Zoning District RC-3	Height/Bulk 80-D
Present or <i>Previous Use</i> Dwelling unit				
Proposed Use Student Housing				
Associated Building Permit Application Permit No(s)		Date Filed		

AAU - Proposed Text Amendment Application  
 Student Housing Legislation

Associated Planning Entitlement Application(s) <b>2007.1082C</b> - change in use / residential to group housing for post-secondary educational institution	Date Filed 9/14/2007
------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------

Property Owner: 2211 Van Ness Avenue LLC / Academy of Art University				
Street Address <b>2211 Van Ness Avenue</b>		Zip Code 94109	Cross Streets Vallejo & Broadway	
Assessor's Block/Lot 0570/005	Lot Dimensions 30 x 123	Lot Area Sq.Ft. 3,690	Zoning District RC-3	Height/Bulk 80-D
Present or <i>Previous Use</i> Dwelling units / retail				
Proposed Use Student Housing				
Associated Building Permit Application Permit No(s)			Date Filed	
Associated Planning Entitlement Application(s) <b>2007.1083C</b> - change in use / residential to group housing for post-secondary educational institution			Date Filed 9/14/2007	

**5. Describe the proposed Legislative Amendment.**

**Student Housing Legislation – Planning Code Section 317(f)**

As currently adopted, the Student Housing Legislation, which prohibits the conversion of residential units to student housing, can be read to prohibit the processing of affected Conditional Use (CU) Applications already in the pipeline, all of which have been on file with the Planning Department since 2007.

To remedy this situation, Academy of Art University hereby requests that a grandfathering amendment to the Student Housing Legislation be considered for adoption (see attached proposal). This request does not authorize or approve any specific use. It guarantees a legal administrative process through which CU and Building Permit Applications already on file can be considered on their individual merits.

This amendment will not change the basic intention of the legislation, as it maintains the prohibition on future residential conversions; it provides an administrative remedy for those cases already in the “pipeline.” This type of legislation has been approved by the Board of Supervisors in the past and successfully has been administered by the Planning Department in multiple instances.

**Section 317 (f) Residential Conversion.**

(1) Residential Conversion not otherwise prohibited or subject to Conditional Use authorization by this Code, shall be prohibited, unless the Planning Commission approves the building permit application at a Mandatory Discretionary Review hearing, or is exempted from such approval as provided in subsections (f)(3) or (4) below. The conversion of Residential Units to Student Housing is prohibited, *except that such prohibition shall not extend to conversions identified in a building permit application, conditional use application, or environmental evaluation application filed prior to the effective date of Ordinance 188-12.*

For the purposes of this subsection, Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing *subject to the exception in the preceding sentence.*

(2) The Planning Commission shall consider the following criteria in the review of applications for Residential Conversion;

(A) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

(B) whether Residential Conversion would provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s);

(C) in districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the uses permitted in the zoning district;

(D) whether conversion of the unit(s) will be detrimental to the City's housing stock;

(E) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected;

(F) whether the Residential Conversion will remove Affordable Housing, or units subject to the Rent Stabilization and Arbitration Ordinance.

(3) Planning Commission approval shall not be required for the change of use or occupancy of a dwelling unit, group housing, or SRO to Student Housing if the dwelling unit, group housing or SRO will be Student Housing owned, operated or otherwise controlled by a not for profit post-secondary Educational Institution and

(A) it was built by the post-secondary Educational Institution;

(B) it is in a convent, monastery, or similar religious order facility;

(C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-secondary Educational Institution, so long as the lot has been owned by the post-secondary Educational Institution for at least ten years as of the effective date of Ordinance [188-12](#); or

(D) as of August 10, 2010, it was owned, operated or otherwise controlled by a post-secondary Educational Institution that had an Institutional Master Plan on file with the Planning Commission, and where the occupancy by those other than students at that date was less than 20% of the total occupants. For purposes of determining occupancy, the post-secondary Educational Institution shall present to the Planning Department verified information regarding its rental or lease of units as of that date.

(4) Planning Commission approval shall not be required for a Residential Conversion if the Residential Unit was subject to the Residential Hotel Unit Conversion and Demolition Ordinance, San Francisco Administrative Code [Chapter 41](#), and obtained a permit to convert in compliance with the requirements set forth therein.

(Added by Ord. 69-08, File No. 080210, App. 4/17/2008; amended by Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [188-12](#), File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. [62-13](#), File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. [287-13](#), File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. [219-14](#), File No. 140775, App. 10/29/2014, Eff. 11/28/2014)

**6. Describe the public purpose or necessity of the proposed Legislative Amendment. Per Planning Code Sections 302 and 340, the Board of Supervisors will have to make findings of public necessity, convenience and general welfare.**

**Public Purpose**

The purpose of the subject Text Amendment is to allow for the processing of pending Conditional Use applications that have been on file with the Planning Department since 2007, five years prior to the adoption of the Student Housing Legislation in 2012. As currently approved, the Student Housing Legislation can be read to prohibit the processing of affected applications already in the “pipeline.”

The proposed “grandfathering amendment” to the Student Housing Legislation does not authorize or approve any specific use. It guarantees that Conditional Use and Building Permit applications already on file can be considered on their individual merits. This amendment will not change the basic intention of the legislation, as it maintains the prohibition on future residential conversions to student housing; it provides an administrative remedy for those cases already in the “pipeline.”

**Good Zoning Practice**

Approval of the proposed Text Amendment is good zoning practice and would help provide internal consistency to the implementation of the City’s Planning Code.

The use of grandfathering clauses represents sound public policy. SPUR, the City’s preeminent urban research institution, has written that, in legislation changing zoning rules, “it is usually fair” to include grandfathering clauses applicable to projects with pending permit applications.<sup>1</sup> SPUR explains that predictable zoning rules known in advance help prevent property investors from making a windfall or incurring substantial losses, if regulations change after the land is purchased. For

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<sup>1</sup> SPUR Report, *Zoning for More Housing* (June 1, 2006), available at <http://www.spur.org/publications/spur-report/2006-06-01/zoning-more-housing>.

this reason, SPUR typically would support “phase-in periods that grandfather in projects which have already applied for permits.”<sup>2</sup>

Consistent with this policy rationale, grandfathering clauses traditionally have established administrative procedures to allow for processing of applications already in the pipeline prior to the adoption of new San Francisco Planning Code regulations. The City has employed such clauses when implementing, among other regulations and plans:

- The Eastern Neighborhoods zoning controls (Planning Code section 175.6(e));
- Increased requirements for the Inclusionary Affordable Housing Program (former Planning Code section 315.3(b), *see* Ordinance No. 219-06 (July 25, 2006));
- The Rincon Hill Downtown Residential District (former Planning Code section 175.7); and
- The Downtown Plan (former Planning Code section 175.2).

Seven Academy of Art University properties have pending applications which were filed at least five years prior to the effective date of the Student Housing Legislation in 2012. The proposed Text Amendment ensures that the broad prohibition on conversions of residential units to student housing imposed after these applications were filed does not apply to the pending applications. As detailed above, this amendment is consistent both with best zoning practices and with past and current practice in San Francisco.

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<sup>2</sup> *Id.*

April 6, 2016

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

Re: Agent Authorization for 601 Brannan Street – Application for Planning Code Text Amendment (Section 175.5) and Application for Conditional Use Authorization (2012.0646C)

Dear Planning Department Representative:

This letter of agent authorization is submitted in relation to all development applications affecting 601 Brannan Street, including the Application for Planning Code Text Amendment submitted concurrently herewith and the pending Application for Conditional Use Authorization (2012.0646C) filed on May 17, 2012.

The property located at 601 Brannan Street is owned by 601 Brannan Street LLC, an entity of which I am a member.

601 Brannan Street LLC hereby authorizes the Academy of Art University and any of its designees or affiliates, including its counsel Morrison & Foerster LLP, to act as its agent for the development applications described above.

Please contact Corinne Quigley at Morrison & Foerster LLP should you have any questions. Ms. Quigley can be reached at (415) 268-6249 or [cquigley@mofa.com](mailto:cquigley@mofa.com).

Sincerely,



Dr. Elisa Stephens  
601 Brannan Street LLC  
President, Academy of Art University

cc: Corinne Quigley, Morrison & Foerster LLP

**5. Describe the proposed Legislative Amendment.**

**Proposed Amendment to Planning Code Section 175.5(b)**

Proposed additions are underlined.

**Applicability.** This Section applies only to projects located in a SALI District within the boundaries of the Eastern Neighborhoods Program Area as defined in Section 401 that have a Development Application pending as of June 20, 2012. Notwithstanding any contrary provision in this Section, if a project does not receive its first building or site permit within 36 months after the effective date of the Western SoMa Controls, or, for projects for which an environmental impact report is being prepared, within 48 months after the effective date of the Western SoMa Controls, then it shall be subject to all applicable Planning Code and Zoning Maps controls in effect at the date its first building or site permit is issued. The 36- or 48- month time period is extended until the expiration of any appeal period, or if an appeal or litigation challenging the project authorization is filed, until final resolution of the appeal or litigation.

# APPLICATION FOR Legislative Amendment

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
601 Brannan Street LLC	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
79 New Montgomery Street San Francisco, CA 94105	(    )
	EMAIL:

APPLICANT'S NAME:	
Academy of Art University <span style="float: right;">Same as Above <input type="checkbox"/></span>	
APPLICANT'S ADDRESS:	TELEPHONE:
79 New Montgomery Street San Francisco, CA 94105	( 415 ) 274-2200
	EMAIL:
GNorth@academyart.edu	

CONTACT FOR PROJECT INFORMATION:	
Gordon North, Vice President Business Operations, Academy of Art University <span style="float: right;">Same as Above <input type="checkbox"/></span>	
ADDRESS:	TELEPHONE:
79 New Montgomery Street San Francisco, CA 94105	( 415 ) 274-2200
	EMAIL:
GNorth@academyart.edu	

## 2. Property Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
601 Brannan Street	94107
CROSS STREETS:	
5th Street and 6th Street	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3785 / 132	275' x 250'	68,750 sf	SALI	40-55-X

## 3. Use and Associated Applications

PRESENT OR PREVIOUS USE:	
Light Industrial	
PROPOSED USE:	
Post-Secondary Educational Institution	
ASSOCIATED BUILDING APPLICATION PERMIT NO(S):	DATE FILED:
ASSOCIATED PLANNING ENTITLEMENT APPLICATION(S):	DATE FILED:
2012.0646C	May 17, 2012

#### 4. Description of Proposed Legislative Amendments

TYPE OF LEGISLATIVE AMENDMENT (ZONING MAP, PLANNING CODE TEXT, OR GENERAL PLAN AMENDMENT)
<b>Planning Code Text Amendment</b>
PLANNING CODE SECTION PROPOSED FOR AMENDMENT:
<b>Section 175.5(b)</b>
ZONING MAP PAGE(S) PROPOSED FOR AMENDMENT:
GENERAL PLAN ELEMENT PROPOSED FOR AMENDMENT:

5. Please describe the proposed Legislative Amendment(s). Attach separate sheets or other information if needed.

Section 175.5(b) of the Planning Code currently provides that a project in the SALI District for which a Development Application was pending when the Western SoMa Controls went into effect is not subject to those controls if the project receives its first building or site permit within 36 months after the effective date of the Western SoMa Controls. The proposed amendment would extend that period from 36 months to 48 months for a project for which an environmental impact report is being prepared. See attached sheet.

6. Please describe the public purpose or necessity of the proposed Legislative Amendment(s). Per Planning Code Sections 302 and 340, the Board of Supervisors will have to make findings of public necessity, convenience and general welfare. Attach separate sheets or other information if needed.

The proposed Planning Code Amendment would extend the "grace period" for approval of projects that were already in the pipeline when the Western SoMa Controls went into effect, and for which an environmental impact report is being prepared. The amendment would not change the basic intention of the Western SoMa Controls, which is to provide for new zoning regulations that apply prospectively to new projects.

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

No neighborhood-serving retail uses would be displaced by the proposed amendment. The amendment would extend the existing "grace period" within the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

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

No existing housing would be displaced by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

3. That the City's supply of affordable housing be preserved and enhanced;

No affordable housing would be displaced by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Commuter traffic would not be affected by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

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;

No existing industrial or service uses would be displaced by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

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

The proposed amendment would not affect the City's preparedness for an earthquake.

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7. That landmarks and historic buildings be preserved; and

No existing landmarks or historic buildings would be displaced by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

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

No existing parks or open space would be displaced by the proposed amendment. The amendment would extend the existing "grace period" in the Western SoMa Controls to allow for projects already in the pipeline for which an environmental impact report is being prepared to be considered on their individual merits.

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## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

Date: 6 April 2016

Print name, and indicate whether owner, or authorized agent:

LANE O. GRESHAM

Owner / Authorized Agent (circle one)

## Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Prop. M Findings	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Original Application signed by owner or agent	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>

NOTES:

Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)

Typically would not apply. Nevertheless, in a specific case, staff may require the item.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415 558-6409**  
WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

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# **CONDITIONAL USE AUTHORIZATIONS**

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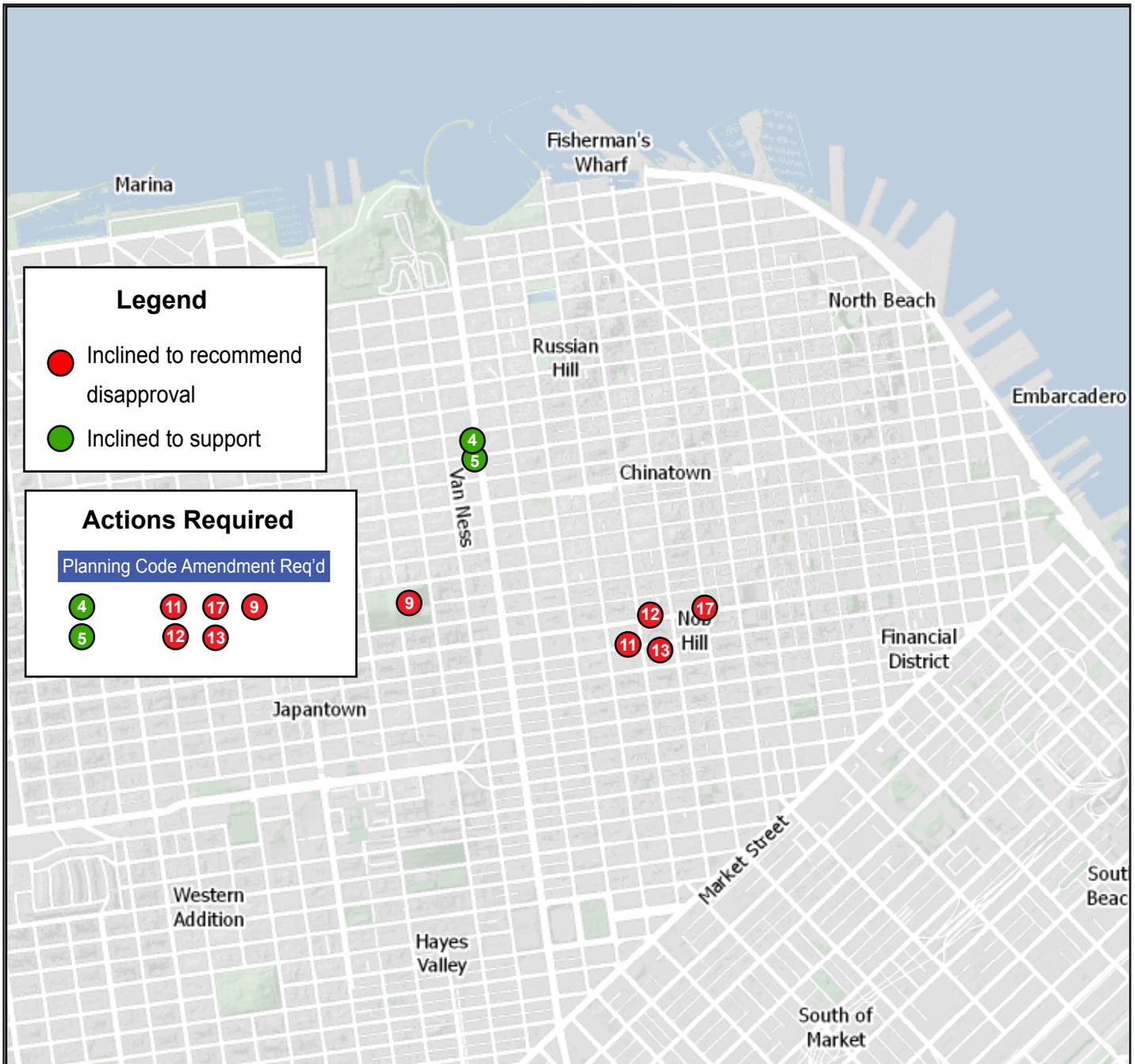
# RESIDENTIAL TO STUDENT HOUSING

## CONVERSION OF HOUSING TO STUDENT HOUSING:

The Planning Department is inclined to:

- Be unsupportive of conversions that **deduct** from the stated Citywide **goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet** the housing demand they generate with **new housing**.
- Support cases where the conversion to **student housing serves as a higher intensity use** than what would otherwise be located on the subject site.

AAU RESIDENTIAL SITES





**AAU RESIDENTIAL SITES - PRELIMINARY RECOMMENDATIONS**  
**AAU RESIDENTIAL SITES –RECOMMENDATIONS**

	ESTM / EIR	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required	Recommendation
12.	ESTM	1080 Bush Street*	0276/015	RC-4	NE (Nob Hill)	Student Housing	42 Dwelling Units & 15 rooms (122 beds)	Residential/ Residential Hotel (42 DUs & 15 rooms***)	Legislative Amendment to 317(e), CUA, HP, BP	Disapproval
11.	ESTM	1153 Bush Street*	0280/026	RC-4	NE (Civic Center)	Student Housing	15 rooms (37 beds)	Residential/ Residential Hotel (1 DU & 14 rooms***)	Legislative Amendment to 317(e), CUA, HP, BP	Disapproval
17.	ESTM	1055 Pine Street*	0275/009	RM-4 Nob Hill SUD	NE (Nob Hill)	Student Housing	81 rooms (155 beds)	Residential Hotel (59 rooms)	Legislative Amendment to 317(e), CUA, BP	Disapproval
13.	ESTM	860 Sutter Street*	0281/006	RC-4	NE (Civic Center)	Student Housing	89 Rooms (184 beds)	Tourist & Residential Hotel (39 tourist rooms & 50 residential rooms)	Legislative Amendment to 317(e), CUA, HP, BP	Disapproval
9.	ESTM	1916 Octavia Street*	0640/011	RH-2	NW Pacific Heights)	Student Housing	22 rooms (47 beds)	Residential Hotel (20 rooms)	Legislative Amendment to 317(e), CUA, BP	Disapproval
5.	ESTM	2209 Van Ness Avenue*	0570/029	RC-3	NW (Pacific Heights)	Student Housing	22 rooms (56 beds)	Residential (1 Dwelling Unit)	Legislative Amendment to 317(e), CUA, BP	Approval
4.	ESTM	2211 Van Ness Avenue*	0570/005	RC-3	NW (Pacific Heights)	Student Housing	3 Dwelling Units & 8 rooms (20 beds)	Residential & Commercial (2 Dwelling Units & commercial)	Legislative Amendment to 317(e), CUA, BP	Approval

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. The Department recommends the adoption of a recommendation of disapproval and instead recommends that the Planning Commission adopt a recommendation of approval of the Planning Department initiated Planning Code Amendment which enables the legalization of the properties at 2209 Van Ness and

\*\*\* Planning Code Amendment is not required for the area of the building classified as Dwelling Unit(s), only the Residential Hotel por-

**2209 VAN NESS AVENUE**

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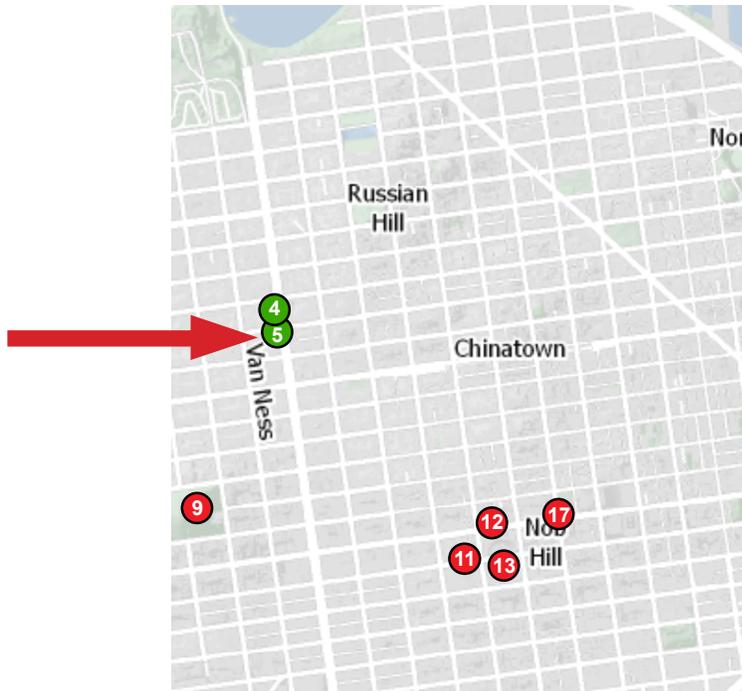


# #5 2209 VAN NESS AVENUE

Not Permitted by Code; Requires Planning Code Text Amendment



2209 Van Ness Ave between Vallejo Street and Broadway



## Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e))
- Requires CUA for student housing in RC-3
- Requires Variance from Exposure (Section 140) and Open Space Requirements (Section 135)
- Requires Building Permit

**Construction Date:** 1901

**Zoning:** RC-3

**Architect/Builder/Designer (if known):**

Moses J. Lyon

**Preservation:** Category A

**AAU Acquisition Date:** 1998

## Staff Recommendation:

**Inclined to recommend approval.** The Department is inclined to support cases where the conversion to student housing serves as a higher use than what would otherwise likely be located on the subject site. Due to the property's historic nature as a San Francisco Dwelling, it is likely that the building would otherwise be used as a low-density residential building (1-3 units).

EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	2209 Van Ness Avenue*	0570/029	RC-3	NW (Pacific Heights)	Student Housing (22 rooms (56 beds))	Student Housing (22 rooms (56 beds))	Residential (1 Dwelling Unit) (11,897 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1082CVAR**  
*Project Address:* **2209 Van Ness Avenue**  
*Zoning:* RC-3 (Residential-Commercial, Medium Density)  
80-D Height and Bulk District  
*Area Plan:* Market and Octavia  
*Block/Lot:* 0570/029  
*Project Sponsor:* Academy of Art University  
Corinne Quigley  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes to legalize the unauthorized conversion of one Residential Unit into 22 Student Housing rooms. Section 317 currently prohibits the conversion of Residential Units to Student Housing. However, the Planning Department has proposed an Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date" (Case Number 2016-000559PCA; "Ordinance"), initiated by the Planning Commission on July 28, 2016, that would waive the prohibition of Residential Units to Student Housing for the properties at 2209 Van Ness Avenue and at 2211 Van Ness Avenue. The subject Conditional Use Authorization ("Project") is consistent with the procedures set forth in the aforementioned Ordinance, but requires the adoption of a recommendation of approval of the aforementioned Planning Code Amendment.

It should be noted that the Academy of Art University (AAU) has initiated a Planning Code Amendment that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-

000559PCA, Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed ordinance.

## **SITE DESCRIPTION AND PRESENT USE**

The property at 2209 Van Ness Avenue is a four-story, 11,897-square-foot building constructed in 1912. The building is located on Van Ness Avenue between Vallejo Street and Broadway next to 2211 Van Ness Avenue, another residential building owned and operated by the Academy of Art University, in the Pacific Heights neighborhood. The building has 22 group-housing rooms with a capacity of 56 beds. The site is Lot 029 in Assessor's Block 0570. The building had been a residential building until the 1950s, after which it was occupied by the International Institute of San Francisco, providing services to immigrants, and various retail uses. The last legal use was as a single-family home. AAU occupancy began in 1998.

The student housing building includes a recreation room, a kitchen and dining room, and a backyard patio. The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone in front of the building<sup>1</sup>.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings while supporting neighborhood-serving commercial uses typically located on the ground floor. Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require a CU authorization. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

The project site is located on the northeastern edge of the Pacific Heights neighborhood which is characterized by larger Victorian-style homes loosely bordered by Van Ness and Presidio Avenues and Pine and Vallejo Streets. However, the project site sits at the confluence of the Marina, Russian Hill and Pacific Heights Neighborhoods. All are characterized by relatively quiet residential neighborhoods and robust Neighborhood Commercial Districts.

## **ENVIRONMENTAL REVIEW**

Environmental Review for the Academy of Art University has been addressed in two separate documents: the Environmental Impact Report (hereinafter "EIR"), and the Academy of Art University Existing Sites Technical Memorandum ("ESTM"). The EIR consisted of four general components: program-level growth, study area growth, project-level growth, legalization of prior unauthorized changes, and shuttle service expansion. Program-level growth consists of approximately 110,000 net square feet (sf) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in 12 geographic areas (study areas) where AAU could occupy buildings to accommodate future growth. Project-level growth consists of six additional sites that have been occupied, identified, or otherwise changed by AAU since publication of

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-131.

the September 2010 Notice of Preparation (NOP) for this EIR. The six project sites would include a total of 411,070 sf of institutional, bus storage, and community facility uses. The EIR also analyzed extension of AAU's shuttle service to serve growth in the study areas and at the project sites, and legalization of changes in use and/or appearance undertaken without benefit of permits prior to issuance of the NOP at 28 of AAU's 34 existing sites.

On May 19, 2016, the Planning Commission held a public hearing on the Draft ESTM, published by the Planning Department. The ESTM examines the environmental impacts of past non-permitted work at 34 AAU properties and recommends conditions of approval to remedy those impacts. The 30-day public comment period for the Draft ESTM document began May 4, 2016 and extended through June 3, 2016. The Planning Department considered all comments received on the ESTM, incorporated changes as necessary, and finalized the ESTM. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations.

On July 28, 2016, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

Conditions of approval, mitigation measures and improvement measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), Project Improvement Measures, the ESTM and the Transportation Management Plan (an appendix to the ESTM) are included as conditions of approval for each entitlement as appropriate.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	22 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	10 days	September 12, 2016	September 2, 2016	20 days

## PUBLIC COMMENT & COMMUNITY OUTREACH

- **Public Comment.** As of September 12th, 2016, the Planning Department has not received public comment regarding the particular project.

## ISSUES AND OTHER CONSIDERATIONS

- **Legal Use.**
  - The last legal use for 2209 Van Ness Avenue is a single family Residential Unit. However, research conducted as part of the ESTM found that the building has not been used as a single family dwelling since 1924.

- **Exposure.** Although the building meets exposure requirements per Planning Code Section 140, exposure requirements are not met for a group housing building. Accordingly, the project requires a variance from exposure requirements.
- **Open Space.** The portion of the rear yard that complies with common open space requirements per Section 135 amounts to 799 square feet. However, the open space does not meet exposure requirements for open space. Therefore, the Project requires a variance from with Section 135.
- **Planning Code Amendments.** The property is associated with two Planning Code Amendments – one proposed by AAU that would enable the legalization of seven properties that have illegal/unpermitted conversions of Residential Units to Student Housing, and a second one proposed by the Planning Department that would permit the legalization of only 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: (1) by a member of the Board of Supervisors; (2) by resolution of intention by the Planning Commission; or (3) by application of property owners.
    - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
    - AAU initiated their proposed Planning Code Amendment by virtue of their application.
  - **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the conversion of a Residential Unit at 2209 Van Ness Avenue to 22 Student Housing Rooms pursuant to Planning Code Sections 303, 317 and the Ordinance entitled, “Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor’s Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor’s Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date”.

## **BASIS FOR RECOMMENDATION**

- The project does not remove any affordable housing or rent-controlled units from the City’s housing stock.
- The conversion to student housing serves as a higher intensity use than what would otherwise be located on the subject site.
- The project will comply with all applicable conditions of approval outlined in the Transportation Management Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

**RECOMMENDATION: Approval with Conditions**

**Attachments:**

Draft Motion for Conditional Use Authorization

Project Data Sheet

Exhibits:

Parcel Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photograph

Existing Sites Technical Memorandum - Individual Site Assessment

Final AAU EIR Certification

Exhibit B – Proposed Plans

Exhibit C - CEQA Findings

Exhibit D - Transportation Management Plan

Attachment Checklist

Executive Summary

Draft Motion

Environmental Determination

Zoning District Map

Height & Bulk Map

Parcel Map

Sanborn Map

Aerial Photo

Context Photos

Site Photos

Project sponsor submittal

Letter

Letter in support

Drawings: Proposed Project

Check for legibility

Health Dept. review of RF levels

RF Report

Community Meeting Notice

Inclusionary Affordable Housing Program:  
Affidavit for Compliance

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

TC

Planner's Initials

TC G:\Documents\CONDITIONAL USE\2209 Van Ness Ave\_2007.1082CVAR\2209 Van Ness Ave.--Exec Summary.docx

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# SAN FRANCISCO PLANNING DEPARTMENT

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

*Subject to: (Select only if applicable)*

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Rincon Hill Impact Fees)

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

Planning  
Information:  
**415.558.6377**

*Date:* September 12, 2016  
*Case No.:* **2007.1082CVAR**  
*Project Address:* **2209 Van Ness Avenue**  
*Zoning:* RC-3 (Residential-Commercial, Medium Density)  
 80-D Height and Bulk District  
*Area Plan:* Van Ness Corridor Area Plan  
*Block/Lot:* 0570/029  
*Project Sponsor:* Academy of Art University  
 Corinne Quigley  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, CA 94105  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Approval with Conditions**

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND THE ORDINANCE ENTITLED "WAIVING APPLICABILITY OF THE PROHIBITION ON CONVERSION OF RESIDENTIAL UNITS TO STUDENT HOUSING SET FORTH IN PLANNING CODE SECTION 317(e) TO 2209 VAN NESS AVENUE (LOT O5 IN ASSESSOR'S BLOCK 0570) AND 2211 VAN NESS AVENUE (LOT 029 IN ASSESSOR'S BLOCK 0570); ESTABLISHING CRITERIA FOR CONDITIONAL USE AUTHORIZATION APPLICABLE TO CONVERSIONS TO STUDENT HOUSING FOR 2209 VAN NESS AVENUE AND 2211 VAN NESS AVENUE; MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND PROVIDING FOR EXPIRATION OF THE PROVISION BY OPERATION OF LAW THREE YEARS AFTER ITS EFFECTIVE DATE" TO ALLOW THE CONVERSION OF RESIDENTIAL UNITS INTO STUDENT HOUSING AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL

**QUALITY ACT. THE PROJECT SITE IS LOCATED WITHIN THE RESIDENTIAL-COMMERCIAL, MEDIUM DENSITY (NCT-3) ZONING DISTRICT AND AN 80-D HEIGHT AND BULK DISTRICT.**

## **PREAMBLE**

In 2006, the Department's Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU's IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter "Department"), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department determined than Environmental Impact Report (hereinafter "EIR") was required and required AAU to submit an Environmental Evaluation Application (Case No. 2008.0586E) for the Academy of Art University Project (Proposed Project). On September 29, 2010, the Planning Department published the Notice of Preparation (NOP) of an Environmental Impact Report and provided public notice of that determination by publication in a newspaper of general circulation, and held a public scoping meeting on October 26, 2010. . The Proposed Project studied in the EIR consisted of four general components: program-level growth, study area growth, project-level growth, legalization of prior unauthorized changes, and shuttle service expansion. . Program level growth consists of approximately 110,000 net square feet (sf) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in 12 geographic areas (study areas) where AAU could occupy buildings to accommodate future growth. The study areas generally include the following areas: Study Area 1 (SA 1), Lombard Street/Divisadero Street; SA 2, Lombard Street/Van Ness Avenue; SA 3, Mid Van Ness Avenue; SA 4, Sutter Street/Mason Street; SA 5, Mid-Market Street; SA 6, Fourth Street/Howard Street; SA 7, Rincon Hill East; SA 8, Third Street/Bryant Street; SA 9, Second Street/Brannan Street; SA 10, Fifth Street/Brannan Street; SA 11, Sixth Street/Folsom Street; and SA 12, Ninth Street/Folsom Street. Project-level growth consists of six additional sites that have been occupied, identified, or otherwise changed by AAU since publication of the September 2010 Notice of Preparation (NOP) for this EIR. The six project sites would include a total of 411,070 sf of institutional, bus storage, and community facility uses. The project sites include the following addresses: 2801 Leavenworth Street

(The Cannery) (Assessor's block/lot:0010/001); 700 Montgomery Street (Assessor's block/lot:0196/028); 625 Polk Street (Assessor's block/lot:0742/002); 150 Hayes Street (Assessor's block/lot:0811/022); 121 Wisconsin Street (Assessor's block/lot:3953/004); and 2225 Jerrold Avenue (Assessor's block/lot:5286A/020). The Proposed Project also includes extension of AAU's shuttle service to serve growth in the study areas and at the project sites. The Proposed Project includes legalization of changes in use and/or appearance undertaken without benefit of permits prior to issuance of the NOP at 28 of AAU's 34 existing sites.

The EIR addressed the fact that AAU was operating at 34 locations at the time of the September 2010 NOP, but at 28 of those locations, AAU had not obtained the required conditional use authorizations, building permits, or other permits. The uses at AAU's 34 existing sites would not change with implementation of the Proposed Project; therefore, for purposes of the EIR, the existing sites are considered part of the baseline conditions. As part of the retroactive compliance process, the Planning Department prepared the Academy of Art University Project Existing Sites Technical Memorandum (ESTM) to present an analysis of the environmental effects that have resulted from the changes in use and associated tenant improvements undertaken by AAU at the existing sites. The public review process of the ESTM is discussed further below.

On February 25, 2015, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to local, State, and federal agencies and organizations and individuals for a period of 62 days, to April 27, 2015.. The Commission held a duly advertised public hearing on said DEIR on April 16, 2015 at which opportunity for public comment was given, and public comment was received on the DEIR.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Responses to Comments (RTC) document, published on June 30, 2016, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising his enforcement discretion, the Zoning Administrator also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision. In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 1, 2015, the Planning Commission heard the progress of the environmental review, Institutional Master Plan update and discussed ideas for how to process entitlements related to the Academy of Art University.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On May 19, 2016, a public hearing was held to provide an update to the Planning Commission regarding processing strategies as well as policy and preliminary project-specific recommendations as contained in the "Memo to the Planning Commission", dated May 12, 2016.

The Planning Department also prepared a separate technical memorandum, the ESTM, to present an analysis of the environmental effects that have resulted from the changes in use and associated tenant improvements undertaken by AAU at the existing sites as part of their retroactive compliance process. The ESTM is part of the record used by the Planning Department, the Planning Commission, the Board of Supervisors and the public in considering whether or not to issue the approvals for the 23 existing sites that require a CU authorization, building permit, legislative amendment, or all three. The ESTM will also be used by the Historic Preservation Commission in considering whether COAs or PTAs should be issued for the ten sites that require their review. The Draft ESTM was published for a 30-day public comment period on May 4, 2016 and extended through June 3, 2016. The Historic Preservation Commission held a hearing on the ESTM on May 18, 2016; the Planning Commission held a public hearing on the ESTM on May 19, 2016. The ESTM examines the environmental impacts of past non-permitted work at 34 Academy of Art (AAU) properties and recommends conditions of approval to remedy those impacts. After the close of the public review period on the ESTM, the Planning Department responded to all comments received on the ESTM, incorporated changes as necessary, and finalized the ESTM. The Final ESTM was provided to the Planning Commission for informational purposes on June 30, 2016.

On July 28, 2016, the Commission initiated an Ordinance proposed by the Planning Department for the limited conversion of existing Residential Units to Student Housing for two properties at 2209 Van Ness Avenue (Lot 005 in Assessor's Block 0570) and 2211 Van Ness Avenue (Lot 029 in Assessor's Block 0570). The Ordinance waives the applicability of the prohibition on conversion of Residential Units to Student Housing set forth in Planning Section 317(e) and also establishes criteria for conditional use authorization applicable to conversions to Student Housing; makes findings under the California Environmental Quality Act, make findings under Planning Code Section 302 of public necessity, convenience, and welfare; make findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and provide for expiration of the provision by operation of law three years after its effective date.

The environmental effects of the Proposed Project were determined by the San Francisco Planning Department to have been fully reviewed under the Academy of Art University Environmental Impact Report, Case No.2008.0586E. The EIR was prepared, circulated for public review and comment, and, at a public hearing on July 28, 2016, by Motion No. 19704, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The Commission has reviewed the FEIR, which has been available for this Commission's review as well as public review.

#### **TIMELINE OF INVESTIGATION AT SUBJECT PROPERTY**

On September 14, 2007, Michael Burke, on behalf of AAU, filed Application No. 2007.1082C to seek Conditional Use authorization ("hereinafter the "Project") to establish the Group Housing use for an Educational Institution under then-Section 209.2(c).

On July 8, 2010, the Planning Department in conjunction with other City agencies performed a site visit to the subject property and found that the approximately 7,820 sq. ft. building was fully occupied as a Group Housing use operated by AAU. The last known legal use of the building was a dwelling and no building permits were on file to authorize the change the use to that of a Group Housing use.

On November 4, 2011, the Department issued an Enforcement Notice (EN) detailing the violations listed above with details on how to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that the units within the subject property contain individual cooking facilities.

The Department has reviewed and considered AAU's arguments that a Conditional Use Authorization should not be required for properties that were previously residential dwelling units and that the AAU is now using for student housing. Based upon a review of the IMP and Draft EIR, it appears that the subject property has been illegally converted from a single-family dwelling to a student group housing use with approximately 22 rooms.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay (see above) that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On April 7, 2016, the Zoning Administrator issued a NOVP Decision for the subject property.

On April 14, 2016, Gordon North, on behalf of AAU, submitted an update to the Application for Conditional Use, Case No. 2007.1082C to establish 22 Group Housing rooms for a Post-secondary Educational Institution at the subject property.

On September 22, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application for a conditional use did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 and the analysis was encompassed within the analysis contained in the FEIR. Since the FEIR was certified, there have been no substantial changes to the project and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this project, including the Academy of Art University FEIR, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, Case No. 2008.0586E.

Planning Department staff prepared a Transportation Management Plan setting forth measures that will optimize access to and from AAU facilities for faculty, staff and students while reducing transportation impacts on the surrounding neighborhoods. The Transportation Management Plan (hereinafter "TMP") is included as Exhibit D of the subject motion and recommendations identified for the subject property shall be incorporated as a Condition of Approval.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case No. 2007.1082C; at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On September 22, 2016, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2007.1082C.

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 approves the Conditional Use authorization to convert Residential Units for Case No. 2007.1082C, subject to the conditions contained in "EXHIBIT A" of this motion ("Project"), 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 property at 2209 Van Ness Avenue is a four-story, 11,897-square-foot building constructed in 1912. The building is located on Van Ness Avenue between Vallejo Street and Broadway next to 2211 Van Ness Avenue, another residential building owned and operated by the Academy of Art University, in the Pacific Heights neighborhood. The building has 22 group-housing rooms with a capacity of 56 beds. The site is Lot 029 in Assessor's Block 0570. The building had been a residential building until the 1950s, after which it was occupied by the International Institute of San Francisco, providing services to immigrants, and various retail uses. The last legal use was a single-family home. Academy of Art University (AAU) occupancy began in 1998.

The student housing building includes a recreation room, a kitchen and dining room, and a backyard patio. The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone in front of the building.

3. **Surrounding Properties and Neighborhood.** The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings while supporting neighborhood-serving commercial uses typically located on the ground floor. Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require a CU authorization. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

The Project site is located on the northeastern edge of the Pacific Heights neighborhood which is characterized by larger Victorian-style homes loosely bordered by Van Ness and Presidio Avenues and Pine and Vallejo Streets. However, the Project site sits at the confluence of the Marina, Russian Hill and Pacific Heights Neighborhoods. All are characterized by relatively quiet residential neighborhoods and robust Neighborhood Commercial Districts.

4. **Project Description.** The Project proposes to legalize the unauthorized conversion of one Residential Unit into 22 Student Housing rooms. Section 317 currently prohibits the conversion of Residential Units to Student Housing. However, the Planning Department has proposed an

Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date" (Case Number 2016-000559PCA), initiated by the Planning Commission on July 28, 2016, that would waive the prohibition of Residential Units to Student Housing for the properties at 2209 Van Ness Avenue and at 2211 Van Ness Avenue. The subject Conditional Use Authorization is consistent with the procedures set forth in the aforementioned Ordinance, but requires the adoption of a recommendation of approval of the aforementioned Planning Code Amendment.

It should be noted that the Academy of Art University has initiated a Planning Code Amendment that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance.

5. **Public Comment.** As of September 12<sup>th</sup>, 2016, the Planning Department has not received public comment regarding the particular Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Conversion of Residential Units to Student Housing.** Typically, the conversion of Residential Units to Student Housing is prohibited per Section 317(e). However, the Planning Commission adopted a resolution to recommend approval of the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date", which requires Conditional Use Authorization and establishes criteria that must be met to grant the authorization. Compliance with said criteria is discussed under Section 6.

*Student Housing is a principally permitted use in RC-3 Zoning Districts per Section 209.3. However, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E)*

*To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

- B. **Density (Section 209.3).** The RC-3 Zoning District allows up to one bedroom for every 140 square feet of lot area.

*The lot on which 2209 Van Ness Avenue is located is approximately 6,368 square feet which allows up to 45 rooms. The Project proposes 22 rooms, and is therefore Code-compliant with respect to density.*

- C. **Uses (Sections 209.3). Student Housing is a principally permitted use in RC-3 Zoning Districts.**

*Student Housing is a principally permitted use in RC-3 Zoning Districts per Section 209.3. However, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

- D. **Rear Yard (Section 134).** Planning Code Section 209.3 requires that projects in the RC-3 Zoning Districts provide a minimum rear yard depth equal to 25 percent of lot depth at the first residential level and above, but in no case less than 15 feet.

*A rear yard of approximately 17 feet is provided for the subject property, which measures less than 25 percent of the 123' deep lot. However, the property at 2209 Van Ness Avenue is considered an existing, noncomplying structure. Section 188 allows the intensification of a use of a noncomplying structure provided that there is no increase in any discrepancy or any new discrepancy between the existing and proposed condition. The conversion of the single family dwelling Residential Unit to 22 Student Housing rooms does not exacerbate the nonconforming rear yard. Accordingly, the Project complies with Section 134.*

- E. **Residential Open Space (Section 135).** Planning Code Section 135 requires 60 square feet of private open space per dwelling unit or 80 square feet of common open space per dwelling units in RC-3 Zoning Districts. However, the open space requirement for group housing units is reduced to one-third the specified requirement.

*The 22 Student Housing rooms require approximately 587 square feet of open space ((22 dwelling units X 80 square feet) / 3). The portion of the rear yard that complies with common open space requirements per Section 135 amounts to 799 square feet. However, the open space does not meet exposure requirements for open space. Therefore, the Project requires a variance from with Section 135.*

- F. **Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one interior common area that meets the 120 square-foot minimum square-foot minimum floor area requirement that opens onto a public street at least 20 feet in width, or rear yard requirements of the Planning Code.

*The Project does meet exposure requirements per Section 140 and thus requires an exposure variance.*

- G. **Bicycle Parking (Section 155).** Section 155.2 requires one Class 1 space for every four beds is required, and two Class 2 spaces for every 100 beds are required. Group Housing that is also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.

*The Project provides 56 beds and is therefore required to provide 14 Class 1 and 3 Class 2 bicycle parking spaces, since Group Housing that is also Student Housing requires 50 percent more Class 2 spaces than would otherwise be required.*

- H. **Signage.** All signage is required to comply with Article 6 of the Planning Code, which stipulates that signs on awnings may not exceed 20 square feet per business.

*The property at 2209 Van Ness Avenue does not have any visible signage. Therefore, the Project complies with Article 6 of the Planning Code.*

7. **Additional Criteria per the Ordinance entitled “Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor’s Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor’s Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date”.** When considering the legalization of Student Housing use to be permitted by this Ordinance, the Planning Commission shall consider the standard Conditional Use criteria described in Section 303 as discussed under item 7.) and the additional criteria listed below:

- (A) whether legalization of the Student Housing use would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

*Prior to AAU's occupation of the building in 1998, building permits indicate the building was owned by Andrew Meieran as a single family dwelling. However, between 1953 and the late 1990s, records show that 2209 Van Ness Avenue was occupied by the International Institute of San Francisco, a non-profit which "welcomes, educates, and serves immigrant refugees and their families as they join and contribute to the community". Since AAU's occupation of the building, 2209 Van Ness Avenue has been used as Student Housing.*

- (B) whether the legalization would provide desirable new Student Housing at sufficient densities to warrant the loss of the existing residential use;

*Although the last legal use of the property was documented as a single-family dwelling, historic analysis of the property, as reflected in the Existing Sites Technical Memorandum, demonstrates that the building has not been occupied as a single family home since 1924. Since then, the building housed a variety of businesses, including a dressmaking shop and dancing school until it was sold to and operated by the International Institute of San Francisco, which occupied the property until the late 1990s. The building was owned by Andrew Meieran prior to AAU's occupation<sup>2</sup>. In 1998, the property was converted from a Retail Sales use to a single family Dwelling Unit.*

*Given that the building has not been used as residential use since 1924 and that while it was a residential use, the property served as a single family Dwelling Unit, the Department finds that the legalization would provide desirable Student Housing at sufficient densities to warrant the loss of the existing residential use.*

- (C) whether legalization will bring the building closer into conformance with the Uses permitted in the zoning district;

*Student housing is a principally permitted use in RC-3 Zoning District. The legalization does not change its conformance with Uses permitted in the zoning district.*

- (D) whether legalization of the Student Housing use will be detrimental to the City's housing stock;

*Since the building has not been occupied as a Residential Unit since 1924, the Department does not find that the legalization will be detrimental to the City's housing stock.*

- (E) whether legalization of the Student Housing use will remove Affordable Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

*The legalization of the Student Housing use will not remove Affordable Housing or units subject to the Residential Rent Stabilization and Arbitration Ordinance.*

- (F) whether the location for proposed Student Housing use will reduce Green House Gas emissions relative to other potential locations for the students of the post-secondary Educational Institution.

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<sup>1</sup> International Institute of the Bay Area, [www.iibayarea.org/about/](http://www.iibayarea.org/about/). Accessed January 2016.

<sup>2</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-137-138.

*2209 Van Ness Avenue is located in a transit rich location with convenient access to retail and services. Therefore, the Department finds that the location proposed for Student Housing will likely reduce or at minimum have not negative impact to the amount of Green House Gas emissions relative to other potential locations for the students.*

- (G) whether the Student Housing would be owned, operated or otherwise controlled by a post-secondary Educational Institution that has an up-to-date Institutional Master Plan on file with the Department and accepted by the Planning Commission.

*The Planning Commission accepted the Academy of Art University's Institutional Master Plan in 2011. AAU has submitted the required two-year IMP updates since its full IMP was originally accepted. The Department finds that the Update meets the intent of the submittal requirements pursuant to Planning Code Section 304.5.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Project complies with the criteria of Section 303, in 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 community.

*The Project intensifies the use of existing structure. However, as Student Housing is a principally permitted use in RC-3 Zoning Districts, the intensification does not exceed the intensity contemplated and provides a development that is desirable for and compatible with the neighborhood.*

*Although Student Housing is a principally permitted use in the RC-3 Zoning District, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

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

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

*The Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity with respect to the nature of the proposed site, including its shape and size and arrangement of structures.*

- 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The Project site is located within an urban context, where convenience goods and services are available within walking distance. The Project will not provide off-street parking, and is required to provide at least 14 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces.*

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

*The Project will not result in noxious or offensive emissions.*

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

*The Project includes landscaped entryways.*

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

*The Project generally complies with the applicable sections of the Code. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing students to commute, shop and reach amenities by walking, transit and bicycling. The Project conforms with multiple goals and policies of the General Plan, as follows*

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

## HOUSING ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.9.**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*The Department finds the conversion of a single-family dwelling that has not been used as a Residential Unit since 1924 to Student Housing to accommodate up to 56 beds consistent with Objective 1 and Policy 16 of the General Plan's Housing Element.*

**OBJECTIVE 5:**

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

**Policy 5.4.**

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*The Planning Department finds that the conversion of the subject single-family Residential Unit to a Student Housing building accommodating approximately 56 beds supportive of Objective 5 and Policy 5.4 of the General Plan's Housing Element.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.3:**

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

*The Project is required to provide 14 Class 1 and 3 Class 2 bicycle spaces.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project does not negatively impact neighborhood-serving retail uses.*

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

*The Project preserves the existing residential building and does not alter its form, conserving the existing neighborhood character.*

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

*The Project does not detract from the City's supply of affordable housing.*

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

*The Project does not include any on-site parking. The use of Muni and all public transit will be sustained by 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 would not displace any industrial or service sectors, nor will City resident employment be negatively impacted.*

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

*The Project will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building is not a landmark but has been classified as a resource. The Existing Sites Technical Memorandum found that AAU's occupation of the building has not negatively impacted the historic resource; the Project preserves the existing historic building.*

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

*The Project will not affect the City's parks or open space or their access to sunlight and vistas.*

11. 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.

12. 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 Authorization No. 2007.1082CVAR** under Planning Code Sections 303 and 317(e) and pursuant to the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(e) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date" to allow the conversion of a Residential Use to Student Housing, within the RC-3 (Residential- Commercial, Medium Density) Zoning District, and a 80-D Height and Bulk District. The Project also seeks a Variance from Planning Code Sections 140 and 135 as the Group Housing building does not meet exposure requirements per Section 140 and open space requirements per Section 135, respectively. The Project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 30, 2008, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the CEQA Findings attached hereto as Exhibit C and the Transportation Management Plan (hereinafter "TMP") of the Existing Sites Technical Memorandum attached hereto as Exhibit D of the subject motion. The Project is required to implement and meet conditions outlined in the Existing Sites Technical Report and the Transportation Management Plan.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309.1 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.**

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code

Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow the conversion of an existing Residential Unit to Student Housing containing 22 rooms and approximately 56 beds, pursuant to Planning Code Sections 303, 317(e) and the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date" within the RC-3 (Residential-Commercial, Medium Density) Zoning District, and a 80-D Height and Bulk District; in general conformance with plans, dated January 30, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1082CVAR and subject to conditions of approval reviewed and approved by the Commission on September 22, 2016 under Motion No. [ ]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 22, 2016 under Motion No. [ ].

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. [ ] shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. The project may not be entitled until the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570);

Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date” has been approved by the Board of Supervisors, signed by the Mayor and enacted.

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administrator to address the requirements for exposure (Planning Code Section 140) and open space (Planning Code Section 135). The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

## PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 14 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces.

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

8. **Transportation Management Plan.** The Transportation Management Plan (TMP) of the Existing Sites Technical Memorandum has been attached as Exhibit D as a Condition of Approval. The Project shall implement all general Conditions of Approval included in Sections 3.1, 3.2, 3.3, 3.4, and 3.6. Additionally, the Project shall reduce the existing 40-foot white shuttle zone to 25-feet as depicted in Figure 4 of the TMP. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

## PROVISIONS

9. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

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

## MONITORING AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion, including payment of all fees set forth in the TMP and any other fees set forth in the conditions of approval, or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

11. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

12. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

14. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

16. **Prohibition of Short-term Rentals.** Student Housing shall not be used for Short-Term Residential Rentals under Chapter 41A of the Administrative Code, which restriction shall be recorded as a Notice of Special Restriction on the subject lot.

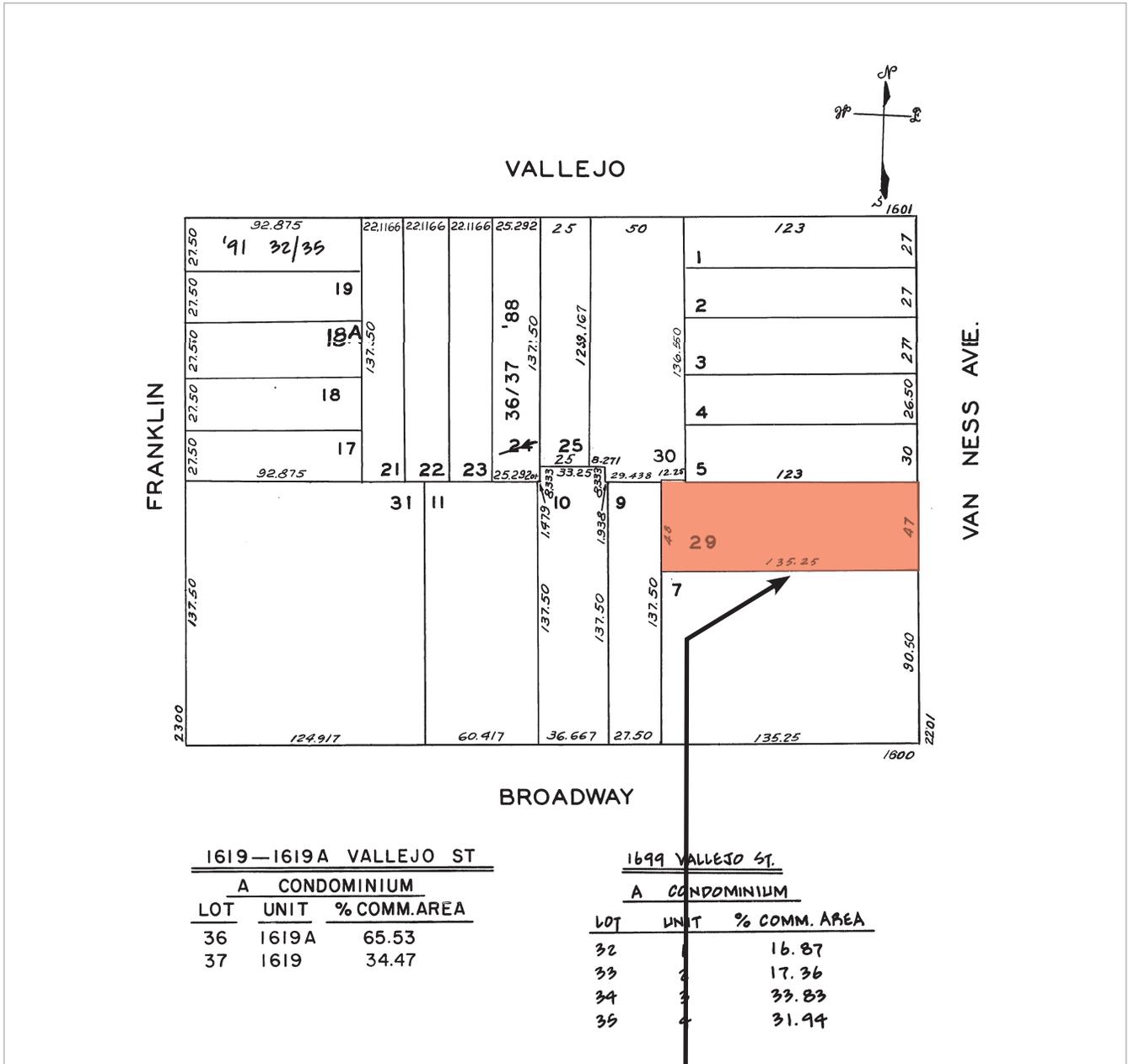
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Exhibits

Conditional Use Authorization  
**Case Number 2007.1082CVAR**  
2209 Van Ness Avenue  
Block 0570 Lot 029

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# Parcel Map



1619-1619A VALLEJO ST

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
36	1619A	65.53
37	1619	34.47

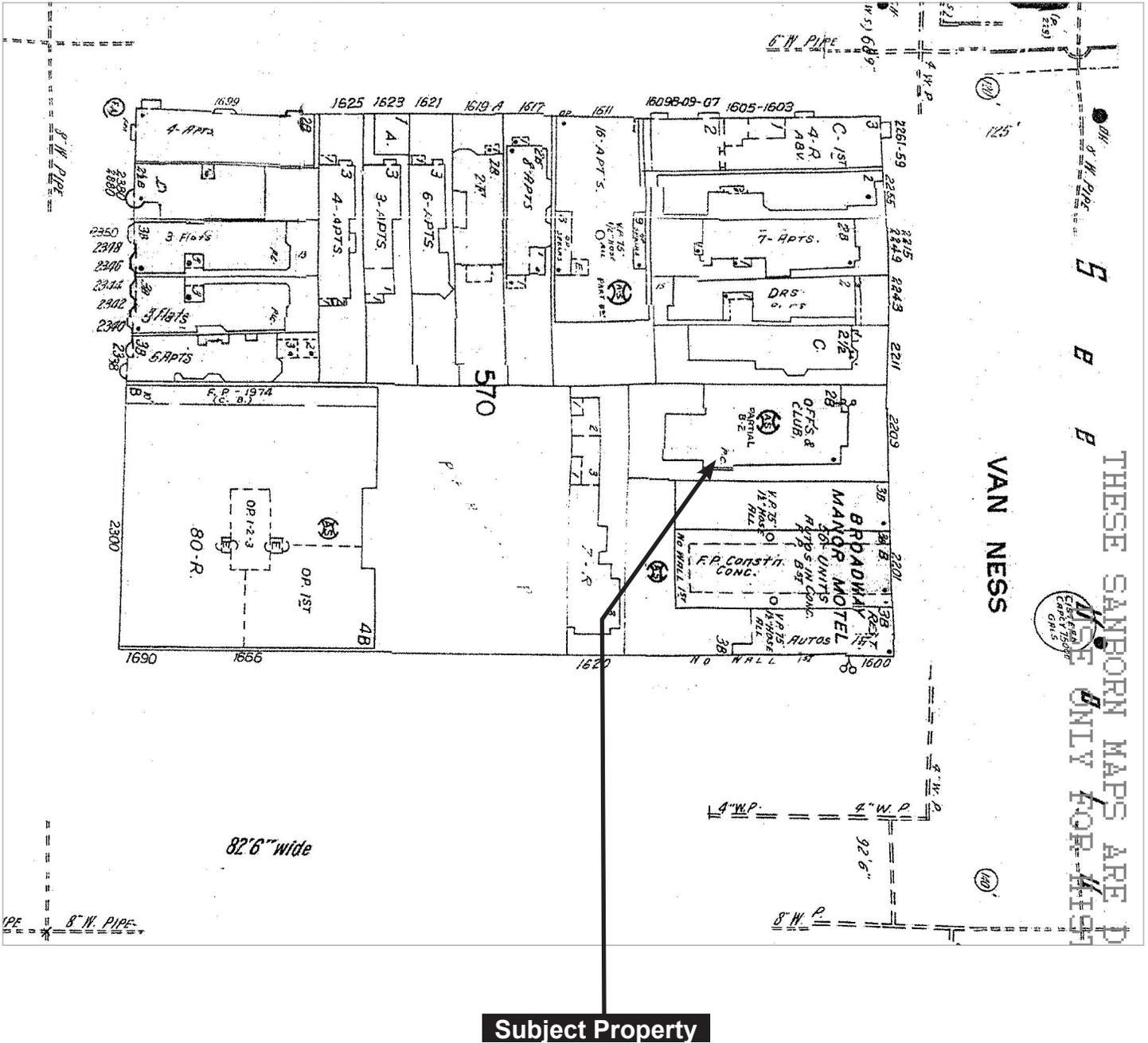
1699 VALLEJO ST.

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
32	1	16.87
33	2	17.36
34	3	33.83
35	4	31.94

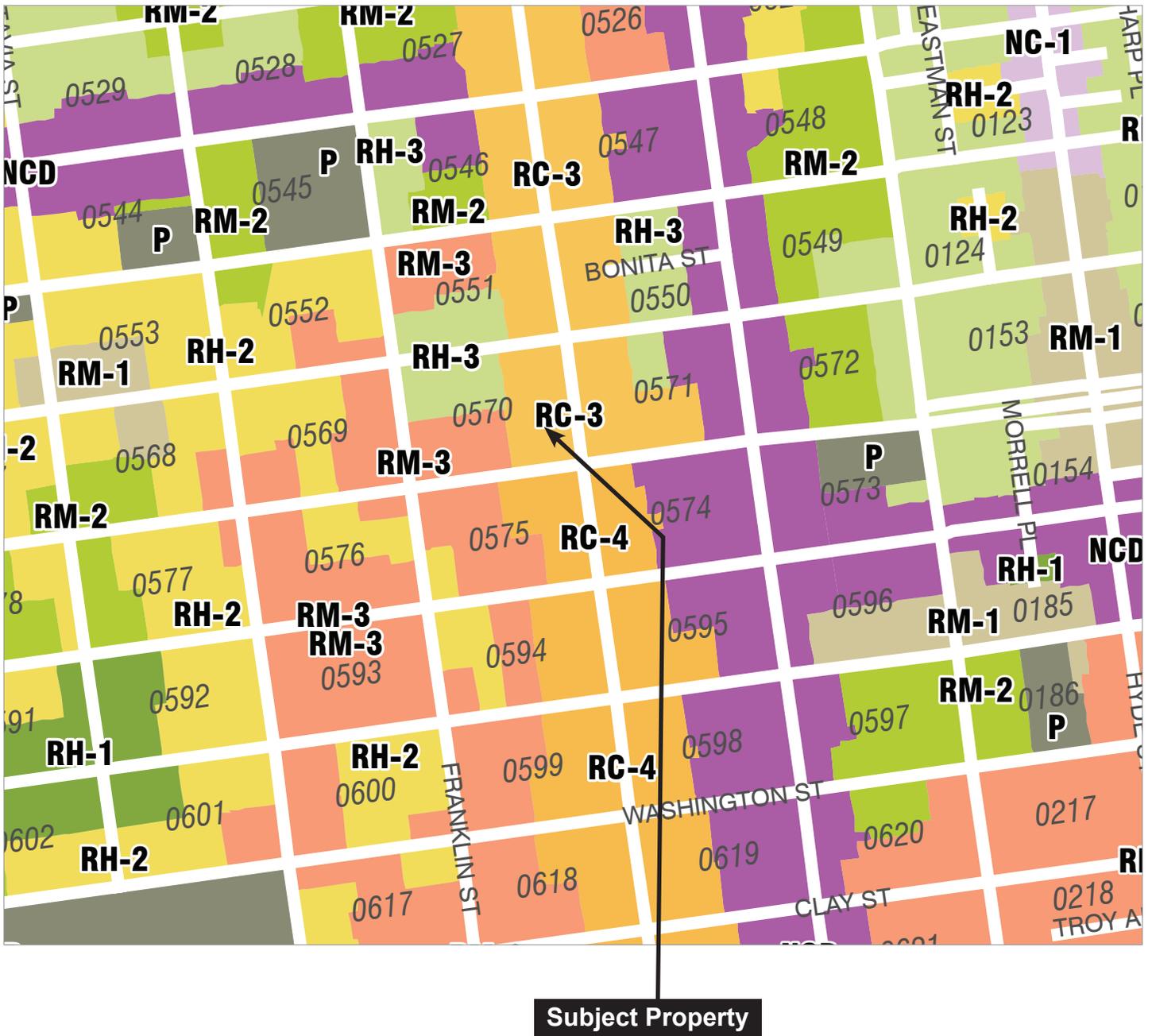
**Subject Parcel**

# Sanborn Map



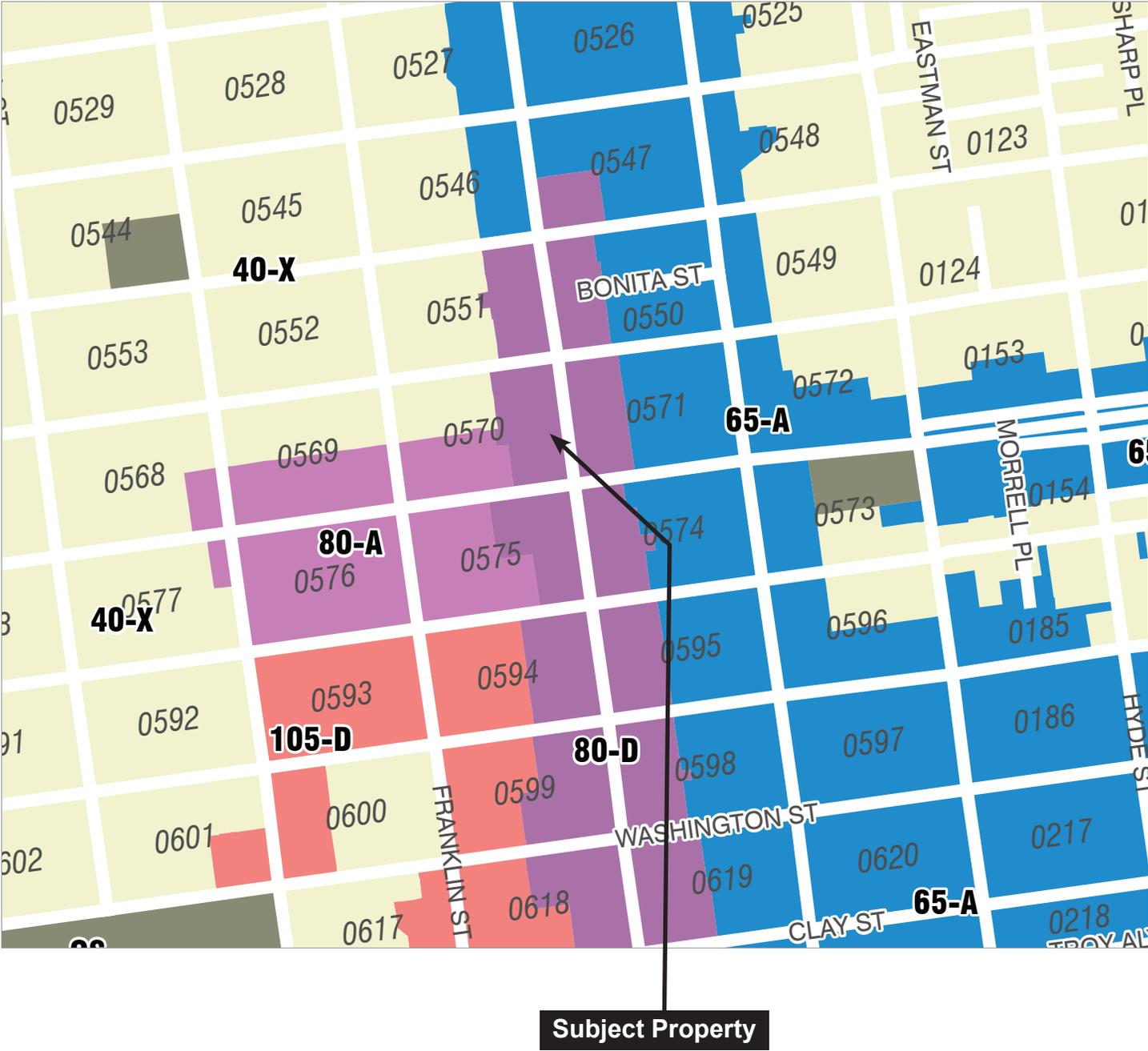
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

# Zoning Map

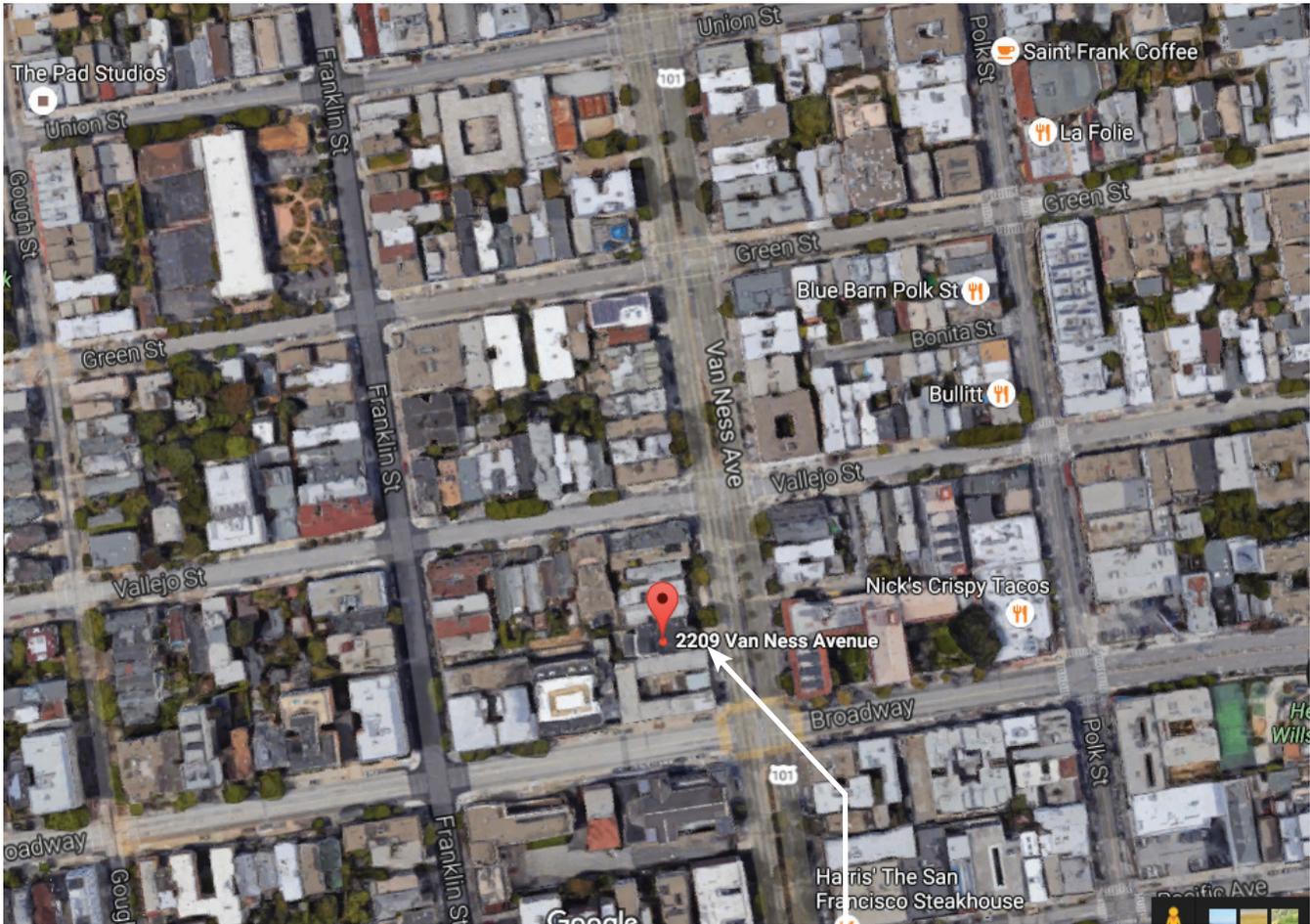


Conditional Use Authorization  
Case Number 2007.1082CVAR  
2209 Van Ness Avenue  
Block 0570 Lot 029

# Height Map



# Aerial



**Subject Property**

Conditional Use Authorization  
Case Number 2007.1082CVAR  
2209 Van Ness Avenue  
Block 0570 Lot 029

# Site Photos



**INDIVIDUAL SITE ASSESSMENT**  
**(Existing Sites Technical Memorandum)**

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#### **4.2.5. 2209 Van Ness Avenue (ES-5)**

##### **Property Information**

The 2209 Van Ness Avenue existing site (ES-5), also known as the “Mary Cassatt Dormitory,”<sup>190</sup> is a four-story, 11,897-square-foot building constructed in 1912. ES-5 is located on Van Ness Avenue between Vallejo Street and Broadway next to 2211 Van Ness Avenue (ES-4), in the Pacific Heights neighborhood (Photographs 27–29). The building has 22 group-housing rooms with a capacity of 56 beds. The site is Lot 029 in Assessor’s Block 0570.

The building had been a residential building until the 1950s, after which it was occupied by the International Institute of San Francisco, providing services to immigrants, and various retail uses.<sup>191</sup> The last legal use was a single-family home. The building is identified in the Van Ness Avenue Area Plan as a significant building.<sup>192</sup> Academy of Art University (AAU) occupancy began in 1998. The student housing building includes a recreation room, a kitchen and dining room, and a backyard patio.<sup>193</sup> The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone fronting ES-5. Figure 4, ES-4 & ES-5: 2211 & 2209 Van Ness Avenue – Existing Condition, in Appendix TDM, shows the site and adjacent 2211 Van Ness Avenue AAU site.

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings while supporting neighborhood-serving commercial uses typically located on the ground floor. Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require a CU authorization. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

##### ***Tenant Improvements and Renovations***

Security bars on a first-floor window, a metal fence, and a gate were added after 1998. AAU performed alterations to comply with the Americans with Disabilities Act (ADA) requirements including adding an exterior lift and removing concrete steps on the ground floor, added structural reinforcement stair beams, and installed and subsequently removed a wall sign at ground level.<sup>194</sup> The sign was originally installed without a building permit.

##### ***Required Project Approvals***

The 2209 Van Ness Avenue existing site (ES-5) would require a CU authorization under San Francisco Planning Code (Planning Code) Sections 303 and 209.3, and a building permit under Planning Code Section 171 to change the use from residential to student housing (group housing for a postsecondary educational institution) within an RC-3 Zoning District. Since ES-5 involves the

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<sup>190</sup> 2011 IMP, p. 101.

<sup>191</sup> Geologica, Inc., Phase I Environmental Site Assessment for 2209 Van Ness Avenue, March 2003, pp. 7-9.

<sup>192</sup> 2011 IMP, p. 101.

<sup>193</sup> 2011 IMP, p. 101.

<sup>194</sup> Building Permits obtained for the improvements and renovations at ES-5 are: BPA# 9802790 and BPA #9900915 (handicap-accessible improvements), #200407027975 (structured reinforcement), #200804028570 (sign installation, permit never issued); and #201301248666 (sign removal).



**Photograph 27. 2209 Van Ness Avenue (ES-5).**



**Photograph 28. Mid-block Van Ness Avenue, facing east.**



**Photograph 29. Mid-block Van Ness Avenue, facing south.**

conversion of a residential unit to student housing, which is not permitted per Section 317(f)(1), a legislative amendment to the subject Code section is required. Any unpermitted alterations would require a building permit that would be subject to historic preservation design review.

### **Plans and Policies and Land Use**

ES-5 is located in the Pacific Heights neighborhood. In the immediate vicinity of ES-5 there are a mix of uses including residential and office uses. The ES-5 building is four stories, and was previously used as a single-family dwelling prior to the International Institute of San Francisco, an immigrant advocacy, purchasing the property in 1953.

ES-5 is situated on Van Ness Avenue, a major north-south thoroughfare that serves as U.S. 101 through San Francisco to the Golden Gate Bridge. Near ES-5, Van Ness Avenue has three lanes in each direction with a planted median. Parallel parking is limited to 2 hours for non-residential cars on both sides of Van Ness Avenue. The Van Ness Bus Rapid Transit Project is scheduled to begin construction in 2016 and will include 2 miles of dedicated transit-only lanes near ES-5 that separate transit from traffic, enhancing boarding platforms, and the installation of new traffic signals. Bus stops are located on the northeastern corner of Van Ness Avenue and Broadway, and the southwestern corner of Van Ness Avenue and Vallejo Street. A white passenger loading zone is located in front of ES-5 for AAU shuttle service.

Land use near ES-5 is primarily mixed-use. The block includes a dental office, professional offices, restaurants, a bicycle store, and a spa. Adjacent and south of ES-5 is the Inn on Broadway. The block also has several solely residential-use buildings. A private surface parking lot is located adjacent to 2200 Van Ness Avenue, directly across the street from ES-5.

The zoning along both sides of Van Ness Avenue near ES-5 is RC-3 (Residential – Commercial, Medium Density). RC-3 Zoning Districts provide for a mixture of medium-density dwellings with supporting commercial uses.<sup>195</sup> ES-5 is located in the Van Ness Special Use District. The Van Ness Special Use District's focus is implement the Van Ness Avenue Area Plan, which attempts to revitalize the area by encouraging new retail and housing to facilitate the transformation of Van Ness Avenue into an attractive mixed-use boulevard.<sup>196</sup> The use of ES-4 as student housing is consistent with the Van Ness Area Plan. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

As noted above, the use of ES-5 has been changed by AAU from single-family residential to student housing (group housing for a postsecondary educational institution) use. The change in use of the site to student housing (group housing for a postsecondary educational institution) remains representative of the primarily residential uses in the RC-3 Zoning Districts. However, the change in use at ES-4 conflicts with the Planning Code and requires a legislative amendment for conversion of residential units to student housing. The legislative amendment could be inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid conversion of such affordable housing uses.

Change in use would not physically divide an established community; rather, localized changes in character could occur as the previous use as an office is altered to a student housing (group housing

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<sup>195</sup> Planning Code Section 209.3.

<sup>196</sup> Planning Code Section 243.

for a postsecondary educational institution) use. The change in use would intensify activities and introduce new patterns of use at the site. In addition, the change in use could increase AAU's presence in the area, as the institution occupies student housing at the adjacent property (2211 Van Ness Avenue [ES-4]), and occupies St. Brigid Church [ES-6] at the corner of Van Ness Avenue and Broadway, approximately 175 feet east of ES-5, which is used for lectures.

Student housing (group housing for a postsecondary educational institution) use is subject to approval by the Planning Commission as a CU within an RC-3 District. ES-5 would also require a building permit pursuant to Planning Code Section 171. The ES-5 uses would not, however, conflict with any applicable land use plans, policy, or regulation adopted for the purpose of avoiding or mitigating environmental affects, and the uses as ES-5 would not result in any substantial effects on the environment.

## **Population and Housing**

### ***Population***

Please refer to Section 3.3.2, Population and Housing, for the discussion of the combined population from AAU on-site student population and faculty/staff figures.

The capacity of ES-5 is 56 residents (22 group-housing rooms). The change in use from residential and commercial to student housing (group housing for a postsecondary educational institution) would not substantially alter the population of the building. Conservatively presuming that ES-5 was unoccupied prior to AAU use, the change in population of 56 beds would be insubstantial, as it would represent less than 1 percent of the overall population of San Francisco (829,072).<sup>197</sup> However, the student housing use would likely have a larger population compared to the previous single-family residence.

Because another AAU student housing location is adjacent to ES-4 at 2211 Van Ness Avenue, the neighborhood population of AAU students is relatively high (approximately 76 student residents). Though not heavily used, St. Brigid Church (ES-6) is also located approximately 185 feet to the south at 2151 Van Ness Avenue. The student population would be typical of a vibrant urban neighborhood with a mix of populations and uses.

The site is located within a Priority Development Area (PDA) identified in *Plan Bay Area*.<sup>198</sup> PDAs are areas identified for housing and population growth because of their amenities, services, pedestrian-friendly environment, and transit.<sup>199</sup> Although AAU's change in use would not support new development, its induced population growth, although minimal, would be supported by sustainable City center characteristics (e.g., public transportation and walkability). No substantial effect on population has occurred from the change in use at ES-5.

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<sup>197</sup> U.S. Census Bureau, 2009-2014 5-Year American Community Survey 5-Year Estimates, San Francisco County, Selected Housing Characteristics. Available online at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. Accessed February 2, 2016.

<sup>198</sup> ABAG, *Plan Bay Area*, Priority Development Area Showcase. Available online at <http://gis.abag.ca.gov/website/PDAShowcase/>. Accessed on November 10, 2015.

<sup>199</sup> ABAG, *Plan Bay Area*, p. 2, July 18, 2013. Available online at [http://files.mtc.ca.gov/pdf/Plan\\_Bay\\_Area\\_FINAL/Plan\\_Bay\\_Area.pdf](http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf). Accessed on November 10, 2015.

## ***Housing***

Please refer to Section 3.3.2, Population and Housing, for housing characteristics of San Francisco and AAU. The housing demand created by ES-5 and all existing sites is discussed under the combined housing discussion, pp. 3-15 – 3-18.

The change in use at ES-5 from single-family residential to student housing (group housing for a postsecondary educational institution) has incrementally intensified housing demand created by AAU students and faculty/staff, as a residential unit was converted to student housing and this unit was removed from the housing market. The change of use at ES-5 could have resulted in displacement of people and existing housing units; however, the previous use as one dwelling unit would not necessitate the need to construct replacement housing elsewhere. If AAU housing was not offered, students would seek private housing within various areas of the City or around the Bay Area. However, conversion of rental units is not consistent with the San Francisco General Plan Housing Element Policy 3.1., intended to preserve rental units, especially rent controlled units, to meet the City's affordable housing needs. All former residents of the building moved to housing elsewhere. ES-5 provides 56 beds of the 1,810 beds that AAU provides for students and supplements some housing demand created by AAU.

Due to the conversion of group-housing units, the change in use is subject to Planning Code Section 317(b)(1), which indicates that the change of occupancy from a dwelling unit, group housing, or single-room occupancy (SRO) to student housing is considered a conversion of a residential unit. Planning Code Section 317 (f)(1) prohibits the conversion of a residential unit to Student Housing. The intent of the Student Housing Legislation is to preserve rent-controlled housing and permanently affordable residential hotels and single-room occupancy units.

## **Aesthetics**

ES-5 is located along the Van Ness Corridor within the Pacific Heights neighborhood. The Nob Hill and Russian Hill neighborhoods are located on the east side of Van Ness Avenue, to the south and north of Broadway, respectively. ES-5 is a notable example of Classical Revival residential architecture and representative of the Van Ness Corridor prior to the 1906 Earthquake and Fire. The building is set back and elevated from the sidewalk with two-story columns on the façade. A mature street tree is located directly in front of the building on Van Ness Avenue. ES-5 is bounded by Van Ness Avenue to the east, another AAU building (ES-4) to the north, a hotel to the south, and a backyard to the west.

Van Ness Avenue (U.S. 101) is a major arterial roadway linking Lombard Street and the Golden Gate Bridge to the north and U.S. 101 to the south. In addition, other nearby streets including Franklin Street, Gough Street, Broadway, and Polk Street are all moderate- to heavily-traveled thoroughfares that link neighborhoods in the City. As such, vehicular traffic is a major contributor to the visual environment near ES-5.

Much of the streetscape is dominated by low- to moderate-scale residential and commercial buildings with some neighborhood-serving retail and restaurant uses on the ground floor. Many of the buildings on the western side of Van Ness Avenue, on the subject block, are set back from the sidewalk and have fencing and landscaping as a visual buffer. Generally, buildings across the street from ES-5 have larger massing and no setback, creating a continuous façade. A variety of architectural styles

that include differing building materials and patterns, window patterns, and rooflines are present; however a majority of the buildings on the subject block appear older and were likely built pre-1960.

ES-5 is located on and viewable from Van Ness Avenue, which is designated as a street that defines City form and is important for significant building viewing.<sup>200</sup> The density of development, abundance of active vehicular thoroughfares, and dynamic land uses generates a substantial amount of pedestrian and vehicle traffic that adds to the visual character of the area.

The change in use at ES-5 has caused minimal visual changes to the building and neighborhood. The installation of security fencing, security bars on a first-floor window, and an ADA lift do not degrade the visual quality of the building or neighborhood. One piece of AAU signage is attached to the fence and another is mounted to a metal post adjacent to the building. AAU reports that the signage has been removed. Nevertheless, the small signage is comparable to other advertising in the area including signs relating to a bicycle shop, spa, dentist office, and restaurant that are also located on Van Ness Avenue between Broadway and Vallejo Street. Therefore, no substantial adverse aesthetic effect has occurred from the change in use at ES-5.

## **Cultural and Paleontological Resources**

### ***Historic Architectural Resources***

#### **Building Description**

The building at 2209 Van Ness Avenue (ES-5) was constructed in 1901, originally as a single-family residence before its conversion to a restaurant, and then as home to the International Institute. The rectangular-shaped plan building is set back and elevated from the sidewalk. Located on a rectangular, sloped lot, the building has a primary elevation fronting Van Ness Avenue and secondary elevations facing the neighboring properties. The Classical Revival style building has a four story volume is capped with a hipped roof and a symmetrical façade. The shallow roof eaves terminate in a molded cornice and dentil course.

Classical Revival ornamental detailing is present throughout the primary façade. The rounded concrete porch with brick siding, granite steps, marble porch floor, and a concrete balustrade leads to a central main entry. The main entry features wood double-doors with glass panels and decorative screens and an arched transom above. A decorative surround and lintel frame the entry way. Prominent, two-story Ionic columns flank the main entry and a second-story balconette with decorative iron railing and scrolled brackets. Paired oculus windows overlook the second-story balconette. On the outside of the Ionic columns are wood-frame sash windows. The dormer protruding from the hipped roof surmounts the columns and has a centered Palladian window. Secondary elevations are visible on the south and west elevations. The south elevation, visible along a narrow walkway leading to the rear of the property, features Classical Revival features and rectangular windows. The west (rear) elevation has doors leading to the first and basement stories with rectangular windows. A second story addition projects to the west and is supported by squared columns. A simplified version of the original structure's cornice line surrounds the addition's flat roof. Wood-framed sash windows and jalousie windows are present of the secondary elevations in

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<sup>200</sup> San Francisco Planning Department, *San Francisco General Plan*, Urban Design Element, Map 11, Street Areas Important to Urban Design and Views.

various configurations. Security bars have been added over the basement story windows (for representative photographs refer to Photographs 30 and 31).



**Photograph 30. 2209 Van Ness Avenue.**



**Photograph 31. 2209 Van Ness Avenue, close up of the yard and security fence on the primary elevation**

### Site History

The single-family residence at 2209 Van Ness Avenue was designed by architect Moses J. Lyon for Ida and Abraham Brown in 1901. Moses J. Lyon was a noted San Francisco architect who came to California in 1884 and was a student of H.C. Macy before studying at the Columbia College Metropolitan Art School of New York City.<sup>201</sup> Some of his more prominent works in San Francisco include 1881 Bush Street (Ohabai Shalome Synagogue, 1895), 381–383 Bush Street (J.E. Adams Building, 1902), and 721 Filbert Street (Hildebrand Stables, 1906).

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<sup>201</sup> Survey File for 2209 Van Ness Avenue, on file at the San Francisco Planning Department.

Louis Metzger bought the house from the Browns for his family in 1910 for a price of \$50,000. He added the rear addition in 1916, reported with the help of the original architect Moses Lyons.<sup>202</sup> Mr. Metzger would own the house until 1924 when it was sold to Raymond and Suzan Duhem.

For the next 29 years the building housed a variety of businesses, including a dressmaking shop and a dancing school, until it was purchased in 1953 by the International Institute of San Francisco, a non-profit which “welcomes, educates, and serves immigrants refugees and their families as they join and contribute to the community.”<sup>203</sup> The International Institute hired the architectural firm of Hardin and Choy to do a structural and space plan analysis in 1985. Later that year the International Institute completed some exterior repairs and seismic upgrades to the building. The International Institute continued to function in 2209 Van Ness Avenue, until the late 1990s. Prior to AAU’s occupation of the building in 1998, building permits indicate the building was owned by Andrew Meieran. Alterations completed since AAU’s occupation of the building include the installation of an ADA lift and removal of concrete steps along the ground level of the primary elevation, and the installation of security fence and window bars.

### California Register of Historical Resources Evaluation

2209 Van Ness appears individually eligible for the California Register of Historical Resources (CRHR) under Criterion 1, as an example of early, single-family residential development along the Van Ness Avenue corridor prior to the 1906 Earthquake and Fire. The property also qualifies individually under CRHR Criterion 3, as a notable intact example of Classical Revival residential architecture along the Van Ness Avenue corridor.

In addition to meeting the applicable eligibility criteria, a property must retain historic integrity, which is defined in National Register Bulletin 15 as the “ability of a property to convey its significance.”<sup>204</sup> In order to assess integrity, the National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven aspects: Location, Design, Setting, Materials, Workmanship, Feeling, and Association (each aspect is defined in National Register Bulletin 15). 2209 Van Ness Avenue retains integrity and is CRHR eligible. The period of significance is 1901–1916, with the end date corresponding to the addition constructed on the rear of the property.

### Character-Defining Features Summary

#### *Exterior*

- Four story volume capped with a hipped roof
- Set back and elevated from the sidewalk
- Shallow roof eaves terminating in molded cornice and dentil course
- Prominent, two-story engaged Ionic columns on façade

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<sup>202</sup> Building Permit 70561; Letter from John F. Fitzgerald dated February 18, 1965, San Francisco Planning Van Ness Survey File.

<sup>203</sup> International Institute of the Bay Area, [www.iibayarea.org/about/](http://www.iibayarea.org/about/). Accessed January 2016.

<sup>204</sup> National Park Service, National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, National Register Branch, 1990.

- Classical Revival ornamental program
- Centered second-story balconette with decorative iron railing and scrolled brackets
- Lower rounded concrete porch with brick siding and balustrade
- Wood-frame sash windows with lead window on north rear elevation
- Paired oculus windows overlooking 2<sup>nd</sup> story balconette
- Granite steps and marble porch floor
- Square Ionic columns and pilasters
- Original wood main entry door
- Pediment roof dormer

### Secretary of the Interior's Standards Analysis

This section presents a description and analysis of all known alterations carried out by AAU on character-defining features and spaces for compliance with the *Secretary's Standards for Rehabilitation*. The analysis includes the applicable Standards for Rehabilitation for each given project. See Appendix HR for a Table presenting an analysis of the AAU alterations and their compliance with each of the Secretary's Standards.

**Rehabilitation Standard No. 1:** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

**ADA Lift and Removal of Stairs:** The project does not involve a change in use that resulted in major changes to distinctive materials, features, spaces, and spatial relationships, and therefore complies with Rehabilitation Standard No. 1.

**Security Fence and Window Bars:** The project does not involve a change in use that resulted in major changes to distinctive materials, features, spaces, and spatial relationships, and therefore complies with Rehabilitation Standard No. 1.

**Rehabilitation Standard No. 2:** *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 2. The ADA lift provides access through a double-wide entryway that was created in 1953. Building permits and information included in the City Planning Survey File indicate that the 1953 opening was added to provide access to the basement and included the installation of double wood- and glass-doors underneath a glass transom and accessed via a non-original concrete pathway and short stairway. This change occurred outside of the building's period of significance (1901–1916) and does not appear to have acquired significance in its own right. As a result, the installation of the ADA lift, which also included alteration of the stairs and pathway, and potential replacement of the double doors, has only affected elements of the building that are not original and not considered to be character-defining. The lift does not affect any other features of the building or its design that convey the reasons for its historical significance.

**Security Fence and Window Bars:** The project complies with Rehabilitation Standard No. 2. The security fence and window bars do not obscure any of the building's character-defining features.

**Rehabilitation Standard No. 3:** *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 3. The ADA lift is clearly modern and does not create a false sense of historical development.

**Security Fence and Window Bars:** The project complies with Rehabilitation Standard No. 3. Although historic photographs indicate that there was no security fence during the period of significance (1901–1916), the extant security fence and window bars do not create a false sense of historical development.

**Rehabilitation Standard No. 4:** *Changes to a property that have acquired significance in their own right will be retained and preserved.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 4. The double-wide entry where the ADA lift was located was completed in 1953. The property's period of significance is defined as 1901–1916 and research failed to identify any historic associations that would suggest the 1953 entry had acquired significance in its own right.

**Rehabilitation Standard No. 5:** *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 5. The project involved noncontributing features and spaces.

**Security Fence and Window Bars:** The project complies with Rehabilitation Standard No. 5. The installation of the security fence and window bars resulted in minimal damage to historic materials.

**Rehabilitation Standard No. 9:** *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and environment.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 9. The ADA lift provides access through a double-wide entryway that was created in 1953. Building permits and information included in the City Planning Survey File indicate that the 1953 opening was added to provide access to the basement and included the installation of double wood- and glass-doors underneath a glass transom and accessed via a non-original concrete pathway and short stairway. This change occurred outside of the building's period of significance (1901–1916) and does not appear to have acquired significance in its own right. As a result, the installation of the ADA lift, which also included alteration of the stairs and pathway, and potential replacement of the double doors, has only affected elements of the building that are not original and not considered to be character-defining. It is clearly modern and is differentiated from the old work, while remaining compatible in overall scale and proportion.

**Security Fence and Window Bars:** The project complies with Rehabilitation Standard No. 9. The security fence and window bars are compatible in scale and appearance, and do not obscure character-defining features.

**Rehabilitation Standard No. 10:** *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

**ADA Lift and Removal of Stairs:** The project complies with Rehabilitation Standard No. 10. The ADA lift is generally compatible in scale and appearance, they do not obscure character-defining features, and their removal would not result in any impairment to the building.

**Security Fence and Window Bars:** The project complies with Rehabilitation Standard No. 10. The security fence and window bars are compatible in scale and appearance, do not obscure character-defining features, and their removal would not result in any impairment to the building.

### Conclusion

The projects comply with the SOIS and no Condition of Approval is recommended at this time.

### ***Archaeology and Paleontology***

Building alterations at ES-5 were limited to interior improvements or minor exterior non-structural alterations that did not involve ground-disturbing activities. Due to the fact that the alterations were limited to the interior of the building, no effects on archaeological and paleontological resources have occurred.

### **Transportation and Circulation**

The AAU residential building at 2209 Van Ness Avenue is immediately contiguous to the 2211 Van Ness Avenue (ES-4) AAU student housing site. ES-5 is located on the west side of Van Ness Avenue, approximately mid-block between Vallejo Street and Broadway in the Pacific Heights neighborhood. The 6,368 square-foot site is located in a residential and commercial district and is adjacent to other residential zoning districts (RH-3 and RM-3) to the west. The approximately 11,897-square-foot, three-story structure was built as a residential building in 1912, and utilized by the International Institute of San Francisco in the 1950s-1990s. AAU has approximately 11,897 gross square feet of residential use comprising of 22 group-housing units with a total of 56 beds.

No vehicle parking is provided on site. The primary and the only pedestrian access to the site is provided from Van Ness Avenue through the gated doorway. There is one bicycle rack (about nine spaces) in the rear courtyard. AAU shuttle bus route M uses the 40-foot-long white passenger-loading zone in front of the building. This shuttle serves the 2211, 2209, and 2151 Van Ness Avenue sites (ES-4, ES-5, and ES-6).

As shown in Table 9, Existing Sites PM Peak Hour Person and Vehicle Trips by Mode, p. 3-27, the student housing use at ES-5 generates approximately 21 person trips (10 inbound trips and 11 outbound trips) and no vehicle trips during the weekday PM peak hour.

## **Traffic**

The 2209 Van Ness Avenue site is immediately contiguous to the 2211 Van Ness Avenue site (ES-4); thus, it is served by the same streets as 2211 Van Ness Avenue: Van Ness Avenue, Broadway, and Vallejo Street. In the vicinity of these AAU sites, Van Ness Avenue and Broadway have a mixture of office, retail, institutional, and residential uses. Vallejo Street has mostly residential uses. Van Ness Avenue is also U.S. 101, which has heavy traffic during the morning and afternoon peak periods. Traffic volumes are moderate to heavy along Broadway, and are light along Vallejo Street. The heaviest traffic movements in the project vicinity are on the southbound Van Ness Avenue approach to Broadway eastbound, especially during the AM peak period and along Broadway in the westbound approach to Van Ness Avenue northbound in the PM peak period.

There are two Muni routes in the site vicinity, 47-Van Ness and the 49-Van Ness/Mission, both of which operate along Van Ness Avenue. In 2010, four AAU shuttle bus routes (D, M, Q, and R) stopped at ES-5, which also served ES-4 and ES-6 at 2151 Van Ness Avenue, located 270 feet to the south; as of spring 2015, only route M provides shuttle service at these three sites.

The following presents a discussion of existing roadway systems in the vicinity of ES-5, including roadway designations, number of lanes, and traffic flow directions. The functional designation of these roadways was obtained from the *San Francisco General Plan* and *Better Streets Plan*.<sup>205, 206</sup> Roadways identified under the *Vision Zero San Francisco Two-Year Action Strategy* are also noted.<sup>207</sup>

**Van Ness Avenue** is a north-south commercial throughway that runs between North Point Street and Market Street, where it becomes South Van Ness Avenue. Van Ness Avenue, with its connection to Lombard Street, is also designated as U.S. 101 through the City. Van Ness Avenue has three lanes in each direction and a mix of metered and unmetered (2-hour time restricted) parking in the vicinity of the AAU site. The *San Francisco General Plan* classifies Van Ness Avenue as a Major Arterial in the CMP Network; it is also part of the MTS Network, a Transit Preferential Street (Transit Important Street), part of the Citywide Pedestrian Network, and a Neighborhood Pedestrian Street (Neighborhood Commercial Street). Van Ness Avenue is designated as a High Injury Corridor in the City's Vision Zero network.

**Vallejo Street** is an east-west street that runs between The Embarcadero and Lyon Street. In the vicinity of the AAU site, Vallejo Street has one travel lane in each direction and a mix of metered and unmetered (2-hour time restricted) parking on both sides of the street.

**Broadway** is an east-west street that runs between The Embarcadero and Lyon Street. In the vicinity of the AAU site, Broadway has two travel lanes in each direction and a mix of metered and unmetered (2-hour time restricted) parking on both sides of the street. The *San Francisco General Plan* identifies Broadway as a Major Arterial in the CMP Network. Broadway is designated as a High Injury Corridor in the City's Vision Zero network.

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<sup>205</sup> San Francisco Planning Department, *San Francisco General Plan*, Transportation Element, July 1995.

<sup>206</sup> San Francisco Planning Department, *San Francisco Better Streets Plan*, December 2010.

<sup>207</sup> San Francisco Municipal Transportation Agency, *Vision Zero San Francisco Two-Year Action Strategy*, February 2015.

The student housing uses at ES-4 2209 Van Ness Avenue and ES-5 2211 Van Ness Avenue are not expected to generate a substantial amount of vehicle trips to adjacent streets because residential students are discouraged from driving private automobiles, but the institutional use at 2151 Van Ness Avenue (ES-6) located approximately 210 feet south of ES-5 would add approximately seven vehicle trips to adjacent streets during the PM peak hour. Based on this level of additional vehicle traffic, traffic operating conditions in the project vicinity would not be substantially altered by AAU uses at either 2209 or 2211 Van Ness Avenue or at 2151 Van Ness Avenue.

**Transit**

The student housing use at ES-5 generates approximately one transit trip during the PM peak hour. This is primarily due to residential students utilizing AAU shuttles, including on weekends. Similar to 2211 Van Ness Avenue (ES-4), ES-5 is served by Muni bus lines 47-Van Ness and 49-Van Ness/Mission, both of which travel along Van Ness Avenue, and the 19-Polk route on Polk Street (see Figure 7, p. 4-114). These routes provide further connections to Muni rail service on Market Street and other east-west routes, such as 10-Townsend, 12-Folsom/Pacific, and 27-Bryant. The nearest bus stops to the AAU site are located on Van Ness Avenue between Vallejo Street and Broadway, and they include shelters and signage with transit information. There are also eight Golden Gate Transit bus lines (e.g., Routes 10, 54, 56, 70, 72X, 93, 101 and 101X) that use the bus stop on Van Ness Avenue north of Broadway.

The AM, midday, and PM frequencies of the Van Ness Avenue lines as well as the passenger load and capacity utilization at the maximum load point (MLP) during the PM peak hour are presented in Table 42.

**Table 42. 2209 Van Ness Avenue – Muni Service Frequencies and Capacity Utilization at Maximum Load Point: Weekday PM Peak Hour**

Bus Lines	Route	Frequency of Service (Minutes)			PM Peak Hour Capacity (Outbound)		
		AM Peak	Midday	PM Peak	Peak Hour Load	MLP	PM Peak Hour Capacity Utilization
19 – Polk	Hunter’s Point to Fisherman’s Wharf via Civic Center	15	15	15	124	Polk St/ Sutter St	49%
47 – Van Ness	Caltrain Depot to Beach, Townsend, Mission, Van Ness and North Point	10	10	10	222	Van Ness Ave/ O’Farrell St	58%
49 – Van Ness/ Mission	City College to North Point via Ocean, Mission, and Van Ness	8	9	8	338	Van Ness Ave/ McAllister St	47%

Source: SFMTA, 2015; San Francisco Planning Department Transit Data for Transportation Impact Studies Memorandum (updated May 15, 2015).

As part of the SFMTA's Muni Forward, the following change is proposed:

- The Van Ness Corridor Transit Improvement Project will implement the Bus Rapid Transit (BRT) along Van Ness Avenue, which is expected to reduce travel times for the routes 47-Van Ness and 49-Van Ness/Mission by 32 percent (this project has been approved). Proposed improvements include dedicated transit-only lane for use by Muni and Golden Gate Transit buses only, enhanced traffic signals optimized for north-south traffic with Transit Signal Priority system, low-floor vehicles and all-door boarding, safety enhancements for pedestrians, and boarding islands located at consolidated transit stops located along Van Ness Avenue at key transfer points.

The one PM peak hour transit trip generated by the AAU student housing use at ES-5 in combination with the one other transit trip from 2211 Van Ness Avenue (ES-4) and 22 transit trips from 2151 Van Ness Avenue (ES-6) are distributed to several routes and generally accommodated on existing transit service. Based on the location of the shuttle zone in front of the building, AAU shuttle service to the site has not substantially conflicted with the operation of transit vehicles on nearby streets.

### *Shuttle*

The student housing land use at ES-5 generates approximately 12 shuttle riders during the PM peak hour with approximately six riders in each direction. The 40-foot-long white passenger loading zone located in front of this site on Van Ness Avenue also serves the adjacent 2211 Van Ness Avenue student housing site (ES-4) and the 2151 Van Ness Avenue academic site (ES-6). In 2010, this site was served by AAU shuttle bus routes D, M, Q and R, with 20-minute, 60-minute, 30-minute, and 30-minute headways, respectively, throughout the day. The total seating capacity for these four routes was 299 seats in the PM peak hour. Routes D, M, Q and R operated at 30, 44, 29, and 18 percent capacity utilization, respectively, at the MLP during the PM peak hour. During the shuttle peak hour, routes D, M, Q and R operated at 64, 81, 96, and 55 percent capacity utilization, respectively, at the MLP. MLPs occur at 860 Sutter Street on Route D, at 860 Sutter Street on Route M, at 1849 Van Ness Avenue on Route Q, and at 1916 Octavia Street on Route R. Due to excess shuttle capacity, the site is currently (2015) served by one (reduced from four) shuttle route (Route M). Route M operates with 20-minute headways, which represents a total seating capacity of 72 over the PM peak hour. The 12 PM peak hour shuttle bus riders, in combination with the estimated eight shuttle bus riders at the 2211 Van Ness Avenue (ES-4) and seven shuttle bus riders at 2151 Van Ness Avenue (ES-6) sites, are accommodated on this route. However, since this route also stops at other residential locations prior to this site, a Condition of Approval to assess and monitor shuttle demand on this route (Route M) is recommended below.

Shuttle bus route M uses the existing 40-foot-long passenger-loading white zone in front of ES-5. The hours of operation for the shuttle bus zone are between 7:00 a.m. and 12:00 a.m. Monday through Sunday. In 2010, several shuttle buses used the 60 foot-long shuttle-only passenger loading zone at the time, which is now reduced to 40 feet long. Since only one shuttle bus route currently (2015) provides service to all three of the Van Ness Avenue sites (ES-4, ES-5, and ES-6), it is recommended that the white zone in front of ES-5 be reduced in size consistent with the typical 20 to 25 feet of a Regular stop, as described in the AAU shuttle policy. This recommended Condition of Approval is presented below.

In 2010, several shuttle buses (D, M, Q, and R) used the at the time 60-foot-long shuttle-only passenger loading zone in front of the 2209 Van Ness Avenue site. As of 2015, this shuttle zone has been reduced to a 40-foot-long shuttle zone. The remaining 20 foot-long white zone has been returned to the public for general parking. Observations during the midday period noted that there were no instances of shuttle buses double parking or stopping within the traffic lane on Van Ness Avenue, and passengers were able to board and alight at ease.<sup>208</sup>

Van Ness Avenue is not a designated bicycle route; thus the AAU shuttle stop and service on Van Ness Avenue do not directly conflict with bicycle traffic. Van Ness Avenue is used by Muni bus lines 47-Van Ness and 49-Van Ness/Mission with the combined frequency of every five minutes during the PM peak hour. Shuttle buses were observed to fully pull into the designated shuttle bus zone without substantial conflicts with Muni transit vehicles.

### ***Pedestrian***

The student housing land use at ES-5 generates 20 pedestrian trips, including seven walking, one transit and 12 shuttle trips during the PM peak hour. The 12 shuttle walking trips are short in length from the building entrance to the shuttle zone on Van Ness Avenue in front of the building. In addition, 25 shuttle riders (eight from 2211 Van Ness Avenue [ES-4] and 17 from 2151 Van Ness Avenue [ES-6]) walk to the ES-5 shuttle bus stop during the PM peak hour. Both Broadway and Van Ness Avenue are designated as High Injury Corridors under the City's Vision Zero Improvement Plan.<sup>209</sup> Pedestrian facilities in the vicinity of this site include Van Ness Avenue, Vallejo Street, and Broadway, with approximately 16- and 10-foot-wide sidewalks respectively, and they are described under the adjacent AAU site, 2211 Van Ness Avenue (ES-4). Intersections near the AAU site have well-defined crosswalk markings, pavement delineations, and traffic lights. There is no curb cut bordering this site. The primary and the only pedestrian access to the site is from Van Ness Avenue through the gated doorway.

As indicated in the discussion of 2211 Van Ness Avenue (ES-4), pedestrian volumes in the area were observed to be generally low and no indications of overcrowding or conflicts were observed. The 20 pedestrian trips at ES-5, 14 pedestrian trips for the adjacent 2211 Van Ness Avenue (ES-4), and 35 pedestrian trips at the 2151 Van Ness Avenue (ES-6) add pedestrian volumes in the project area, but are accommodated on the adjacent 10- and 16-foot sidewalks. A recommended Condition of Approval to assess/monitor shuttle service is included below. If shuttle service could meet the demand at 2151 Van Ness Avenue (ES-6), students would not need to gather or wait for shuttles in front of the 2209 Van Ness Avenue (ES-5) residential building.

### ***Bicycle***

The student housing land use at ES-5 generates one bicycle trip during the PM peak hour. Van Ness Avenue is not a bicycle route. However, Route 25 on Polk Street and Route 210 on Broadway are located within one block of the site. The site's one PM peak hour bicycle trip, even in combination with the one PM peak hour bicycle trip from the adjacent 2211 Van Ness residential site (ES-4) and

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<sup>208</sup> Field observation was made by CHS on Tuesday July 14, 2015 between 1:00 p.m. and 3:00 p.m.

<sup>209</sup> *Vision Zero San Francisco Two-Year Action Strategy*, February 2015.

the one bicycle trip from 2151 Van Ness Avenue (ES-6), has not substantially affected the operation or capacity of bicycle facilities in the area. There is one bicycle rack located in the rear courtyard of the building with a total of nine Class II bicycle parking spaces.<sup>210</sup> Another bicycle rack could be accommodated in the rear courtyard. This site generates a demand for approximately three bicycle parking spaces, which are generally accommodated in the existing bicycle parking spaces.<sup>211</sup> Pursuant to Planning Code Section 155.2, the 56-bed student housing use at ES-5 is required to provide 14 Class I bicycle parking spaces.<sup>212</sup> Therefore, a Condition of Approval related to additional Class I bicycle parking is recommended below.

### ***Loading***

As with 2211 Van Ness Avenue (ES-4), the AAU student housing use at ES-5 generates limited freight loading demand (less than one daily truck trip). There are no on-street freight loading (yellow) spaces adjacent to the site. This site does not have any off-street loading spaces. It is likely that the infrequent commercial deliveries to the site utilize the nearest commercial zone such as the one located on the north side of Vallejo Street west of Van Ness Avenue, approximately 240 feet north of the AAU site. Additionally, there are approximately four white passenger loading spaces adjacent to the site, including 20 feet on the south side of Vallejo Street, 40 feet in front of ES-5 (used as a shuttle stop), and 16 feet on the north side of Broadway.

Site visits did not indicate regular freight/delivery activities to the site. Since parking utilization in the area is moderate to high during the midday period, any delivery vehicles are required to find available parking, which could be more than one block away. Due to the low daily delivery activity related to the residential use as noted during site visit and lower traffic volumes during weekday midday along Van Ness Avenue, loading demand is accommodated in areas near the site. As discussed in the Shuttle subsection, above, a recommended Condition of Approval is suggested to reduce the size of the white zone in front of 2209 Van Ness Avenue.

Garbage collection at this site occurs on the west side of Van Ness Avenue, located next to the entrance of the site. Trash receptacles are placed along the sidewalk at designated areas. Garbage collection along Van Ness Avenue at this location occurs three times a week in the late night hours.

### ***Parking***

The AAU student housing use at ES-5 is not expected to generate parking demand throughout the day since students are discouraged from bringing private vehicles to San Francisco.<sup>213</sup> The site does not provide any off-street parking spaces. Although the site has not resulted in an increase in parking demand, an on-street parking survey was conducted along streets adjacent to the site and other nearby AAU sites (2211 Van Ness Avenue [ES-4] and 2151 Van Ness Avenue [ES-6]) during a typical

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<sup>210</sup> Bicycle parking data was provided by AAU and verified by Planning Department staff.

<sup>211</sup> Bicycle parking demand is estimated by dividing the total daily bicycle trips (11.7 times of PM peak hour trips for institutional buildings or 5.8 times of PM peak hour trips for residential buildings) by two to discount a round trip and by four to account for a daily turnover rate.

<sup>212</sup> Planning Code Section 155.2 requires that one Class I space is provide for every four beds. For buildings containing over 100 beds, 25 Class I spaces plus one Class I space are provided for every five beds over 100. A minimum of two Class II spaces are provided for every 100 beds. Student housing shall provide 50 percent more spaces than would otherwise be required.

<sup>213</sup> Student FAQs, <http://www.academyart.edu/faqs/faqs-student>, accessed on April 20, 2016.

weekday midday period (1:00 p.m. and 3:00 p.m.) on Wednesday, July 15, 2015. Detailed parking inventory, supply, and occupancy information is provided in Appendix TR-J.

On-street parking spaces bordering ES-5 and the other nearby AAU sites at 2211 Van Ness Avenue (ES-4) and 2151 Van Ness Avenue (ES-6) are generally time limited (2-hour) and unmetered except for portions of Vallejo Street, Van Ness Avenue (between Broadway and Pacific Avenue) and Pacific Avenue which also have metered parking. Table 43 summarizes on-street parking supply and weekday midday occupancy for streets near ES-5 and other nearby AAU sites such as 2211 Van Ness Avenue (ES-4) and 2151 Van Ness Avenue (ES-6). There are a total of 55 on-street parking spaces surrounding these sites. During the survey period, parking occupancy was very high, averaging about 95 percent between 1:00 p.m. and 3:00 p.m. However, the AAU student housing use at 2211 Van Ness Avenue is not expected to have substantially added to this existing condition. As indicated under the Shuttle discussion, a recommended Condition of Approval is suggested to reduce the size of the white loading zones in front of ES-4 and ES-5, potentially expanding the on-street parking and/or commercial loading spaces in front of the site.

**Table 43. 2209 Van Ness Avenue – On-Street Parking Supply and Occupancy (Midday Peak)**

Street	From	To	Side	Supply	Occupied	% Utilization
Vallejo St	Franklin St	Van Ness Ave	South	6	6	100%
Van Ness Ave	Vallejo St	Broadway	West	6	6	100%
Broadway	Franklin St	Van Ness Ave	North	14	13	93%
			South	8	8	100%
Van Ness Ave	Broadway	Pacific Ave	West	5	5	100%
Pacific Ave	Franklin St	Van Ness Ave	North	16	14	88%
<b>Total</b>				<b>55</b>	<b>52</b>	<b>95%</b>

Note: Parking utilization above 100 percent indicates double parking or other illegal activity.

Source: CHS Consulting Group, 2015.

An off-street parking inventory is presented for the study area generally bounded by Union Street, Gough Street, Jackson Street, and Larkin Street. Table 44 shows there is one public off-street parking facility within the study area with a total of 111 parking spaces. Parking occupancy at off-street parking facilities was not observed.

**Table 44. 2209 Van Ness Avenue– Off-Street Parking Supply**

Address	Type	Capacity
1650 Jackson St	Garage	111
<b>Total</b>		<b>111</b>

Source: SF Park, 2011; CHS Consulting Group, 2015.

### ***Emergency Vehicle Access***

Similar to 2211 Van Ness Avenue (ES-4), San Francisco Fire Department Stations #38 (2150 California Street) and #16 (2251 Greenwich Street) are the closest stations to ES-5, approximately 0.4 miles north and south of the site, respectively. From the stations, vehicles are able to access the AAU site via Van Ness Avenue and would be able to park along Van Ness Avenue.

### ***Existing Constraints and Proposed Conditions of Approval***

Based on the above discussion, constraints on the AAU use of ES-5 include a potential need for additional shuttle service, a shuttle zone that is larger than needed, and a lack/limited amount of bicycle parking available at the site. To address these constraints, the following improvement/conditions are recommended for consideration by decision makers:

**Recommended Condition of Approval, ES-5: TR-1, Shuttle Demand and Capacity.** Consistent with AAU Shuttle Policy, AAU shall continue to assess, adjust and monitor the shuttle bus capacity for Route M, potentially increasing frequency or capacity to meet the measured demand of this and other academic and residential buildings along the route.

**Recommended Condition of Approval, ES-5: TR-2, Shuttle Loading Zone.** AAU shall shorten the existing 40-foot-long white zone in front of the 2209 Van Ness Avenue site since only Route M serves the site at this time and a regular shuttle stop per AAU's shuttle policy is typically 20 to 25 feet in length. The type of on-street parking created shall be coordinated with SFMTA.

**Recommended Condition of Approval, ES-5: TR-3, Class I Bicycle Parking.** AAU shall add a 14 Class I bicycle parking spaces at 2209 Van Ness Avenue. Bicycle parking shall be consistent with San Francisco Planning Department guidance, including being conveniently located and easily accessed from the ground floor (at grade level).

### **Noise**

A summary of the methodology used to analyze noise effects and a discussion of estimated construction noise and vibration effects are presented in Chapter 3, Combined Analysis, on pp. 3-46 to 3-47. The methodology and construction effects are applicable to all of the AAU existing sites, and have not been repeated here.

The residential use at 2209 Van Ness Avenue (ES-5) is immediately contiguous to ES-4 at 2211 Van Ness Avenue, another AAU residential site. ES-5 is located on the west side of Van Ness Avenue, approximately mid-block between Vallejo Street and Broadway in the Pacific Heights. The 6,368 square-foot site is located in a residential and commercial district. The shuttle stop serving ES-5 was in front of the building in 2010. ES-5 has 22 rooms, with approximately 56 beds. No vehicle trips are generated by the uses in ES-5; students use the AAU shuttle system, bicycles, and public transit.<sup>214</sup> According to the San Francisco Transportation Noise Map,<sup>215</sup> the existing traffic noise level near ES-5 from vehicular traffic along Van Ness Avenue was approximately 75 dBA L<sub>dn</sub> in 2008, indicating a noisy commercial environment. Traffic-generated noise levels along these streets

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<sup>214</sup> CHS Consulting Group, AAU ESTM Transportation Section Draft #1A, January 2016.

<sup>215</sup> San Francisco Department of Public Health, 2008. *Transportation Noise Map 2008*. Accessed at <https://www.sfdph.org/dph/files/EHSdocs/ehsNoise/TransitNoiseMap.pdf>

currently exceed the “satisfactory” level for a residential land use, according to the *San Francisco General Plan*.

AAU did not install or modify any existing rooftop mechanical equipment at ES-5. Since there are no new rooftop stationary sources at the site, there would have been no increase rooftop mechanical equipment noise that did not already exist prior to AAU occupation. In addition, the activities in the ES-5 building would have been and continue to be required to comply with the City’s Noise Ordinance with respect to music and/or entertainment or noise from machines or devices, as well as fixed noise sources at the site; therefore, the change in use at ES-5 would not have exceeded the standards established by the City for noise effects on sensitive receptors near ES-5.

The *General Plan* noise compatibility guidelines indicate that any new residential construction or development in areas with noise levels above 60 dBA  $L_{dn}$  should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA  $L_{dn}$ , new residential construction or development is generally discouraged, but if it does proceed, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. Tenant improvements at the ES-5 residential building may have been subjected to the requirements contained in the California Noise Insulation Standards in Title 24, the California Building Code. The Building Code requires meeting an interior noise level standard of 45 dBA  $L_{dn}$  in any habitable room where dwelling units are located in areas subject to noise levels greater than 60 dBA  $L_{dn}$ . However, the proposed change in use from group-housing to group-housing for a post-secondary educational institution would not be considered a change from a non-noise sensitive use to a noise-sensitive use; therefore, the provisions of Title 24 would not apply.

### **Air Quality**

A summary of the methodology used to analyze construction air emissions and a discussion of estimated construction emissions are found under Combined analysis of air quality in Chapter 3, Cumulative Analysis, on pp. 3-52 to 3-55. The methodology and results are applicable to all of the AAU existing sites, and have not been repeated here.

Long-term regional emissions of criteria air pollutants and precursors associated with the operation of institutional facilities (rooms) at ES-5, including mobile- and area-sources emissions, were quantified using the CalEEMod computer model. The facility is assumed operational in 1998, when AAU occupied the building. Area sources were estimated based on a 56 dwelling unit “Mid-Rise Apartments” land use designation in CalEEMod, representing approximately 50 occupants, and mobile-source emissions were based on a daily vehicle trip rate of zero round trips per day. Since CalEEMod only allows the user to model years 1990, 2000 and 2005, an operational year of 1990 was conservatively assumed for ES-5. There are two on-site domestic hot water boilers at ES-5. Table 45 presents the estimated long-term operational emissions of reactive organic gases (ROG), nitrogen oxides (NOx), and particulate matter 2.5 micrometers in diameter (PM<sub>2.5</sub>) or 2.5 to 10.0 micrometers in diameter (PM<sub>10</sub>) from ES-5, which are all shown to be below BAAQMD’s daily and annual significance thresholds.

**Table 45. 2209 Van Ness Avenue (ES-5) Operational Emissions**

Source	Average Daily (pounds/day) <sup>1</sup>				Maximum Annual (tons/year) <sup>1</sup>			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	1.25	3.75	0.57	0.57	0.21	0.68	0.10	0.10
Energy	<0.01	0.04	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Emissions	1.25	3.78	0.57	0.57	0.21	0.69	0.10	0.10
BAAQMD Thresholds of Significance	54	54	82	54	10	10	15	10
Exceed Threshold?	No	No	No	No	No	No	No	No

Notes:

<sup>1</sup>. Emissions were estimated using the CalEEMod computer model. Boiler emissions were estimated using emission factors obtained from AP-42. Assumptions and results can be found in Appendix AQ.

ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> and PM<sub>2.5</sub> = particulate matter 2.5 micrometers in diameter or 2.5 to 10.0 micrometers in diameter, respectively.

Source: ESA, 2016.

The discussion of Health Risks in the Air Quality subsection of Chapter 3, Combined and Cumulative Analysis, on pp. 3-55 to 3-57, explains that three of the AAU existing sites are located in the Air Pollution Exposure Zone. ES-5 is not one of those sites; therefore, AAU occupation of ES-5 has not resulted in increased health risks for nearby sensitive receptors, and has not exposed new sensitive receptors to increased health risks.

### **Greenhouse Gas Emissions**

New development and renovations/alterations for private and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas (GHG) emissions, as stipulated in the City's *Strategies to Address Greenhouse Gas Emissions*. San Francisco's *Strategies to Address Greenhouse Gas Emissions* have proven effective as San Francisco's GHG emissions have been measurably reduced compared to 1990 emissions levels, demonstrating that the City has met and exceeded the state's GHG reduction law and policy goals.

Applicable requirements for private projects are shown in the City's GHG Compliance Checklist. A complete GHG Compliance Checklist has been prepared for ES-5 for the change in use and associated tenant improvements (Appendix GHG). Of the GHG Checklist requirements, AAU currently does not comply with the Residential Energy Conservation Ordinance (San Francisco Housing Code Chapter 12), Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A), and required bicycle parking infrastructure in accordance with Planning Code Section 155.1-155.4. Compliance with the Residential Water Conservation Ordinance and Residential Energy Conservation Ordinance would be initiated by the Department of Building Inspection, if applicable, during the building review process. Compliance with the bicycle parking requirements is presented below as a recommended Condition of Approval.

Compliance with the Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14, San Francisco Building Code Chapter 13B, and San Francisco Health Code Section 288) and CalGreen Section 5.504.4 (low-emitting adhesives, sealants, caulks, pants, coatings, composite wood, and flooring), which are applicable to tenant improvements and construction that have occurred, is unknown. However, AAU's alterations at ES-5 would have produced minimal construction debris. Insofar as information is available on past alterations, inspections, and audits, compliance with the Construction and Demolition Debris Recovery Ordinance and CalGreen Sections 5.504.4 would be verified by the Department of Building Inspection, if applicable, during the building permit review process. However, AAU would be required to comply with each of these ordinances in the future.

**Recommended Condition of Approval, ES-5: GHG-1, Compliance with the Bicycle Parking Requirements.** AAU shall design, locate and configure all bicycle parking spaces in accordance with Planning Code Sections 155.1 - 155.4.

With the implementation of requirements listed in the GHG Compliance Checklist and the above recommended Condition of Approval, the effects on GHG emissions from the change in use has been insubstantial.

### **Wind and Shadow**

The tenant improvements at ES-5 did not involve any new development or additions that changed the height or bulk of the existing structure and, therefore, did not alter the wind environment or create new shadow in a manner that substantially affects nearby pedestrian areas, outdoor recreational facilities or other public areas. Therefore, no substantial effects on wind or shadow have occurred from the change in use at ES-5.

### **Recreation**

As shown on Figure 4, p. 3-63, 2209 Van Ness Avenue (ES-5) is located within 0.25 mile of two San Francisco Recreation and Park Department (RPD) parks: Allyne Park and Helen Wills Playground. Allyne Park, located at 2609 Gough Street, features a grass clearing, walking path and bench seating.<sup>216</sup> Helen Wills Playground, located at the corner of Broadway and Larkin Street, features a multi-functional clubhouse, play features, sports courts, and boardwalk.<sup>217</sup> Other publicly owned parks are within a 0.5-mile distance of ES-5, including Lafayette Park and Michelangelo Playground.

As described in Population and Housing on p. 4-134, the capacity of ES-5 is 56 beds. The change in use from single-family residential to student housing (group housing for a postsecondary educational institution) at ES-5 does not represent a substantial change in the daytime population of the area. The change in population is considered a minimal increase compared to the service population for the Allyne Park and Helen Wills Playground facilities. In addition, AAU students and faculty access to recreational facilities is augmented by AAU private recreation room on-site, as well as facilities at 1069 Pine Street (ES-16), 620 Sutter Street (ES-20), 601 Brannan Street (ES-31), and other

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<sup>216</sup> SF Curbed, Getting to Know Cow Hollow's Allyne Park. Available online at: [http://sf.curbed.com/archives/2012/06/05/getting\\_to\\_know\\_cow\\_hollows\\_allyne\\_park.php](http://sf.curbed.com/archives/2012/06/05/getting_to_know_cow_hollows_allyne_park.php). Accessed on January 15, 2016.

<sup>217</sup> San Francisco Recreation and Parks, Helen Wills Playground. Available online at: <http://sfrecpark.org/destination/helen-wills-playground/>. Accessed on January 15, 2016.

university-run lounges and café areas. No substantial effect on recreation has occurred as a result of the change in use.

### **Utilities and Service Systems**

#### ***Water Supply***

ES-5 receives water from the SFPUC water supply facilities. The site had water service and consumption associated with the previous office land use prior to AAU occupancy. Therefore, the change in use does not represent new or substantially increased water or wastewater demand. Presuming the subject site was vacant prior to AAU tenancy, the change in use would still not substantially affect the SFPUC's water supply, as it has been concluded that sufficient water is available to serve existing customers and planned future uses.<sup>218</sup> No expansion of SFPUC water supply or conveyance facilities has occurred due to the change in use at ES-5. Compliance with the Commercial Water Conservation Ordinance would be initiated by the Department of Building Inspection during the building review process.

With the implementation of San Francisco's Residential Water Conservation Ordinance, no substantial effect on the water supply would occur from the change in use.

#### ***Wastewater***

The change in use would not alter demand for stormwater or wastewater conveyance and treatment facilities because the site is completely covered with impervious surfaces and, as an existing building, is accounted for in existing and planned wastewater facilities. Correspondingly, projected population growth associated with the change in use may have incrementally increased wastewater flows from the site; however, the flows have been accommodated by existing wastewater treatment facilities. The SFPUC's Sewer System Improvement Program has improved the reliability and efficiency of the wastewater system, and systemwide wastewater improvements as well as long-term projects have ensured the adequacy of sewage collection and treatment services to meet expected demand in San Francisco.<sup>219</sup> No substantial effect on wastewater has occurred from the change in use.

#### ***Solid Waste***

Solid waste services are provided by Norcal Waste Systems and its subsidiary, Recology. The change in use has incrementally increased solid waste generation at the site. Nevertheless, the site is subject to federal, state, and local regulations associated with the reduction in operational solid waste including the City's Mandatory Recycling and Composting Ordinance, which requires the separation of refuse into recyclables, compostables, and trash. Construction debris associated with alterations at ES-5 were minimal. San Francisco currently exceeds its trash diversion goals of 75 percent and is

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<sup>218</sup> San Francisco Public Utilities Commission (SFPUC), 2013 Water Availability Study for the City and County of San Francisco, p. 1, May 2013. Available online at <http://www.sfwater.org/modules/showdocument.aspx?documentid=4168>. Accessed on February 2, 2016.

<sup>219</sup> SFPUC, Sewer System Improvement Program Fact Sheet, February 2016. Available online at <http://sfwater.org/Modules/ShowDocument.aspx?documentID=4220>. Accessed on February 2, 2016.

in the process of implementing new strategies to meet its zero waste goal by 2020.<sup>220</sup> In addition, the City's landfill at Recology Hay Road in Solano County has sufficient capacity accommodate the site's and City's solid waste disposal needs.<sup>221</sup> No substantial effect on solid waste has occurred as a result of the change in use by AAU.

## **Public Services**

### ***Police***

ES-5 is located within the Northern District of the San Francisco Police Department (SFPD). The Northern District Police Station is located at 1125 Fillmore Street. The district covers approximately 5.3 square miles with a population of nearly 100,000. In 2013, there were 871 crimes against persons (e.g., homicide, rape, robbery, and aggravated assault) and 7,155 property crimes (e.g., burglary, vehicle theft, arson, and theft) in the Northern District.<sup>222</sup> Please refer to Section 3.3.12, Public Services, for additional information about the SFPD.

Police services are augmented by AAU's Department of Campus Safety. Campus Safety staff are trained to respond to the needs of University students, faculty, and administration. Please refer to Section 3.3.12, Public Services, for additional information about AAU's Department of Campus Safety.

2209 Van Ness Avenue has a capacity of 56 beds (22 group-housing rooms). The change in use from single-family residential to student housing (group housing for a postsecondary educational institution) within a RC-3 District would represent a slight increase in the population of the area. However, the change would not be substantial because the student housing capacity is limited by the space in the building (22 group-housing rooms). Therefore, additional police protection demand would be negligible. In addition, Department of Campus Safety staff would augment the need for increased SFPD services and any additional demand that could be associated with the change in use. No substantial effect on police protection has occurred as a result of the change in use at ES-5.

### ***Fire and Emergency Services***

ES-5 is located within 3,000 feet of Fire Station No. 41 (1325 Leavenworth Street) and Fire Station No. 38 (2150 California Street). Fire Station Nos. 38 and 41 both consist of a single fire engine.<sup>223</sup> Please refer to Section 3.3.12, Public Services, for additional information about the SFPD.

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<sup>220</sup> San Francisco Department of the Environment, Zero Waste Program, "San Francisco Sets North American Record for Recycling and Composting with 80 Percent Diversion Rate." Available online at <http://www.sfenvironment.org/news/press-release/mayor-lee-announces-san-francisco-reaches-80-percent-landfill-waste-diversion-leads-all-cities-in-north-america>. Accessed February 9, 2016.

<sup>221</sup> CalRecycle, Facility/Site Summary Details: Recology Hay Road (48-AA-0002), Available online at <http://www.calrecycle.ca.gov/SWFacilities/Directory/48-aa-0002/Detail/>. Accessed on February 2, 2016.

<sup>222</sup> San Francisco Police Department, Annual Report 2013, p. 117. Available at <https://dl.dropboxusercontent.com/u/76892345/Annual%20Reports/2013%20Annual%20Report.pdf>. Accessed on October 15, 2015.

<sup>223</sup> San Francisco Fire Department, Annual Report 2012-2013 (FY). Available at <http://www.sf-fire.org/modules/showdocument.aspx?documentid=3584>. Accessed on October 22, 2015.

In 2011, Fire Station No. 38 responded to 510 non-emergency calls with an average response time of 6:47 minutes, with 90 percent of non-emergency calls responded to in under 12:31 minutes. Fire Station No. 38 responded to 1,662 emergency calls with an average response time of 3:04 minutes, with 90 percent of emergency calls responded to in under 4:14 minutes. In 2011, Fire Station No. 41 responded to 448 non-emergency calls with an average response time of 7:27 minutes, with 90 percent of non-emergency calls responded to in under 14:08 minutes. Fire Station No. 41 responded to 1,796 emergency calls with an average response time of 2:57 minutes, with 90 percent of emergency calls responded to in under 4:06 minutes.<sup>224</sup>

The goal for transport units for a Code 3 (emergency), which is a potentially life-threatening incident, is to arrive on scene within five minutes of dispatch 90 percent of the time. This goal complies with the National Fire Protection Association 1710 Standard. Both fire stations within the vicinity of ES-5 meet the citywide emergency transport goals.

As described above on p. 4-134, the change in use from s to student housing (group housing for a postsecondary educational institution) would not represent a substantial change in the population of the area. Therefore, additional fire and emergency protection demand would be minimal. AAU has installed a new range fire suppression system, improving fire safety at the property. No measurable changes in response times have occurred since the change in use. No substantial effect on fire or emergency medical services has occurred. As a result of the change in use at ES-5.

### ***Libraries***

The nearest public libraries to ES-5 are the Golden Gate Valley Branch Library and the Marina Branch Library. Please refer to Section 3.3.12, Public Services, for additional information about the San Francisco Public Library as well as AAU's private library for use by its students and faculty, which augments the public library's services.

The change in use from single-family residential to student housing (group housing for a postsecondary educational institution) would not represent a substantial change in the daytime population of the area. Any change in population would be minimal compared to the service population for the Golden Gate Valley Branch and Marina Branch Libraries. In addition, public library use would be augmented by AAU's private library system provided to AAU students for research, study, and programs. Therefore, no substantial effect on library services has occurred as a result of the change in use at ES-5.

### ***Schools***

The San Francisco Unified School District (SFUSD) operates San Francisco's public schools. Please refer to Section 3.3.12, Public Services, for additional information about SFUSD.

The previous use as a single-family residence may have contributed to the school-aged population. The change in use to student housing (group housing for a postsecondary educational institution) would not contribute to additional demand to SFUSD, because AAU students are mainly unmarried and without children. No increase in the school-aged population would occur as a result of the change

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<sup>224</sup> San Francisco Planning Department, *Academy of Art University Project Draft EIR*, pp. 4.13-4 - 4.13-5, February 2015.

of use at ES-5. For the reasons stated above, no effect on schools has occurred as a result of the change in use at ES-5.

### **Biological Resources**

ES-5 is located within a built urban environment and does not contain wetlands or wildlife habitat; nor are there any adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, state, or regional habitat conservation plans applicable to the site. There are no known candidate, sensitive, or special-status species located at or near ES-5. ES-5 is not in an Urban Bird Refuge. No known landmark, significant, or street trees were removed during tenant improvements or renovations. Although birds may nest in nearby street trees or in shrubs on or near the property, no major plantings have been removed as part of improvements or renovation of the site. Therefore, no substantial effect on biological resources has occurred as a result of the change in use at ES-5.

### **Geology and Soils**

ES-5 is underlain by well-sorted, fine to medium grained dune sand.<sup>225</sup> The dune sands of San Francisco once formed an extensive coastal system, underlying approximately one-third of the City. The dune sand is typically highly permeable. The thickness of the dune sand is unknown but is estimated to be up to 100 feet and is underlain by bedrock. Depth to groundwater is unknown, and groundwater flow is anticipated to be northerly.<sup>226</sup> Because building alterations undertaken by AAU were all interior or limited to minor exterior non-structural modifications, no change in topography or erosion has occurred from the change in use.

The entire Bay Area is susceptible to ground shaking from earthquakes. Ground-shaking intensity at ES-5 would be very strong during a magnitude 7.2 earthquake and strong during a 6.5 magnitude earthquake originating from the San Andreas Fault or Hayward Fault, respectively.<sup>227,228</sup> ES-5 is not located within a liquefaction zone.<sup>229</sup> Buildings that are composed of unreinforced masonry, have a first floor or basement “soft story,” or have not undergone seismic retrofitting in compliance with San Francisco Building Code regulations, are at an increased risk of structural failure. ES-5 is composed of wood with a stucco façade; it does not have a soft story and is not made of unreinforced masonry.<sup>230, 231</sup> As a result, it does not have an increased risk of structural failure during an earthquake. Although the building could remain vulnerable during an earthquake, the building alterations carried out after the change in use from single-family residential to student housing (group

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<sup>225</sup> Geologica, Phase I Environmental Site Assessment for 2209 Van Ness Avenue, March 2003.

<sup>226</sup> Geologica, Phase I Environmental Site Assessment for 2209 Van Ness Avenue, March 2003.

<sup>227</sup> San Francisco Planning Department, *General Plan Community Safety Element, Ground Shaking Intensity Magnitude 7.2 Earthquake on the San Andreas Fault*, Map 2, p. 10. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>228</sup> San Francisco Planning Department, *General Plan Community Safety Element, Ground Shaking Intensity Magnitude 6.5 Earthquake on the Hayward Fault*, Map 3, p. 11. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>229</sup> San Francisco Planning Department, *General Plan Community Safety Element, Seismic Hazards Zone San Francisco 2012*, Map 4, p. 13. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>230</sup> City and County of San Francisco, UMB – All Report, December 1, 2014.

<sup>231</sup> Department of Building Inspection, *Soft Story Property List*, April 2016. Available online at <http://sfdbi.org/soft-story-properties-list>. Accessed on April 20, 2016.

housing for a postsecondary educational institution) would not alter the building's performance during a ground shaking event.

### **Hydrology and Water Quality**

The building alterations associated with the change in use at ES-5 have not substantially degraded water quality, because alterations were limited to interior and routine exterior modifications (e.g., installation of security bars, a metal fence, and a gate). Regardless, wastewater and stormwater associated with the change in use and subsequent building alterations would have flowed into the City's combined stormwater and sewer system and were treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant. If the Southeast Water Pollution Control Plant approaches capacity, wastewater from the site flows to, and is treated by, the North Point Wet-Weather Facility. Flows to the North Point Wet-Weather Facility are treated in accordance with the City's NPDES Permit. Therefore, the change in use did not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

The site is located on previously disturbed land that is covered by an existing building. Tenant improvements have not changed the amount of impervious surface or drainage patterns at the site. Therefore, there has been no substantial effect on the quality or rate of stormwater that flows into the City's combined sewer system.

ES-5 is not located within a 100-year flood zone, as delineated by the Federal Emergency Management Agency (FEMA). The site is not within an area susceptible to sea level rise forecasted by the SFPUC through the year 2100.<sup>232</sup> ES-5 is not located in an area that is vulnerable to tsunami risk.

For the reasons stated above, no substantial effect on hydrology or water quality has occurred as a result of the change in use at ES-5.

### **Hazards and Hazardous Materials**

The Phase I Environmental Site Assessment (ESA) prepared for ES-5 did not identify the presence of underground storage tanks (USTs) or significant historic use of hazardous materials located at the site.<sup>233</sup> Nevertheless, the building alterations undertaken at the site by AAU did not involve any earth movement; therefore, no buried hazardous materials could have been exposed after the change in use.

The date of the building's construction, 1912, suggests that asbestos-containing materials (ACMs), lead-based paint, and polychlorinated biphenyls (PCBs) may be present or have been present at the property. Suspected ACMs were observed during the site visit for the ESA. No potential or suspected PCBs or LBP were observed on the property.<sup>234</sup> Building alterations at the existing site may have disturbed or exposed ACM, LBP, PCBs, or other hazardous building materials; however, it is

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<sup>232</sup> San Francisco Water Power Sewer, *Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum* and associated maps, June 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2014.0198E.

<sup>233</sup> Geologica, Inc., Phase I Environmental Site Assessment for 2209 Van Ness Avenue, March 2003.

<sup>234</sup> Geologica, Inc., Phase I Environmental Site Assessment for 2209 Van Ness Avenue, March 2003.

unknown given that tenant improvements were completed at this site with and without the required building permits. The materials require special handling and disposal procedures that may not have been followed. As a result, it cannot be determined if an effect on human health or the environment occurred from hazardous building materials as a result of the change in use.

ES-5 is a student housing building with a recreation room, and a kitchen and dining room. Hazardous materials that are used, stored, and disposed of at ES-5 include commercial household-style consumer products, such as cleaners, disinfectants, and chemical agents. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Use of these materials generates household-type hazardous waste, which do not result in substantial adverse effects.

### **Mineral and Energy Resources**

There are no known mineral resources or designated locally important mineral resource recovery sites within the City. Therefore, no effects on mineral resources or mineral recovery sites have occurred as a result of the change in use of ES-5.

Tenant improvements at ES-5 associated with the conversion of single-family home space to AAU use did not require large amounts of energy, fuel, or water, nor were they atypical for normal renovation projects within San Francisco. AAU's compliance with the requirements listed in the City's GHG Compliance Checklist is discussed in Greenhouse Gas Emissions, pp. 4-150 – 4-151. The GHG Compliance Checklist includes the City's Residential Water Conservation Ordinance, which avoids water and energy waste. In addition, AAU's compliance with the City's Commuter Benefits Ordinance, Emergency Ride Home Program, Energy Performance Ordinance, Light Pollution Reduction Ordinance, and other requirements ensures reductions in fuel and energy consumption associated with AAU's change in use.<sup>235</sup> With the implementation of applicable requirements listed in the GHG Compliance Checklist for ES-5, no excessive or wasteful consumption of fuel, water, or energy resources has or would occur from the change in use.

As discussed in Transportation and Traffic, AAU provides shuttle service at ES-5. This reduces the number of trips by private car that could occur and, consequently, the amount of fuel that could be consumed.

For all of these reasons, the change in use at ES-5 has not resulted in the use of large amounts of energy, fuel, or water, or in the use of these resources in a wasteful manner.

Therefore, the change in use at ES-5 has not had a substantial effect on mineral or energy resources.

### **Agricultural and Forest Resources**

ES-5 is designated "Urban and Built-up Land" by the California Department of Conservation's Farmland Mapping and Monitoring Program.<sup>236</sup> The site is not designated as Prime Farmland,

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<sup>235</sup> San Francisco Planning Department, Compliance Checklist Table for Greenhouse Gas Analysis, 2209 Van Ness Avenue, March 4, 2016.

<sup>236</sup> California Department of Conservation, Regional Urbanized Maps, San Francisco Bay Area Important Farmland, 2012. Available online at: <http://www.conservation.ca.gov/dlrp/fmmp/trends>. Accessed on April 20, 2016.

Unique Farmland, or Farmland of Statewide or Local Importance, nor are there areas under Williamson Act contract. No forest land occurs on the site and the site is not zoned for agricultural or forest land use. Therefore, the change in use at ES-5 has had no substantial effects on agriculture or forest resources.

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**FINAL ENVIRONMENTAL IMPACT REPORT  
CERTIFICATION**

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 19704

HEARING DATE: July 28, 2016

*Case No.:* 2008.0586E  
*Project Address:* Academy of Art University (AAU) Project  
*Zoning:* various  
Various  
*Block/Lot:* various  
*Project Sponsor:* Gordon North, Academy of Art University  
(415) 618-3671  
[deir@academyart.edu](mailto:deir@academyart.edu)  
*Staff Contact:* Chelsea Fordham- (415)575-9071  
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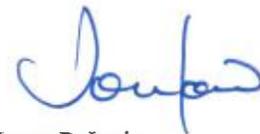
ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT CONSISTING OF FOUR GENERAL COMPONENTS: STUDY AREA GROWTH, PROJECT SITE GROWTH, LEGALIZATION OF PRIOR UNAUTHORIZED CHANGES, AND SHUTTLE SERVICE EXPANSION. STUDY AREA GROWTH CONSISTS OF APPROXIMATELY 110,000 NET SQUARE FEET (SF) OF ADDITIONAL RESIDENTIAL USES (TO HOUSE APPROXIMATELY 400 STUDENTS, EQUIVALENT TO ABOUT 220 ROOMS) AND 669,670 SF OF ADDITIONAL INSTITUTIONAL SPACE IN 12 GEOGRAPHIC AREAS (STUDY AREAS) WHERE AAU COULD OCCUPY BUILDINGS TO ACCOMMODATE FUTURE GROWTH. THE STUDY AREAS GENERALLY INCLUDE THE FOLLOWING AREAS: STUDY AREA 1 (SA-1), LOMBARD STREET/DIVISADERO STREET; SA-2, LOMBARD STREET/VAN NESS AVENUE; SA-3, MID VAN NESS AVENUE; SA-4, SUTTER STREET/MASON STREET; SA-5, MID MARKET STREET; SA-6, FOURTH STREET/HOWARD STREET; SA-7, RINCON HILL EAST; SA-8, THIRD STREET/BRYANT STREET; SA-9, SECOND STREET/BRANNAN STREET; SA-10, FIFTH STREET/BRANNAN STREET; SA-11, SIXTH STREET/FOLSOM STREET; AND SA-12, NINTH STREET/FOLSOM STREET. PROJECT SITE GROWTH CONSISTS OF SIX ADDITIONAL SITES THAT HAVE BEEN OCCUPIED, IDENTIFIED, OR OTHERWISE CHANGED BY AAU SINCE PUBLICATION OF THE SEPTEMBER 2010 NOTICE OF PREPARATION (NOP) FOR THIS EIR. THE SIX PROJECT SITES WOULD INCLUDE A TOTAL OF 411,070 SF OF INSTITUTIONAL, BUS STORAGE, AND COMMUNITY FACILITY USES. THE PROJECT SITES INCLUDE THE FOLLOWING ADDRESSES: 2801 LEAVENWORTH STREET (THE CANNERY) (ASSESSOR'S BLOCK/LOT:0010/001); 700 MONTGOMERY STREET (ASSESSOR'S BLOCK/LOT:0196/028); 625 POLK STREET (ASSESSOR'S BLOCK/LOT:0742/002); 150 HAYES STREET (ASSESSOR'S BLOCK/LOT:0811/022); 121 WISCONSIN STREET (ASSESSOR'S BLOCK/LOT:3953/004); AND 2225 JERROLD AVENUE (ASSESSOR'S BLOCK/LOT:5286A/020). THE PROPOSED PROJECT ALSO INCLUDES EXTENSION OF AAU'S SHUTTLE SERVICE TO SERVE GROWTH IN THE STUDY AREAS AND AT THE PROJECT SITES. THE PROPOSED PROJECT INCLUDES LEGALIZATION OF CHANGES IN USE AND/OR APPEARANCE UNDERTAKEN WITHOUT BENEFIT OF PERMITS PRIOR TO ISSUANCE OF THE NOP AT 28 OF AAU'S 34 EXISTING SITES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0586E, Academy of Art University Project (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 29, 2010.
  - B. On February 25, 2015, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
  - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on February 25, 2015.
  - D. On February 25, 2015, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on February 25, 2015.
  - F. Revised Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on April 8, 2015 to address a specific site in Study Area 2 (Lombard/Van Ness Avenue) at 2550 Van Ness Avenue (Assessor's Block/Lot: 0526/021).
2. The Commission held a duly advertised public hearing on said DEIR on April 16, 2015 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on April 27, 2015.
3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Responses to Comments document, published on June 30, 2016, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
6. On July 28, 2016, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
7. The Planning Commission hereby does find that the FEIR concerning File No. 2008.0586E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR:
  - A. Will have a significant project-specific effect on the environment from housing demand as a result of population growth; and
  - B. Will have a significant cumulative effect on the environment from housing demand as a result of population growth and a substantial increase in local transit demand that could not be accommodated by adjacent MUNI transit capacity on the Kearny/Stockton and Geary corridors under 2035 cumulative plus project conditions.
9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of July 28, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Johnson, Fong, Moore, Richards and Wu  
NOES: None  
ABSENT: Hillis  
ADOPTED: July 28, 2016

# **EXHIBIT C:**

## **CEQA Findings**

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# **EXHIBIT D:**

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Academy of Art University (AAU) Facilities Transportation Management Plan (TMP)

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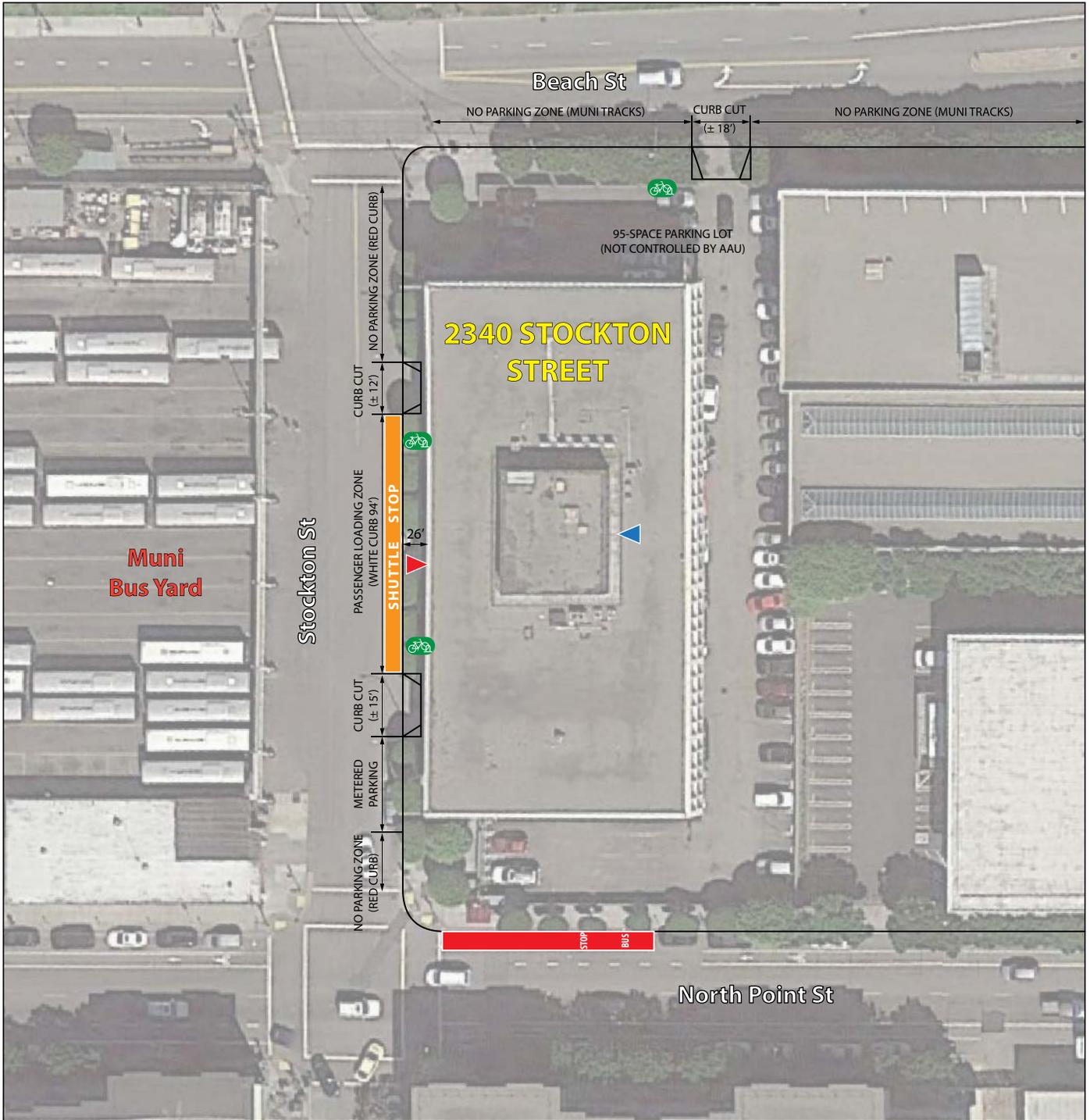
Planning  
Information:  
**415.558.6377**

### 1. Introduction

The Academy of Art University (AAU) Transportation Management Plan (TMP) is a management and operating plan designed to provide multimodal access to existing and future AAU sites. The purpose of the plan is to ensure safe and efficient access by promoting and facilitating the use of AAU's shuttle service, nearby public transit services and pedestrian and bicycle infrastructure for travel to and from AAU facilities, thereby reducing transportation impacts on the surrounding neighborhoods. The plan's primary goal is to facilitate multi-modal access to/from the AAU facilities for all faculty, staff and students. The purpose of the TMP is to outline strategies to optimize access to and from AAU facilities within the constraints of the existing transportation network. Its main goal is to ensure safe and efficient access for all modes with a particular focus on promoting pedestrian, bicycle, and transit access to all AAU facilities and adjacent mix of uses, thereby reducing impacts on the transportation network.

### 2. AAU Existing Sites

The following figures represent the existing transportation conditions for the 23 AAU sites that were required to obtain a change of use permit and were studied within the Existing Site Technical Memorandum (ESTM). This memorandum provides the individual, site-specific discussions of environmental effects associated with the unauthorized changes in use for the 23 existing sites requiring approval of legislative amendments, CU authorizations, and/or building permits. The following AAU site figures provide existing shuttle stop locations and bus lines, commercial loading passenger loading zones, bicycle parking location, and building pedestrian access.



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 32 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D (30 min), E (30 min)</p>
----------------------------------------------------------------------	--------------------------------------------------------------	----------------------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale



Bicycle Parking Planning Code Requirement Not Required	Bicycle Parking Supply AAU: 14 Class II Spaces	Shuttle Bus Service (PM Peak Hour Headways) Shuttle Service Discontinued as of April 18, 2016
-----------------------------------------------------------	---------------------------------------------------	--------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at Beach Street/ Jones Street)

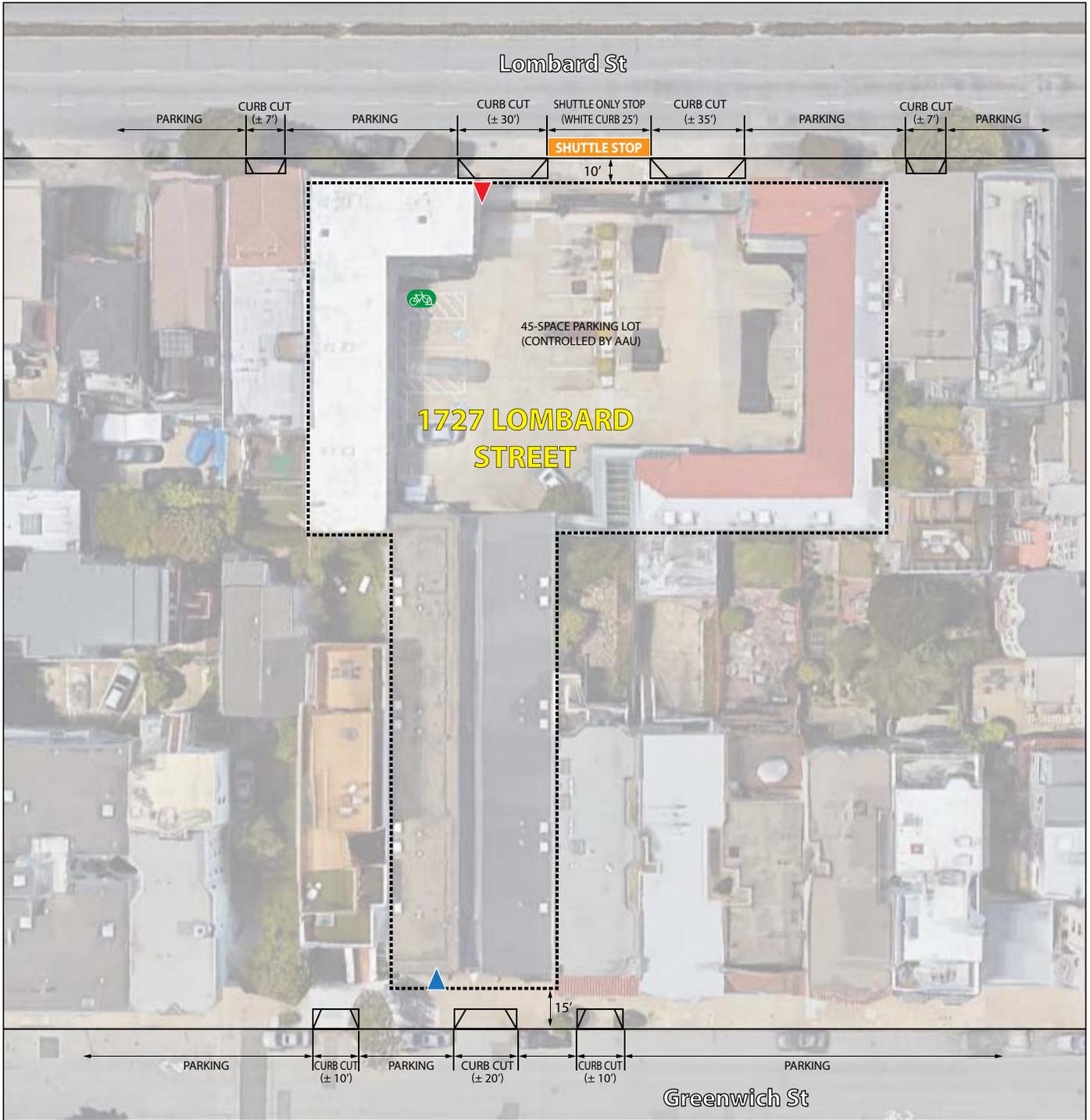


Not to Scale

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 2 - ES-2: 2295 TAYLOR ST SITE DIAGRAM  
 EXISTING CONDITION**



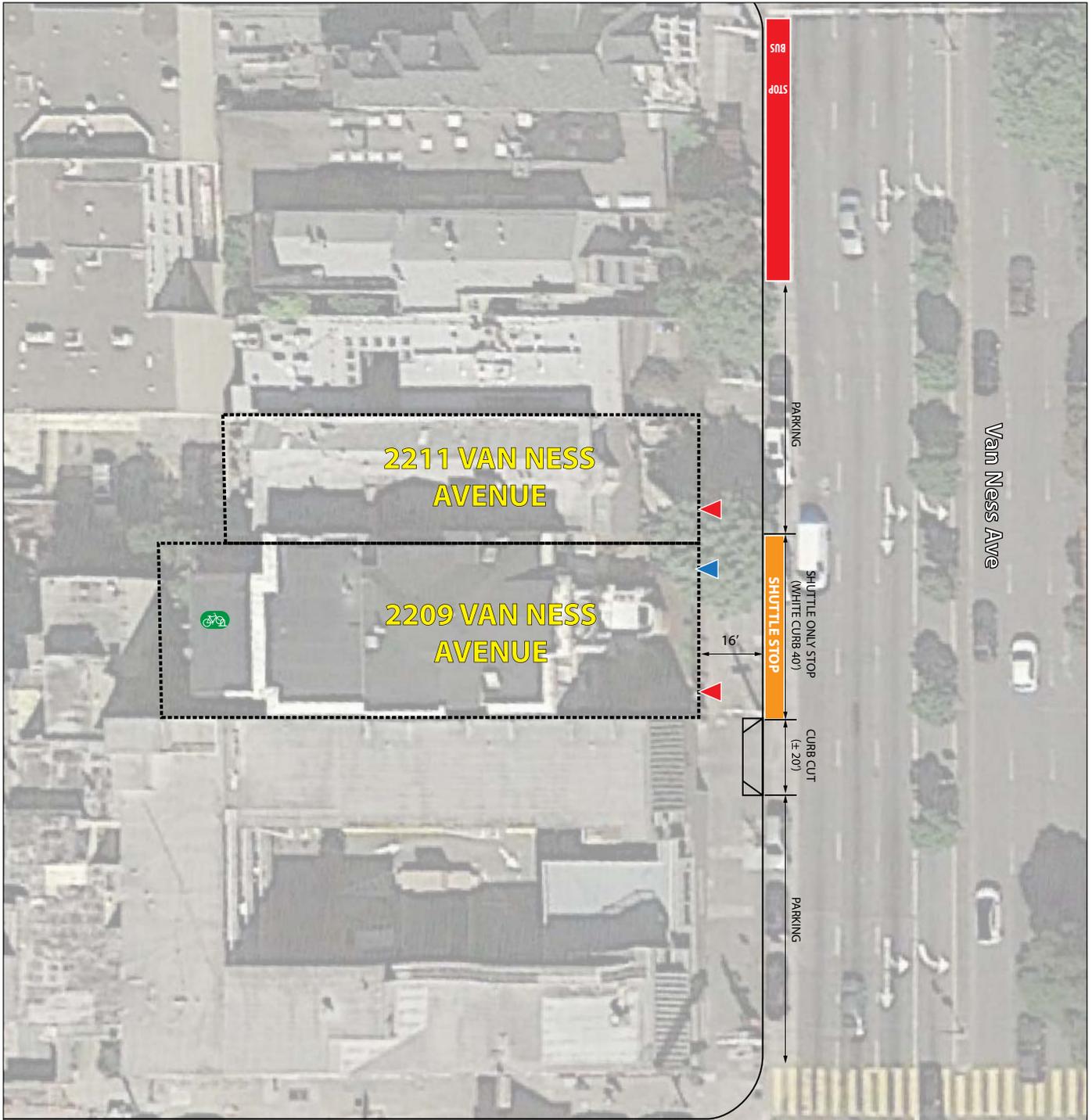
<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 20 Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>AAU: 16 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M (20 min)</p>
---------------------------------------------------------------------------------	--------------------------------------------------------------	----------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.

  
 Not to Scale



<b>Bicycle Parking Planning Code Requirement</b> 2211 Van Ness Ave - Class I: 5 Class II: 3 2209 Van Ness Ave - Class I: 14 Class II: 3	<b>Bicycle Parking Supply</b> 2209 Van Ness Ave: 9 Class II Spaces	<b>Shuttle Bus Service (PM Peak Hour Headways)</b> M (20 min)
-----------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------	------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

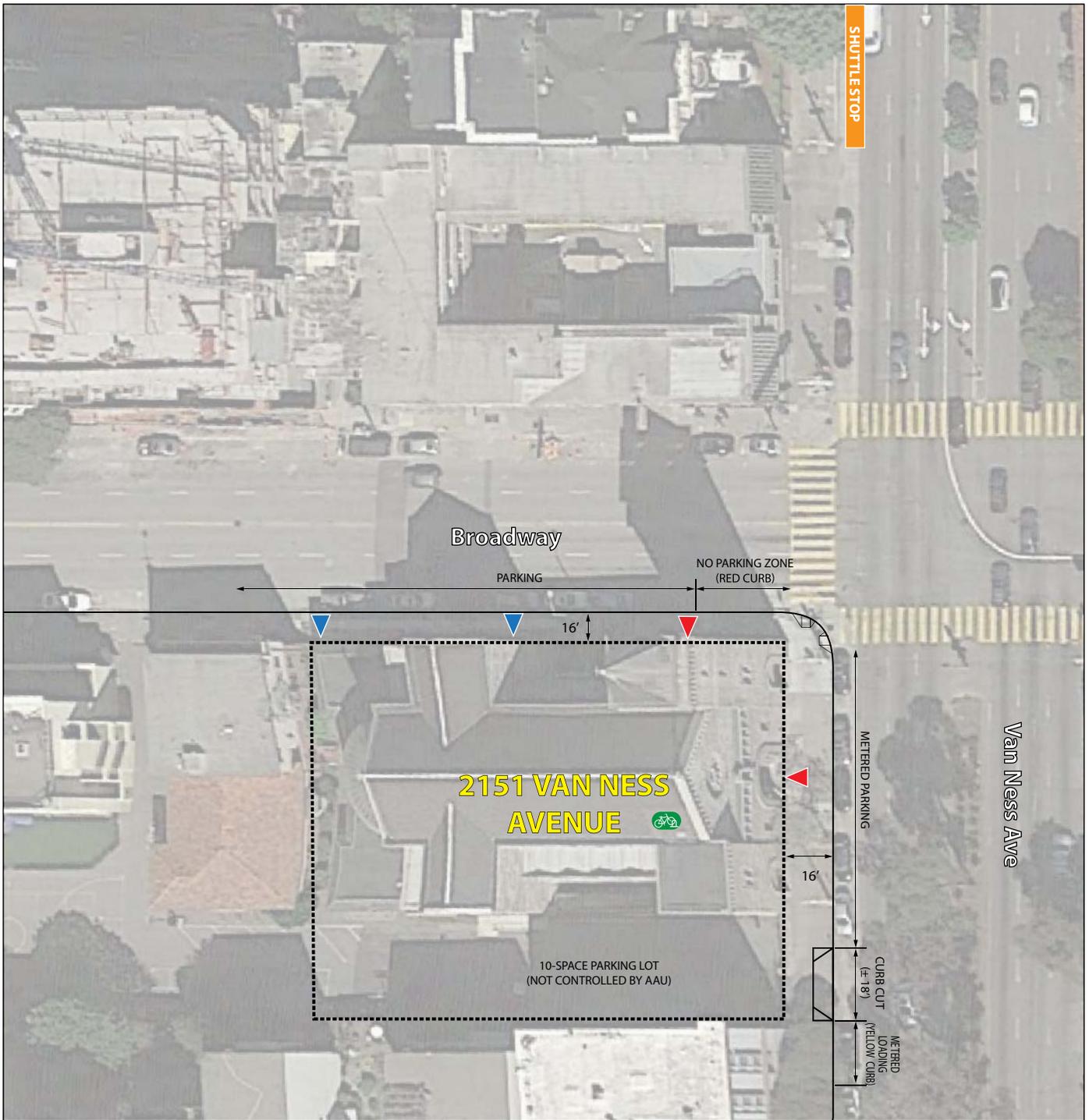
\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 4 - ES-4 & 5: 2211 AND 2209 VAN NESS AVE EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 8 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M (20 min)</p>
----------------------------------------------------------------------	-------------------------------------------------------------	----------------------------------------------------------------------

-  Class II AAU Bicycle Parking (1 Rack with 8 Spaces)
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 2209 Van Ness Avenue)

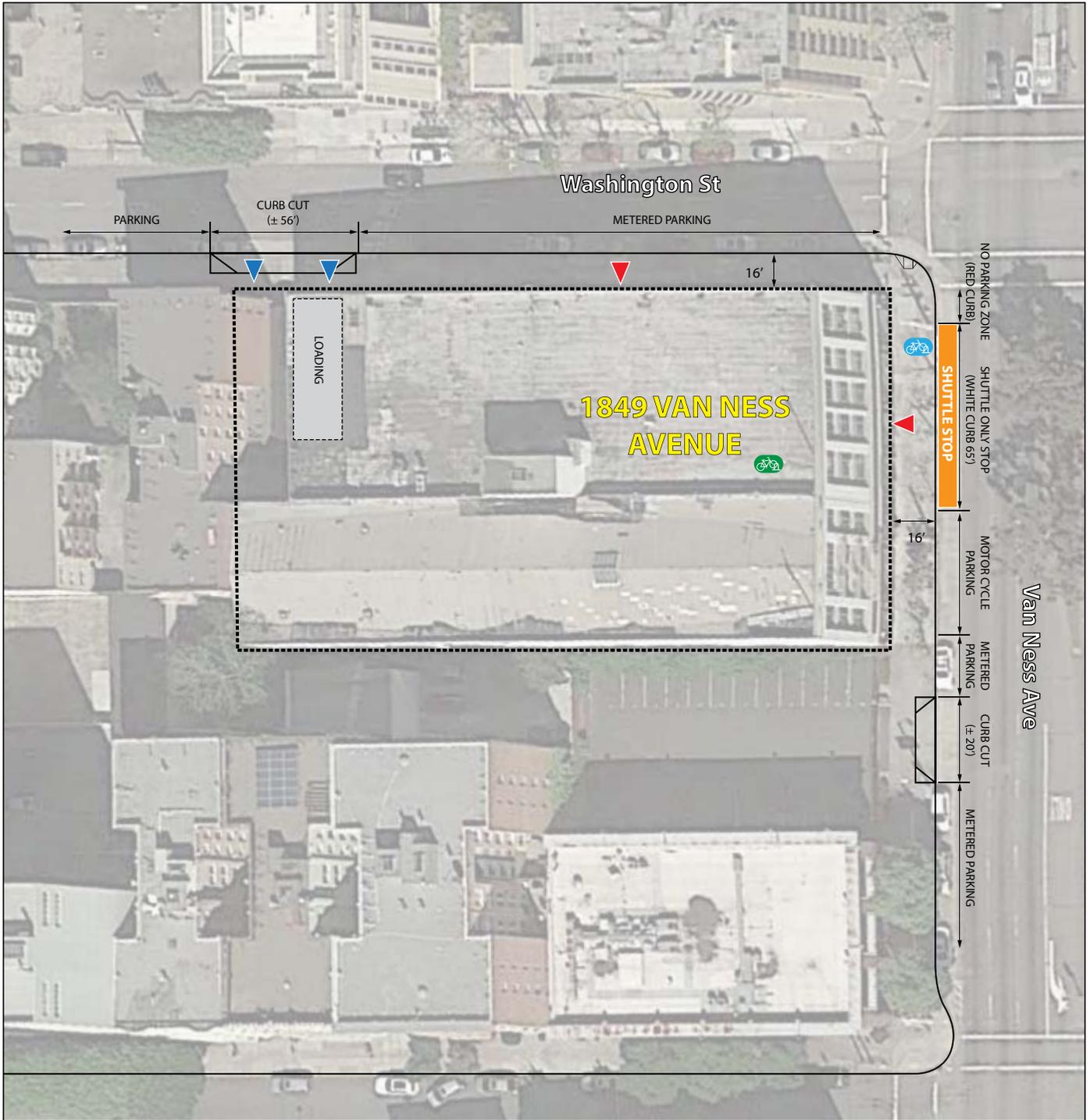
\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 5 - ES-6: 2151 VAN NESS AVE EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 30 Class II Spaces Public: 2 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M ( 20 min)</p>
----------------------------------------------------------------------	--------------------------------------------------------------------------------------------	-----------------------------------------------------------------------

-  Class II Public Bicycle Parking (1 Rack with 2 Spaces)
  -  Class II AAU Bicycle Parking (6 Racks with 28 Spaces)
  -  Primary Pedestrian Access
  -  Secondary Pedestrian Access
  -  Shuttle Stop Location
- \* Dimensions are Approximate.





<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 5    Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>AAU: 6 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M (20 min)</p>
-----------------------------------------------------------------------------------	-------------------------------------------------------------	----------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 7 - ES-9: 1916 OCTAVIA ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>None</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D ( 30 min), E (30 min), Sutter Express (25 min)</p>
----------------------------------------------------------------------	-------------------------------------------	------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location (Nearest Stop at 625 Polk Street)



Not to Scale

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 8 - ES-10: 950 VAN NESS AVE EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 9    Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>AAU: 8 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>
-----------------------------------------------------------------------------------	-------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 860 Sutter Street)

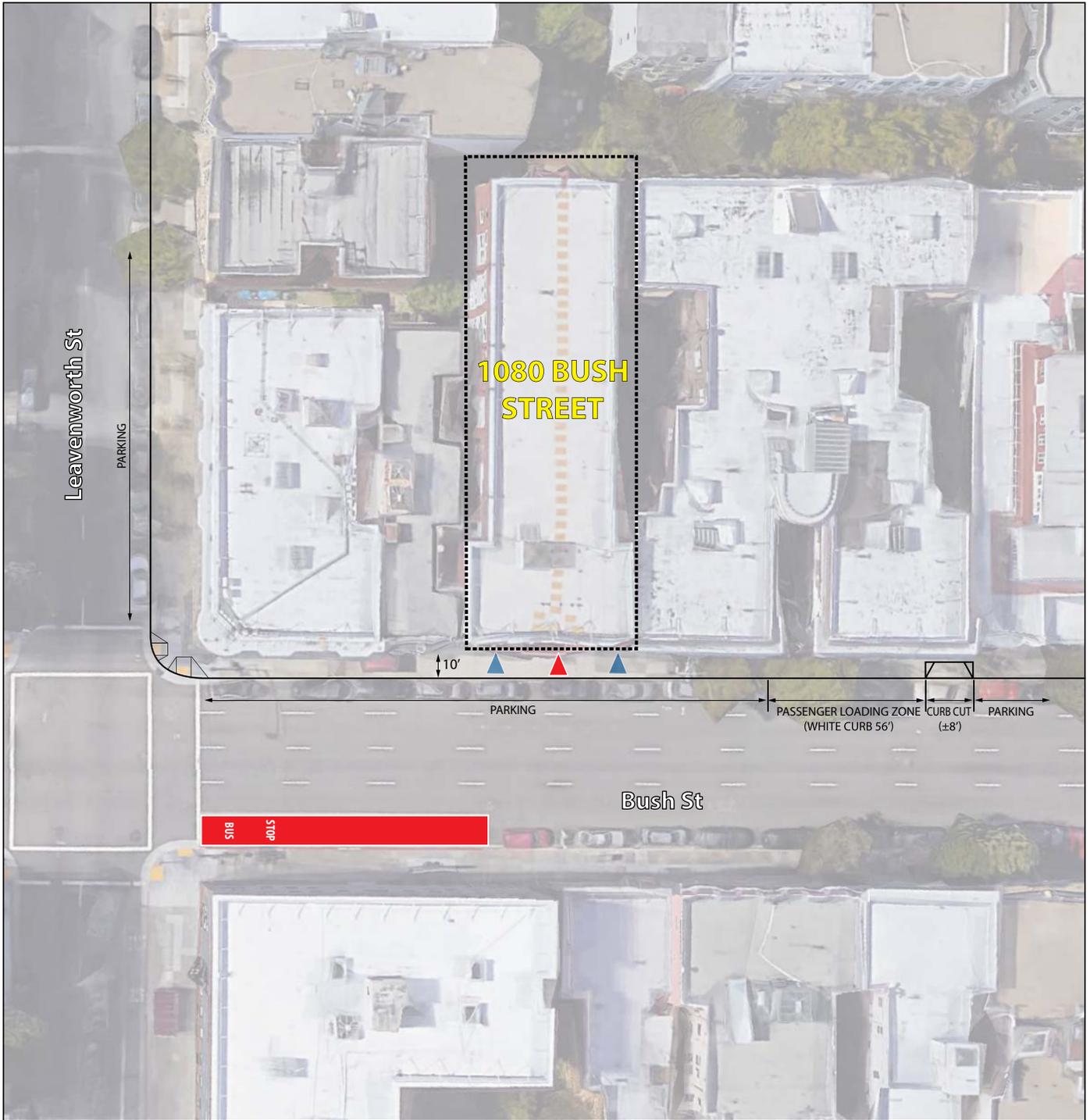
\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.



ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 9 - ES-11: 1153 BUSH ST EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 29 Class II: 3</p>	<p><b>Bicycle Parking Supply</b></p> <p>None</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>D, E, G ( 30 min); H, I, M (20 min); Sutter Express (25 min)</p>
----------------------------------------------------------------------------------------	--------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location (Nearest Stop at 860 Sutter Street)



Not to Scale

\* Dimensions are Approximate.  
SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 10 - ES-12: 1080 BUSH ST EXISTING CONDITION**



<b>Bicycle Parking Planning Code Requirement</b> 860 Sutter St - Class I: 42 Class II: 3 817-831 Sutter St - Class I: 49 Class II: 3	<b>Bicycle Parking Supply</b>  None	<b>Shuttle Bus Service (PM Peak Hour Headways)</b>  D, E, G ( 30 min); H, I, M (20 min); Sutter Express (25 min)
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- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 11 - ES-13 AND 14: 860 AND 817-831 SUTTER ST EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 36 Class II: 3</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 8 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>Sutter Express (25 min)</p>
----------------------------------------------------------------------------------------	--------------------------------------------------------------------	------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

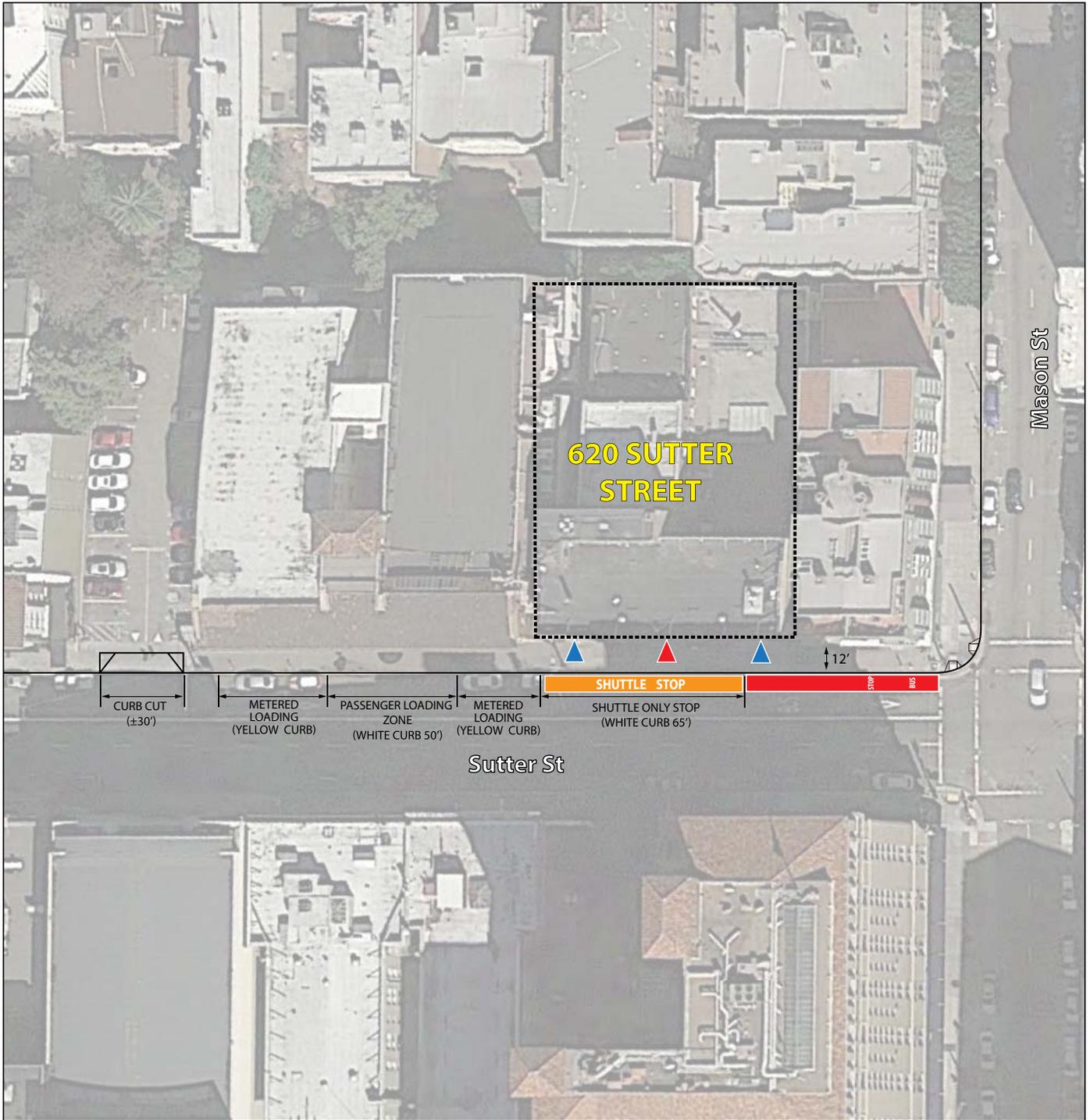
\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 12 - ES-16 AND 17: 1069 AND 1055 PINE ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 31 Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>None</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G (30 min); H, I (20 min); Sutter Express (25 min)</p>
---------------------------------------------------------------------------------	-------------------------------------------	--------------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location

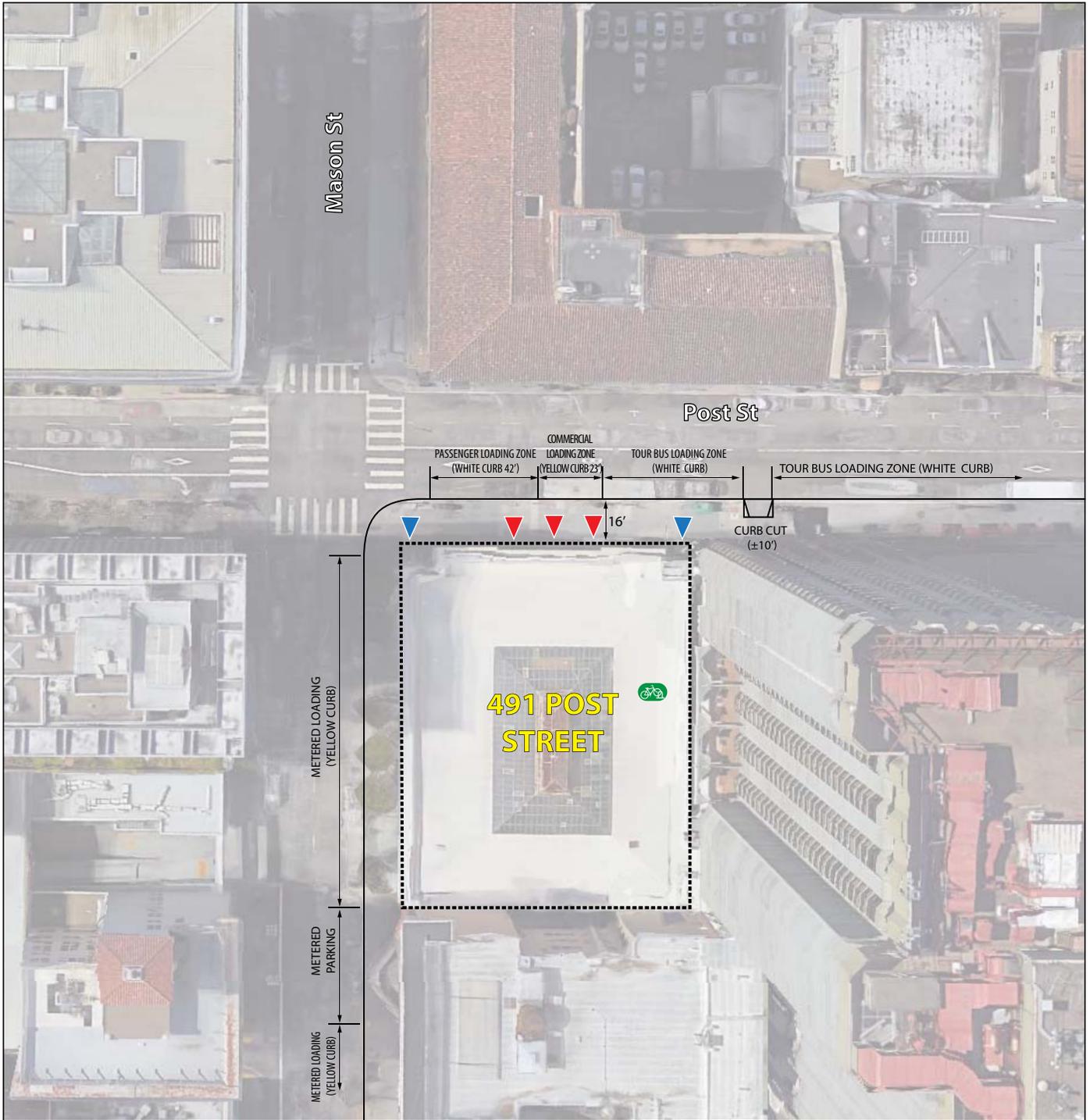


Not to Scale

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 13 - ES-20: 620 SUTTER ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 2    Class II: 4</p>	<p>Bicycle Parking Supply</p> <p>AAU: 20 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G ( 30 min); H, I (20 min); Sutter Express (25 min)</p>
-----------------------------------------------------------------------------------	--------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 620 Sutter Street)

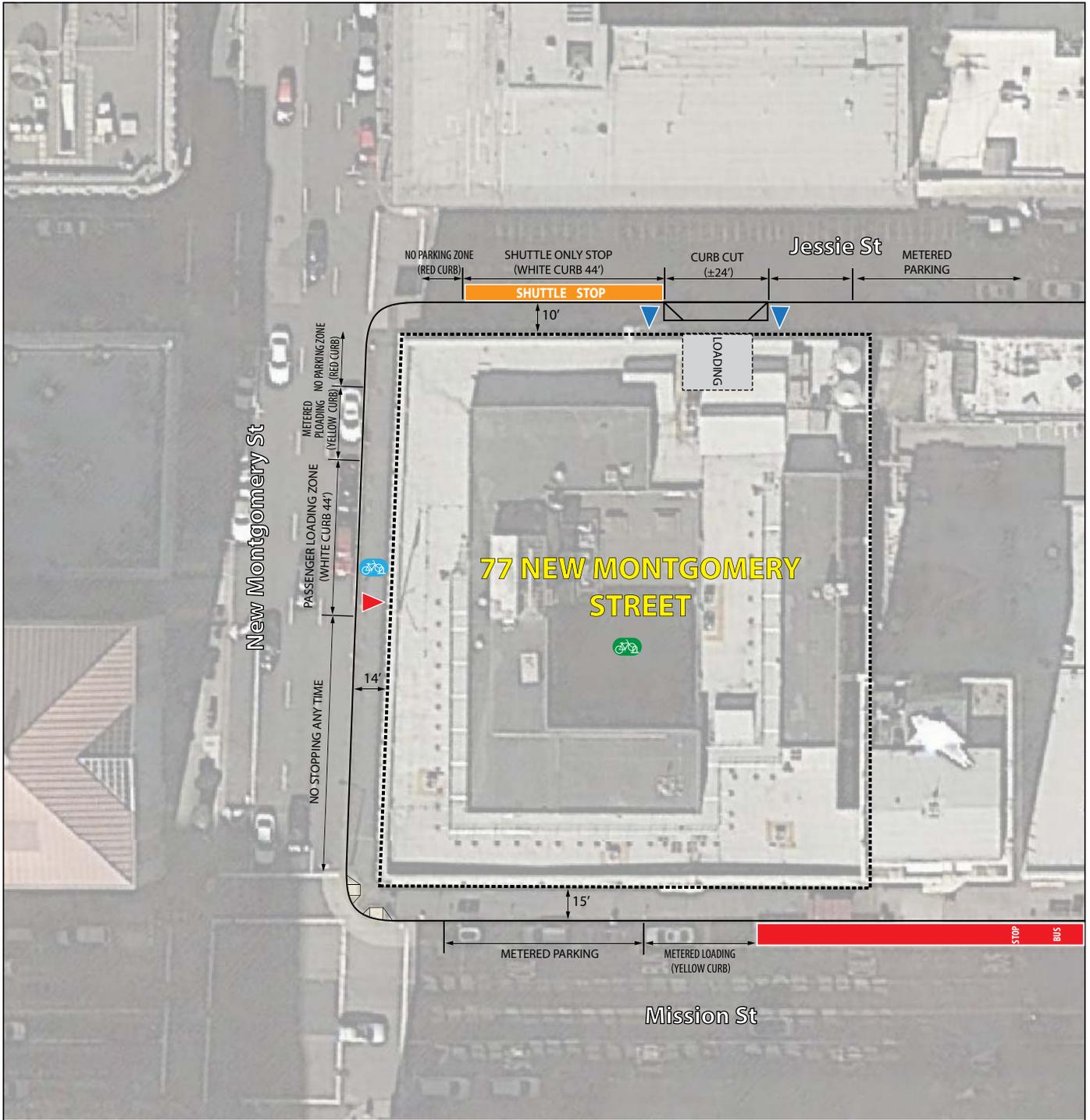


Not to Scale

\* Dimensions are Approximate.  
SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 14 - ES-23: 491 POST ST EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 7    Class II: 15</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 8 Class II Spaces Public: 8 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>G ( 30 min), Hayes Express (30 min)</p>
<p>  Class II Public Bicycle Parking Location   Class II AAU Bicycle Parking Location   Primary Pedestrian Access   Secondary Pedestrian Access   Shuttle Stop Location </p> <p>* Dimensions are Approximate.</p>		

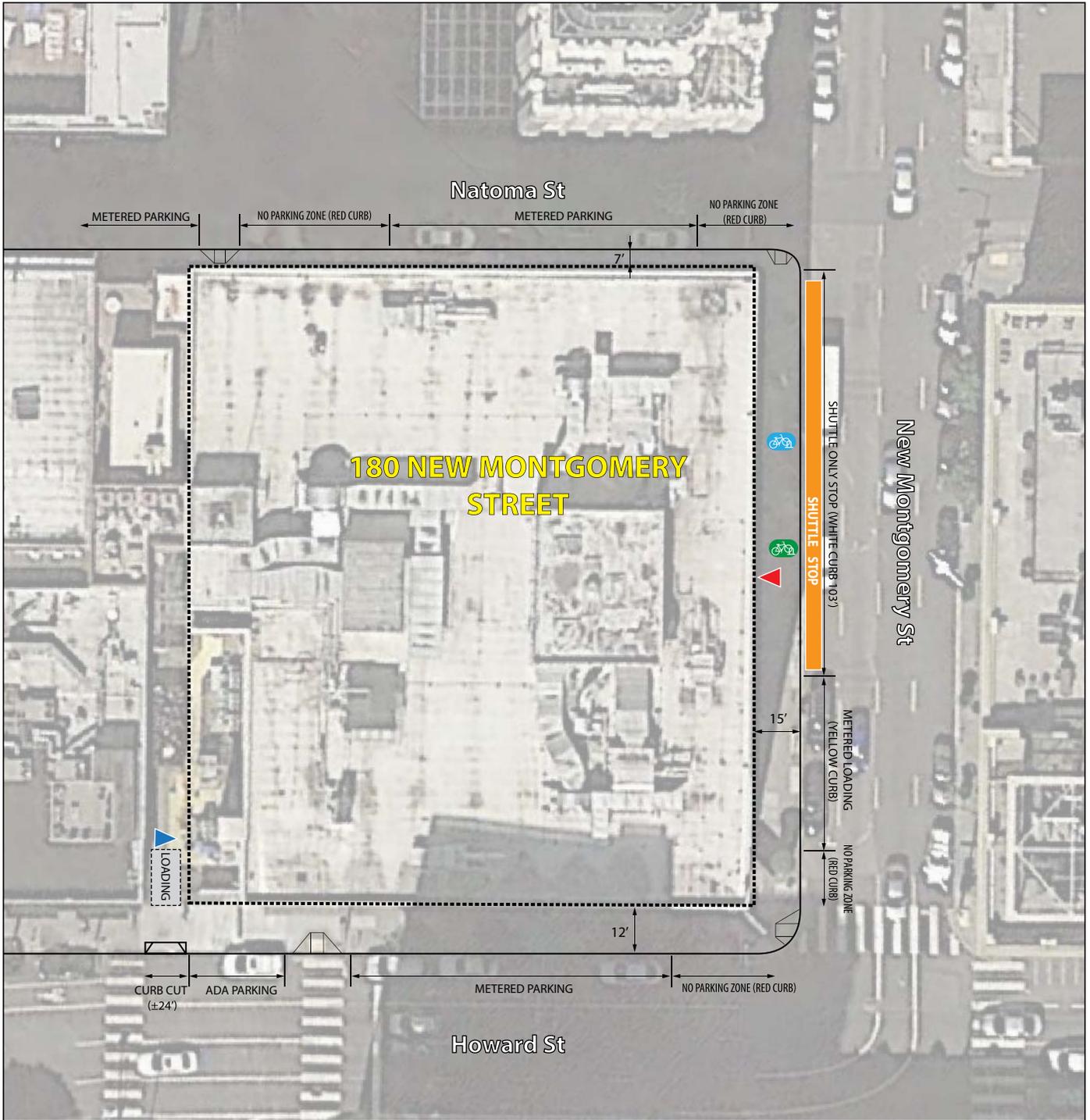


Not to Scale

SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 15 - ES-27: 77 NEW MONTGOMERY ST  
EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 10 Class II: 19</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 16 Class II Spaces Public: 12 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>D, E, G (30 min); H, I (20 min)</p>
-----------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

Class II Public Bicycle Parking Location  
 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

Not to Scale

SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 16 - ES-28: 180 NEW MONTGOMERY ST EXISTING CONDITION**

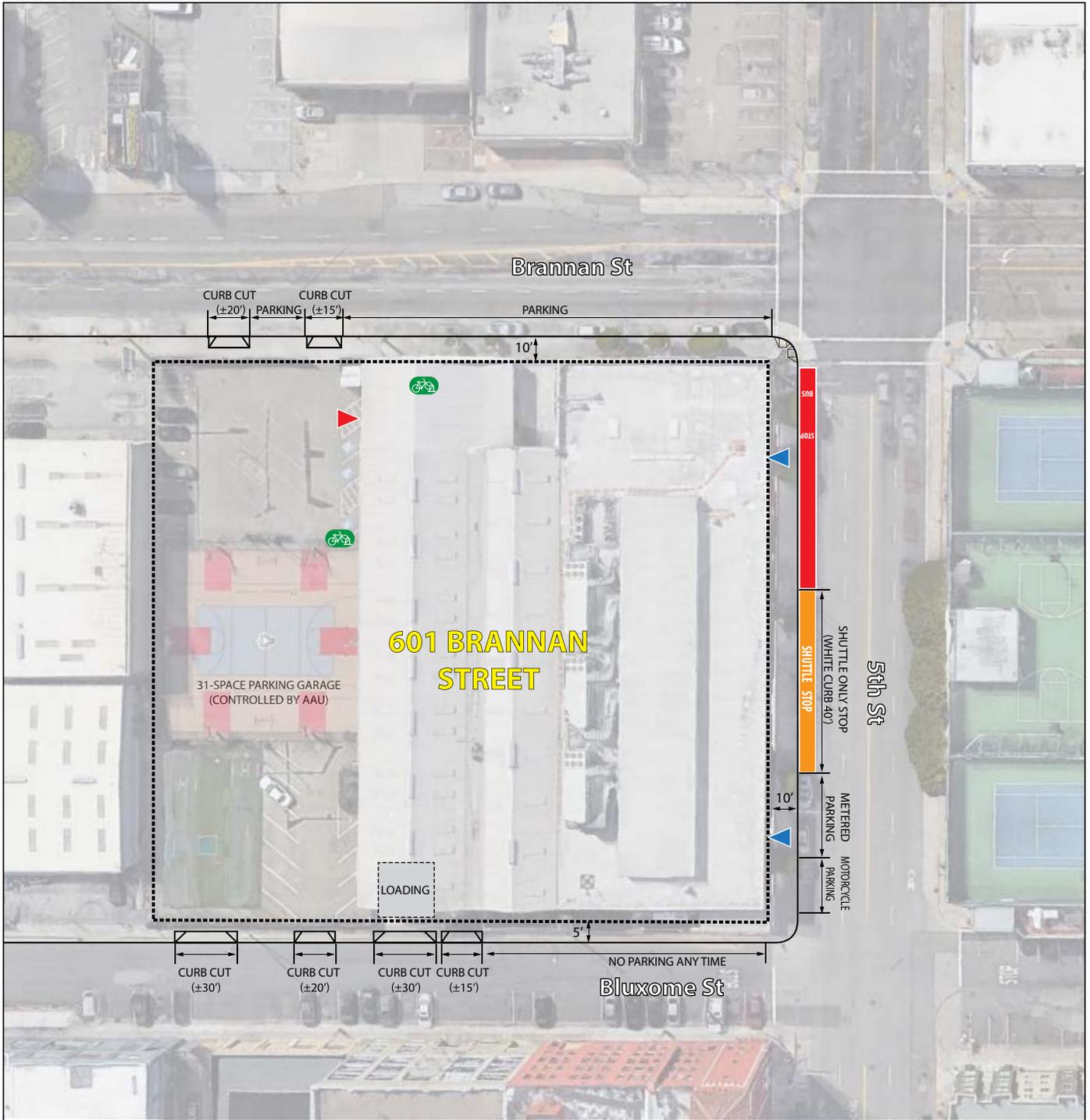


<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 5    Class II: 10</p>	<p>Bicycle Parking Supply</p> <p>AAU: 36 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>G (30 min)</p>
------------------------------------------------------------------------------------	--------------------------------------------------------------	----------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 4    Class II: 7</p>	<p>Bicycle Parking Supply</p> <p>AAU: 60 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>G (30 min); H, I (20 min)</p>
-----------------------------------------------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

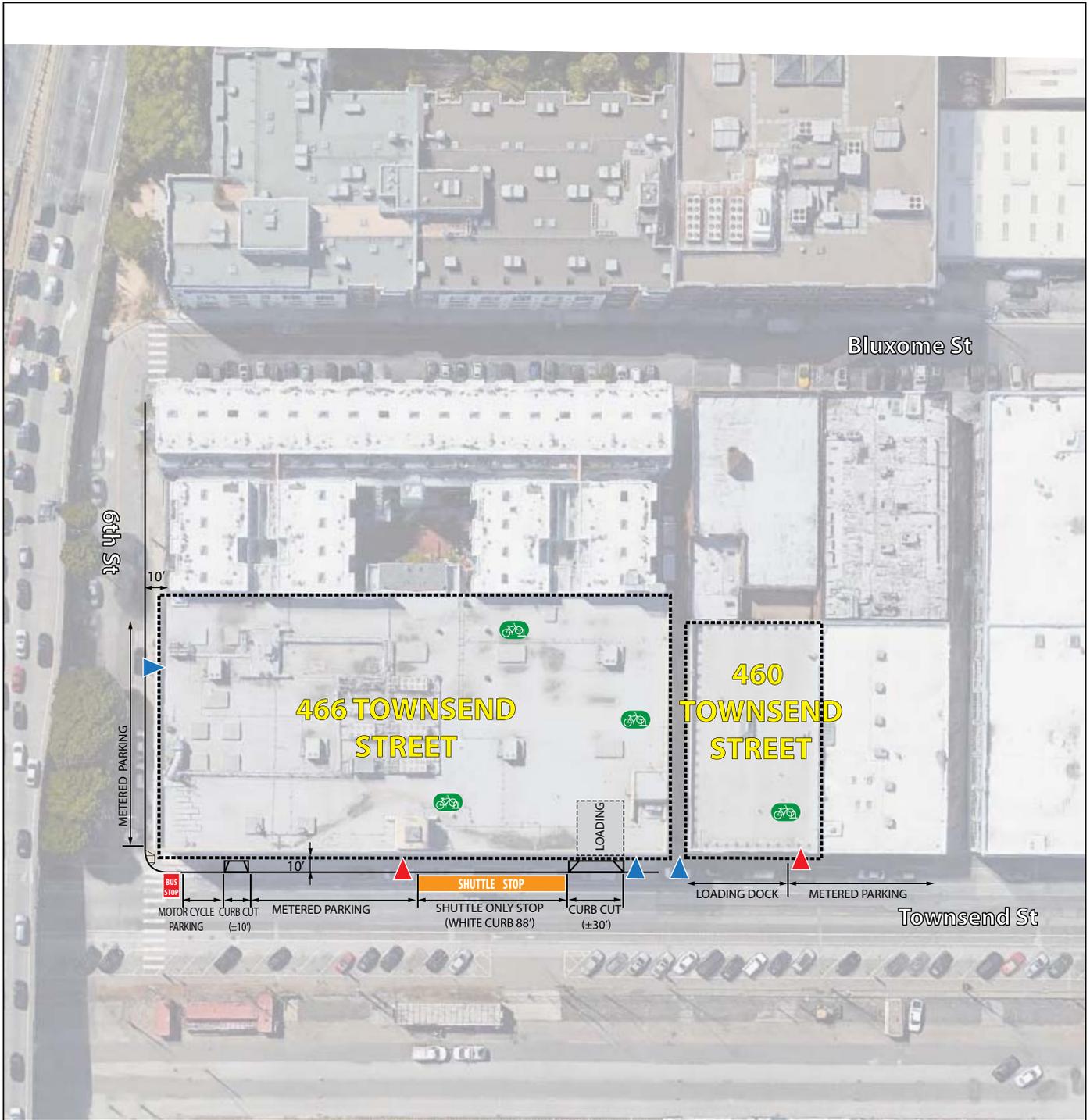
\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.

  
 Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 18 - ES-31: 601 BRANNAN ST EXISTING CONDITION**



<b>Bicycle Parking Planning Code Requirement</b> 460 Townsend St - Class I: 1 Class II: 3 466 Townsend St - Class I: 6 Class II: 11	<b>Bicycle Parking Supply</b> 460 Townsend St - 5 Class II Spaces 466 Townsend St - 20 Class II Spaces	<b>Shuttle Bus Service (PM Peak Hour Headways)</b>  G ( 30 min); H, I ( 20 min)
-------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale

SOURCE: CHS Consulting Group, 2016. ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 19 - ES-31 AND 34: 460 AND 466 TOWNSEND ST EXISTING CONDITION**

### 3. Transportation Policies for Existing and Future AAU Facilities

These policies represent staff recommendations of Conditions of Approval for the existing and future AAU sites in order to provide safe and efficient multi-modal transportation access for all users.

#### 3.1 Traffic

**Condition of Approval (EIR Improvement Measure I-TR-1): Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips.** AAU shall implement a Transportation Demand Management (TDM) Program that seeks to minimize the number of single-occupancy vehicle trips (SOV) generated by the Proposed Project for the lifetime of the project. The TDM Program targets a reduction in SOV trips by encouraging persons to select other modes of transportation, including walking, bicycling, transit, car-share, carpooling, and/or other modes.

1. Identify TDM Coordinator: The project sponsor should identify a TDM coordinator for all of the project sites. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco, TMA SF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from Project occupants and City staff. The TDM Coordinator should provide TDM training to other Project staff about the transportation amenities and options available at the project sites and nearby.
2. Provide Transportation and Trip Planning Information to Building Occupants:
  - a. Move-in packet: Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant or, in the case of the Project Sites, to all current building occupants prior to building permit issuance. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.
  - b. New-hire packet: Provide a transportation insert in the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., Next Muni phone app). This new-hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

### 3.2 Transit

**Condition of Approval: Transportation Sustainability Fee (TSF).** For all existing and future properties, AAU shall pay a fee in the amount of the applicable Transportation Sustainability Fee (TSF). The TSF applies to non-residential developments and larger market-rate residential developments citywide. The TSF consolidates a number of non-residential land use categories (except for Hospitals and Health Services), consistent with other Planning Code impact fees. Rates are as follows:

**Transportation Sustainability Fee (TSF) Fee Schedule**

Land Use Categories	Fee (\$/GSF)
Residential, 21-99 units	\$ 7.74 for all GSF of Residential use in the first 99 dwelling units
Residential, all units above 99 units	\$ 8.74 for all GSF of Residential use in all dwelling units at and above the 100 <sup>th</sup> unit
Non-Residential, except Hospitals and Health Services, 800-99,999 GSF	\$ 18.04 for all GSF of Non-Residential uses less than 100,000 GSF.
Non-Residential, except Hospitals and Health Services, all GSF above 99,999 GSF	\$19. 04 for all GSF of Non-Residential use greater than 99,999 GSF.
Hospitals	\$18.74 per calculation method in Sec. 411A.4(d).
Health Services, all GSF above 12,000 GSF	\$11.00 for all GSF above 12,000 GSF
Production, Distribution and Repair (PDR)	\$ 7.61

### 3.3 AAU Shuttle Bus Service Policy

AAU provides two types of shuttle bus services: fixed-route and on-demand. Fixed-route shuttle buses transport students and staff among Academy of Art academic buildings and residence halls free of charge during building hours: before and after classes, workshops, lab hours, meals and studio times. Access to AAU fixed-route shuttle bus services is restricted to students, faculty, and staff of Academy of Art University. ID badges are required to board vehicles. Riders without ID are not permitted unless accompanied by students or staff with ID.

AAU’s fleet of buses and vans also provides on-demand shuttle service for class field trips, student activities, athletics, faculty & staff transportation needs, and regular voluntary and charitable donations of transportation for local community needs. On-demand shuttle service is limited to thirty trips per day, and must be requested in advance by departmental administrative staff via web-based scheduling software.

#### Fixed Route Structure

Routing needs are determined by location of facilities, clustered proximity of these buildings to one another, student population density within these clustered locations, daily opening and closing times of these buildings, and class start/end times. Clusters of academic buildings within a radius of up to two city blocks are served by a single designated shuttle stop. Shuttle stops are added to support new university locations when these locations lie outside the two-block radius of any pre-existing shuttle stops, but only if per-day ridership necessitates such an addition on an ongoing basis.

There are three types of fixed-route services: Regular loop routes, Express routes, and Limited-Direct routes.

Regular loop routes are designed to connect more than two buildings within a specific area of campus, and to connect to shuttle bus hubs, from which students can transfer to other routes thereby reaching other areas of campus.

Express routes are continuous regular loop routes with only two stops.

Limited/Direct routes supplement the regular looping shuttle service, and are only provided during peak periods. These routes allow students to travel directly between classes from far sides of the campus more quickly because they eliminate hub-transfer.

Shuttle buses are routed to travel the most direct and least congested path among locations, with the following controls:

- No streets and areas restricted by SFMTA
- No streets or areas where residential complaints have been resolved with an agreement to keep buses away.

### **Bus Stops**

There are three types of bus stops:

- Regular Stop
- Hub Stop
- Flag Stop

**Regular Stops:** Wherever possible, AAU will apply for white passenger loading zones for shuttle bus loading along the frontage of the AAU buildings, pending SFMTA approval. If a zone is desired in an area where no AAU building frontage exists, AAU will seek a letter of concurrence from the owner of the property adjoining the desired curb space. Length of passenger loading zones requested depends on the length and frequency of the vehicles serving the location. Typical lengths are 20- to 25-foot zones for small and medium length buses, and 40- to 103-foot zones for the frequent loading of larger transit buses.

**Hub Stops:** Bus hubs are shuttle stops shared by all routes in the system, designed to allow students, faculty, and staff to transfer from one route to another in cases where direct service via the continuously looping routes is unavailable. No breaks or layovers are conducted at the designated hub locations. Route schedules are designed without lag times that would allow for idling or layovers at hubs or other stops. Change of drivers does occur at hub locations and takes less than five minutes. Hub stops are located in areas where sufficient passenger loading zones are available to accommodate the need for bus loading. Curb usage is monitored via surveillance cameras by the Transportation Department to ensure that sufficient number of spaces are available. The majority of fixed-route shuttles are scheduled with relief drivers taking over at hub stops to maintain looping service on routes while regular drivers are on break. In cases where ridership demand does not support continuous looping service, shuttles are designated to return to the bus yard during breaks.

Bus layover is required at times. When scheduled breaks do not permit buses to return to the bus yard without excessive carbon footprint, shuttles are directed to use legal parking spaces as available in the vicinity. Parking meter cards are issued to these drivers as needed.

**Flag Stops:**<sup>1</sup> Flag stops may be established if average ridership per day is less than 20 passengers. In such cases these locations are not assigned stop times, but are indicated along routes as places where drivers stop and board passengers only if someone is waiting at the curb and signals to the bus that they wish to board.

### **Operating Policy**

Diesel buses are equipped with auto-shutoff anti-idling regulators which activate after five minutes. Gasoline buses are not equipped in this way, as the idling of gas buses is not regulated by California's commercial vehicle idling laws. Field Supervisors are tasked with daily surveillance of hub locations to ensure that vehicles are not stacking up, and are not laying over.

Frequency of service is monitored and adjusted prior to the start of each semester, and is subject to adjustment mid-semester as well. Ridership data (on-boarding) is gathered by bus drivers, and routes are continually monitored for hour-by-hour ridership statistics. The following threshold criteria are applied for peak and off-peak-hour frequencies when making adjustments.

During peak hours, shuttle frequencies increase as needed. Frequencies are evaluated and adjusted based on comparison of data about shuttle loads received from drivers' passenger count sheets, student feedback, and driver reports about overloading. If shuttles are filled to maximum capacity, standing room is utilized, and auxiliary shuttles are required. Backup routes are scheduled as limited regular service to supplement during peak periods only.

When average ridership per day on a given loop at a certain off-peak time of day indicates low usage of that loop in per-hour periods of two or more consecutive hours, the loop will be considered for removal if total average daily ridership indicates fewer than 10 passengers on-boarding per-hour during that time period daily.

Changes in building hours necessitate the cancellation or addition of service.

### **Bus Fleet**

The size and quantity of vehicles assigned to each route are monitored and adjusted prior to the start of each semester, and are subject to adjustment throughout each semester as well. When route ridership falls below average threshold minimums, quantity of shuttles on a given route will be decreased, and/or vehicle size will be adjusted, and/or routes may go out of service entirely during the predictable periods of low ridership. Determinations about which of these measures are appropriate are made by factors such as alternative bus availability and passenger data. The following threshold criteria are applied when making adjustments:

When the on-boarding average ridership per day on a given bus indicates low usage of that bus throughout the day, the bus will be considered for removal from the route if total average daily ridership indicates fewer than 40 passengers per day.

Vehicles are replaced or retrofitted to comply with California Air Resource Board low emission requirements. Fleet is maintained as predominantly gas-fueled vehicles. Vehicle replacement policy is to progressively minimize quantity of diesel vehicles in fleet.

### **Management, Coordination, and Communication**

AAU is committed to provide students, faculty, and staff with convenient and easily accessible data on shuttle bus routes and schedules. AAU provides shuttle routes and schedules on the AAU website and

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<sup>1</sup> The Planning Department is recommending the elimination of any existing or future Flag Stops as they lead to safety concerns.

includes the data in the kiosks in the lobbies of academic buildings. AAU also provides a mobile app which gives students, faculty, and staff access to GPS data, allowing them to locate shuttles en route.

AAU is committed to ongoing communication, problem solving, and cooperation to alleviate and eliminate complaints and concerns received from the public, adjacent neighbors, and city agencies. In addition, AAU transportation managers participate in SFMTA coordination meetings regarding bus stop policies and programs.

The Campus Safety Communication Center at 180 New Montgomery shares two-way radio access with drivers, dispatchers, supervisors and managers in the Transportation Department. This allows for quick response times in emergency situations.

### **AAU Shuttle Route Controls**

When considering new, expanded, or relocated shuttle routes, routes shall avoid all residential streets where feasible. If it is infeasible to avoid residential streets due to the location of the AAU building, AAU's shuttle routing will take into account factors such as stop locations, schedules, and the minimum size of shuttle vehicle needed to meet demand.

Drivers on established shuttle routes shall generally adhere to those routes. In cases of congestion, shuttle drivers shall avoid diverting to residential streets.

As routes change, AAU will document changes/selection of routes and make the documentation available to the City and the public promptly on the AAU website, annually directly to the Planning Department and SFMTA, and upon request directly to members of the public.

AAU will conduct routine (Fall, Spring and Summer term) analysis of shuttle ridership demand and routes to make necessary adjustments. This analysis shall include goals of reducing routes/buses with low capacity utilization and methods to address any community concerns.

For more efficient routing and perhaps the reduction of shuttles, AAU will identify the shuttle vehicles that can accommodate standing riders and calculate shuttle capacity based on both seated and standing passengers, similar to how public transit capacity is determined. Use this capacity information in the triannual optimization analysis of shuttle ridership demand, routes, and adjustments.

AAU will provide a contact for shuttle bus traffic/routing to the public and for the City. This contact information will be posted clearly on AAU's website. AAU will log, and make available to the City upon request, all complaints and resulting resolutions of complaints related to shuttle routing and/or service.

### **AAU Shuttle Stop Controls**

No use of Muni or regional transit stops by AAU shuttles unless previously approved by SFMTA.

Establish shuttle routes and stops to minimize the risk of double-parking. Inform shuttle drivers not to double-park or otherwise block vehicle travel lanes to load or unload shuttle passengers unless both a) the shuttle driver cannot stop at an AAU white zone or other AAU stop because it is blocked by an unauthorized vehicle; and b) the driver promptly notifies the Department of Parking and Traffic of the unauthorized blockage. When AAU double parking or blocking of vehicle lanes that is not caused by such third-party activity is documented to occur, AAU shall take measures to correct this traffic violation (such as through the provision of a white zone, or relocation of a shuttle stop).

Shuttles shall not idle at stops when not actively loading or unloading passengers, particularly at hub stops.

Similar to route controls, AAU will provide a contact person for AAU shuttle stop concerns from the public, which will be clearly posted on AAU's website, and will keep a log of any complaints received, with resolutions to be made available to the City upon request.

As changes are made or flag stops established, make these changes available to the City.<sup>2</sup>

Provide direct contact for MTA of "two-way radio access" operator, i.e. the AAU Communications Center and Transportation Dispatcher, to resolve any day-to-day concerns from Muni drivers as they arise.

### **Shuttle Zones Addressed in the Draft EIR**

The Draft EIR included analysis of three AAU shuttle stop locations that were not covered in the 23 AAU site diagrams. Diagrams and site characteristic descriptions were included in the Draft EIR. These shuttle stop locations include:

1. Jones and Beach Street stop - The proposed project would use an existing 80-foot white zone located near 2700 Jones Street between North Point and Beach Streets as a shuttle stop for the shuttle routes serving this site.
2. 150 Hayes Street stop – The proposed project would use a portion of the existing garage as a shuttle stop for the shuttle routes serving this site.
3. 625 Polk Street stop - The proposed project would use an existing white zone located on Turk Street just west of Polk Street as a shuttle stop for the shuttle routes serving this site.

### **AAU Shuttle Management Plan**

**Condition of Approval (EIR Mitigation Measure M-TR-3.1): Shuttle Demand, Service Monitoring, and Capacity Utilization Performance Standard.** AAU shall develop, implement, and provide to the City a shuttle management plan to address meeting the peak hour shuttle demand needs of its growth. The shuttle management plan shall address the monitoring, analysis, and potential correction such that unmet shuttle demand would not impact the City's transit and transportation system. Analysis of shuttle bus demand and capacity utilization shall occur at least on an annual basis, or as needed to address shuttle demand. Specifically, analysis and adjustments shall be made on any AAU shuttle routes to reduce shuttle peak hour capacity utilization when the performance standard of 100 percent capacity utilization is regularly observed to be exceeded on any of the AAU shuttle routes. Additionally, the shuttle management plan shall address how shuttle demand at the six project sites<sup>3</sup> will be provided. As additional project sites are added the shuttle management plan would be adjusted to reflect up-to-date shuttle routes, stops and services, as well as a capacity utilization analysis, as needed to, indicate that the proposed demand for shuttle services could be met and avoid potential mode shifts to other travel modes. AAU shall report annually to the City on capacity utilization and alter its schedules and/or capacity, as necessary to avoid regular exceedances of the capacity utilization standard.

**Condition of Approval (EIR Improvement Measure I-TR-2): AAU Shuttle Activities Monitoring.** As a standard condition of approval, the project sponsor, AAU shall develop and monitor a shuttle bus operation program or group of policies, such as the AAU Shuttle Bus Policy, to ensure shuttle activities do not on a recurring basis substantially impede or interfere with traffic, adjacent land use, transit,

<sup>2</sup> The Planning Department is recommending the elimination of any existing or future Flag Stops as they lead to safety concerns.

<sup>3</sup> The six sites analyzed in the Draft EIR include 2801 Leavenworth Street, 700 Montgomery Street, 625 Polk Street, 150 Hayes Street, 121 Wisconsin, and 2225 Jerrold Street

pedestrians, commercial or passenger loading, and bicycles on the public right-of-way. Such a program shall at a minimum include:

- A dedicated contact person(s) for the shuttle bus operation program
- AAU will document changes to routes and make the documentation available to the City and to the public promptly on the AAU website
- Inclusion of policies or procedures and necessary driver education and penalties to insure that shuttles avoid neighborhood residential streets where feasible
- Inclusion of policies or procedures and necessary driver education and penalties to insure shuttles do not idle at stops when vehicles are not actively loading and unloading
- In the event that a white shuttle bus zone cannot be located or approved in front of an AAU building or an existing stop cannot accommodate additional shuttle traffic, AAU shall work with SFMTA and Planning Department to analyze and propose an alternate location (white zone, nearby property driveway or garage, etc.) to accommodate the AAU peak hour shuttle trips without affecting adjacent vehicle travel lanes
- Reporting and documentation procedures to address transportation-related complaints related to shuttle activity
- Policies requiring the management of the shuttle program to be consistent with SFMTA shuttle policies,<sup>4</sup> including no use of Muni or regional stops without approval of the affected transit agency
- Policies to regularly monitor and adjust (as needed) the AAU shuttle service provided, such that underutilized routes can be adjusted or removed as needed, and heavily used route service can be adjusted to add larger shuttles, provide more frequent service, or other adjustments that result in similar increased capacity

If the Planning Director or SFMTA Director, or his or her designee, have reason to believe that a shuttle activity is creating a recurring conflict (traffic, transit, pedestrian, bicycle, or loading) or safety concern on public property, the Planning Department or SFMTA shall notify AAU in writing. If warranted, the Department(s) may also require AAU to hire a qualified transportation consultant to evaluate the conditions at the site. The consultant shall evaluate the conditions for no less than seven days. The scope of data collection shall be coordinated and reviewed with the Planning Department and/or SFMTA prior to collection. The consultant shall prepare a report summarizing the observations and conditions, and the contribution of the shuttle activity to the concern. The consultant shall provide the Department a recommendation for resolution. If the Department determines that a recurring conflict or safety concern related to shuttle activities exists and could be improved upon, AAU shall have 90 days from the date of the written determination to resolve the matter as recommended or present an alternative solution.

**AAU Shuttle Bus Service Policy, Management Plan Monitoring, and Enforcement Fee:** To monitor compliance with the AAU Shuttle Bus Policy and Management Plan, AAU shall submit annual compliance reports to the Planning Department, as required by the AAU conditions of approvals, including Condition of Approval - AAU Shuttle Activities Monitoring and Condition of Approval - Shuttle Demand, Service, Monitoring, and Capacity Utilization Performance Standard. The annual monitoring fee shall be \$1,271 (or revised as reflected in a subsequently updated Planning Department fee

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<sup>4</sup> <https://www.sfmta.com/projects-planning/projects/commuter-shuttle-program-2016-2017>

schedule) for monitoring conditions of approval as the fee for active monitoring as set forth in Planning Code Sec. 351 (d) and Administrative Code 31.22(a)(12) (plus time and materials as set forth in *Planning Code* Section 350(c)). The fee shall fund the costs of administering and monitoring AAU's compliance with the AAU Shuttle Policy and Management Plan, including but not limited to, reporting on capacity utilization, changes to shuttle route schedules, and recorded complaints. The monitoring fee is an important element of the AAU Shuttle Policy and Management Plan to ensure shuttle activities do not substantially impede or interfere with traffic, adjacent land uses, transit, pedestrians, commercial or passenger loading, and bicycle on the public right-of-way. Violation of these Planning Department conditions of approval shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1 Non-compliance with these reporting requirements is subject to penalties according to Planning Code Section 176 (Enforcement Against Violations) of \$250 per day that can be assessed to the responsible party for each day of compliance continues unabated, excluding the period of time the Notice of Violation and Penalty has been pending before the Zoning Administrator.

### 3.4 Bicycle Parking

**Condition of Approval: Bicycle Parking.** To improve bicycle parking and conditions for bicyclists at future project sites, AAU shall add on- or off-street (or some combination thereof) bicycle parking facilities at project sites. Although additional bicycle parking may not be required under the Planning Code, AAU shall strive to reach the bicycle parking levels consistent with Planning Code and/or based on bicycle parking demand<sup>5</sup>, whichever is more, for such use categories as for student housing, offices, and postsecondary educational institutions, or consistent with other college campuses for similar types of use (such as classrooms, public areas/showrooms/event facilities, administrative office, student housing, and other student services). AAU can substitute the bicycle parking spaces by providing space or paying for a Bike Share hub in consultation with SFMTA. Bicycle parking should be placed in a safe, easily accessed location and in sufficient amounts to meet demand.

**Class I:** AAU shall design, locate and configure all bicycle parking spaces in compliance with Planning Code Section 155. Class I bicycle parking should be consistent with San Francisco Planning Department guidance, including being conveniently located and easily accessed from the ground floor (at grade level).

**Class II:** AAU shall design, locate and configure all bicycle parking spaces in compliance with Planning Code Section 155. Placement of Class II bicycle parking spaces on public sidewalks should be coordinated and reviewed by SFMTA.

### 3.5 Pedestrian Facilities

**Condition of Approval: Pedestrian Traffic.** Since pedestrian flows on adjacent sidewalks could be intermittently heavy, an improvement to monitor pedestrian volumes at future sites, particularly student volumes during the peak periods, is recommended. AAU should conduct peak semester, peak weekday, 7:30 a.m. to 7:30 p.m. observation/count of shuttle passengers waiting for shuttles to determine if adjacent pedestrian facilities are being blocked at certain times of the day. If pedestrian traffic is observed to be blocked during any of these periods, then AAU should implement measures such as having students

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<sup>5</sup> Bicycle Parking Demand = Daily bicycle trips/2/turnover rate

wait inside for shuttles (providing real-time information on shuttle arrivals, similar to NextBus), reminding students not to block adjacent sidewalks, providing a gathering area inside the building, and/or other measures to reduce this activity. Other measures could include wider sidewalks, pedestrian bulb outs, signalized pedestrian crossing, and adding benches to encourage passengers to wait closer to the building rather than at the curb. Measures outside the building would be subject to San Francisco Department of Public Works review and approval.

**Condition of Approval: Curb Cut Removal.** AAU should remove unnecessary curb cuts at existing and future sites, as determined by the Planning Department and SFMTA. Curb cut removal also improves pedestrian conditions, and potentially increases the amount of on-street parking and/or commercial parking adjacent to future AAU facilities.

### 3.6 Commercial and Construction Loading

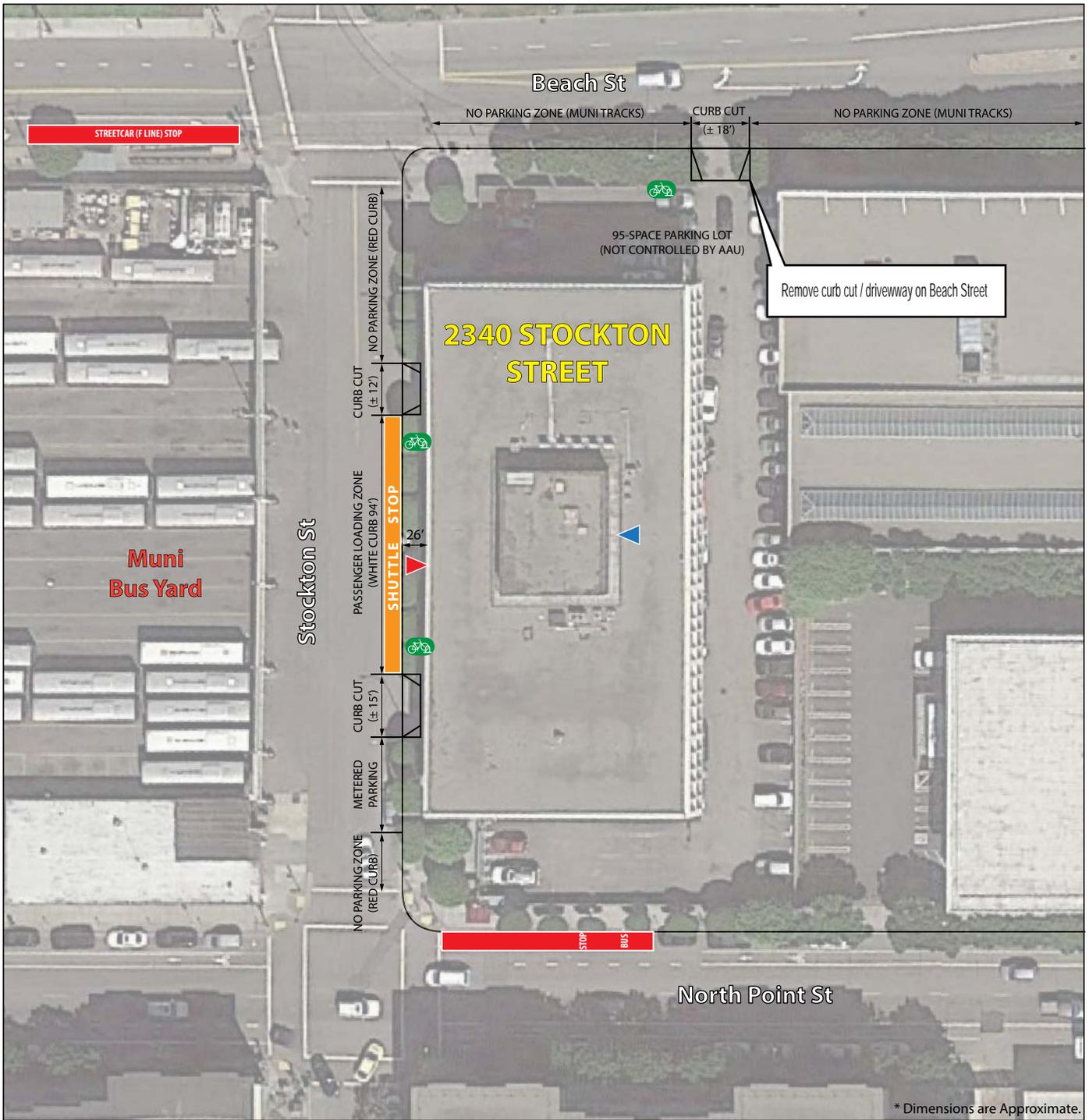
Although AAU is not a centralized campus, most deliveries, except food and some program or residential deliveries, are delivered to the centralized receiving area at the 79 New Montgomery main administrative building, and then distributed to the other buildings owned or operated by AAU. The 79 New Montgomery building has a loading dock along Jessie Street between Second Street and New Montgomery Street, and most deliveries occur at the loading dock or at other on-street loading zones (commercial or passenger) along New Montgomery Street. Based on information provided by AAU, there are approximately eight to nine daily deliveries to the 79 Montgomery Street location. Mailroom deliveries to AAU facilities occur twice daily, goods deliveries (e.g., paper, ink, computers) four to five times per day, and bulk printed materials once per semester. Food service deliveries are made to multiple existing AAU facilities, such as 620 Sutter Street and 1055 Pine Street, twice weekly.

**Condition of Approval (EIR Improvement Measure I-TR-5): Commercial Loading.** AAU would further improve conditions in study areas with high existing commercial loading demand, where AAU would monitor and efficiently manage their commercial loading activities over time and as needed, adjusting times of deliveries or applying for additional on-street commercial loading spaces from SFMTA. Since AAU has a centralized delivery system, commercial deliveries could be combined and managed to occur when higher amounts of on-street commercial loading spaces are available. This would improve potential AAU commercial loading activities in the study areas.

**Condition of Approval: Construction Loading.** Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would improve general traffic flow on adjacent streets during the AM and PM peak periods.

## 4. Recommended Conditions of Approval

The following figures include transportation-related recommended conditions of approval for AAU's institutional and residential existing sites. The AAU site figures provide recommendations for shuttle stop locations and bus lines, commercial loading passenger loading zones, bicycle parking location, and building pedestrian access. These recommendations will ensure safe and efficient access for all modes with a particular focus on promoting pedestrian, bicycle, and transit access to all AAU facilities and adjacent mix of uses, thereby reducing impacts on the transportation network.



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D (30 min), E (30 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<p><b>BICYCLE PARKING</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">32</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">9</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	32	Parking Demand:	9		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Remove curb cut/driveway on Beach Street and use curb cuts on Stockton Street for accessing leased parking lot</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	32														
Parking Demand:	9															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 1 - ES-1: 2340 STOCKTON ST (INSTITUTIONAL SITE)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

**SHUTTLE BUS SERVICE**  
 Shuttle Service Discontinued as of April 18, 2016  
 Nearest Stop at Beach St / Jones St



AAU Bicycle Parking Location



Primary Pedestrian Access



Secondary Pedestrian Access



Not to Scale

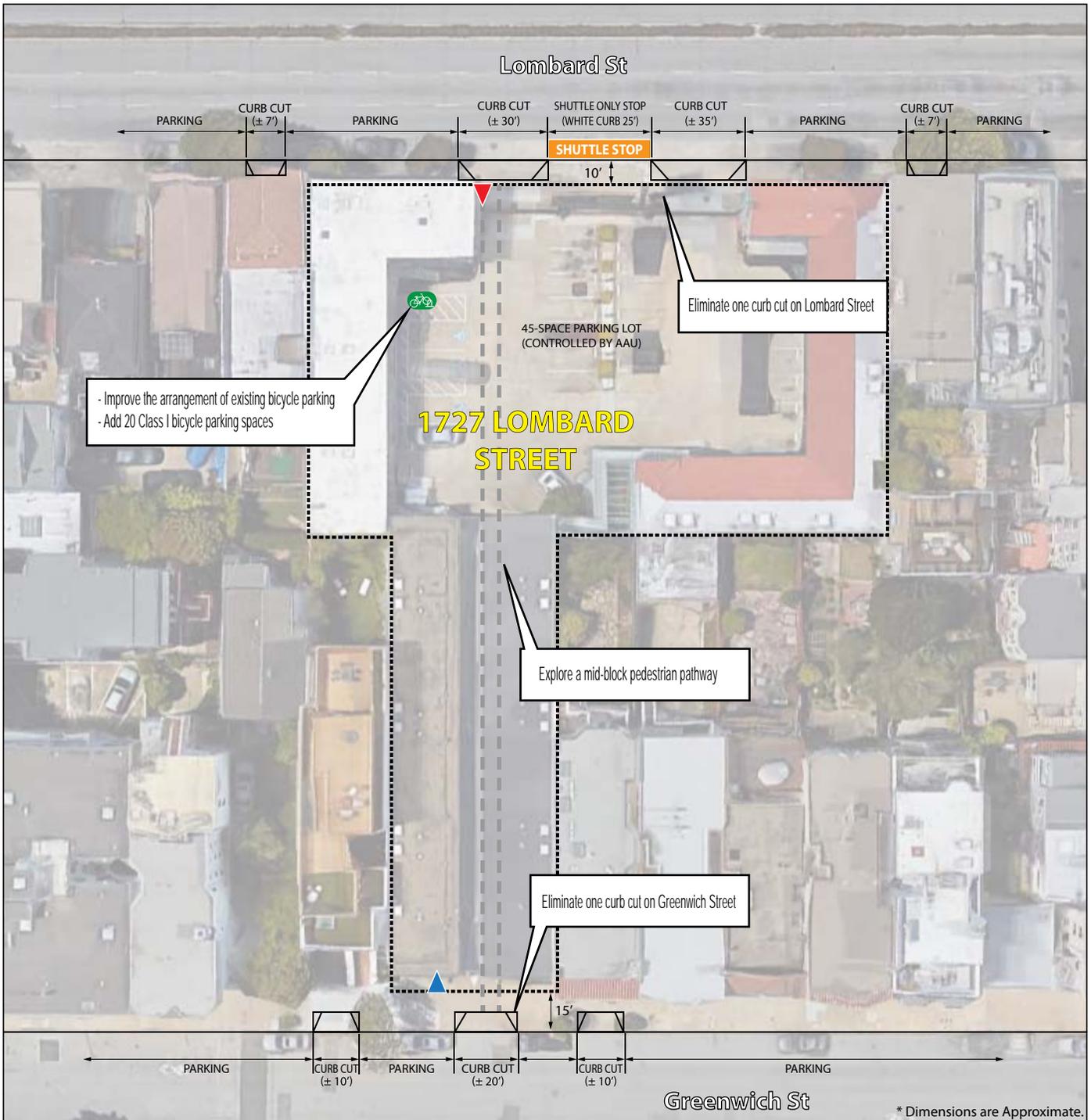
<b>BICYCLE PARKING</b>		
	Class I	Class II
Code Required:	0	0
Existing Supply:	0	14
Parking Demand:	4	
Recommended:	0	0

**RECOMMENDED CONDITIONS OF APPROVAL**

None

ACADEMY OF ART UNIVERSITY ESTM  
 SOURCE: CHS Consulting Group, 2016.

**FIGURE 2 - ES-2: 2295 TAYLOR ST (INSTITUTIONAL SITE)  
 RECOMMENDED CONDITIONS OF APPROVAL**

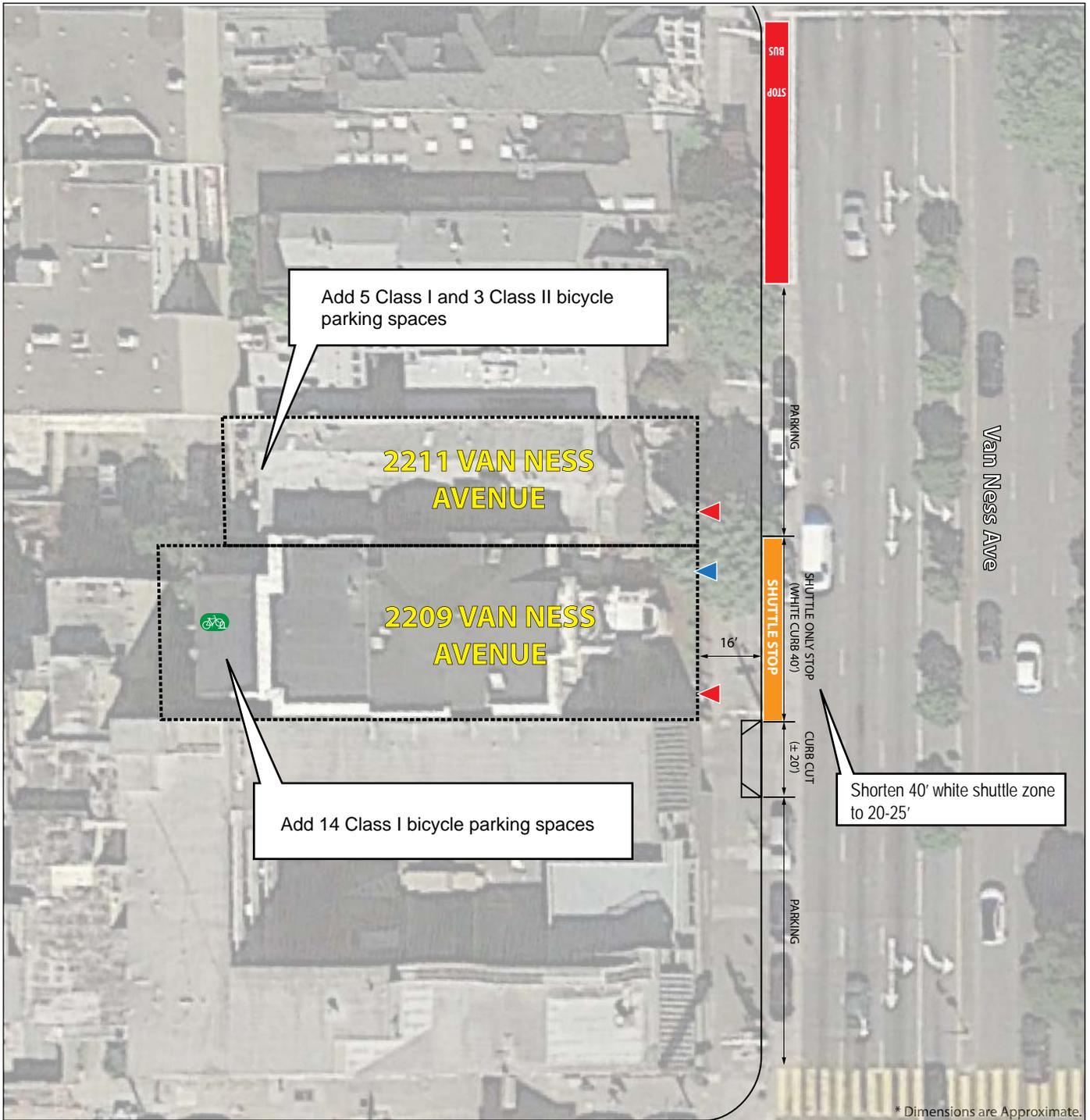


\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location       Primary Pedestrian Access   Shuttle Stop Location       Secondary Pedestrian Access         </p> <p style="text-align: right;"> Not to Scale</p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">20</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">16</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">6</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">20</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	20	3	Existing Supply:	0	16	Parking Demand:	6		Recommended:	20	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Eliminate the existing curb cuts (one on Lombard St and one on Greenwich St) and replace with 2 parking spaces</p> <p>TR-3 Explore a mid-block location to replace the driveway extending through the site to Greenwich St</p> <p>TR-4 Improve the arrangement of bicycle parking and add 20 Class I bicycle parking spaces</p>
	Class I	Class II														
Code Required:	20	3														
Existing Supply:	0	16														
Parking Demand:	6															
Recommended:	20	0														

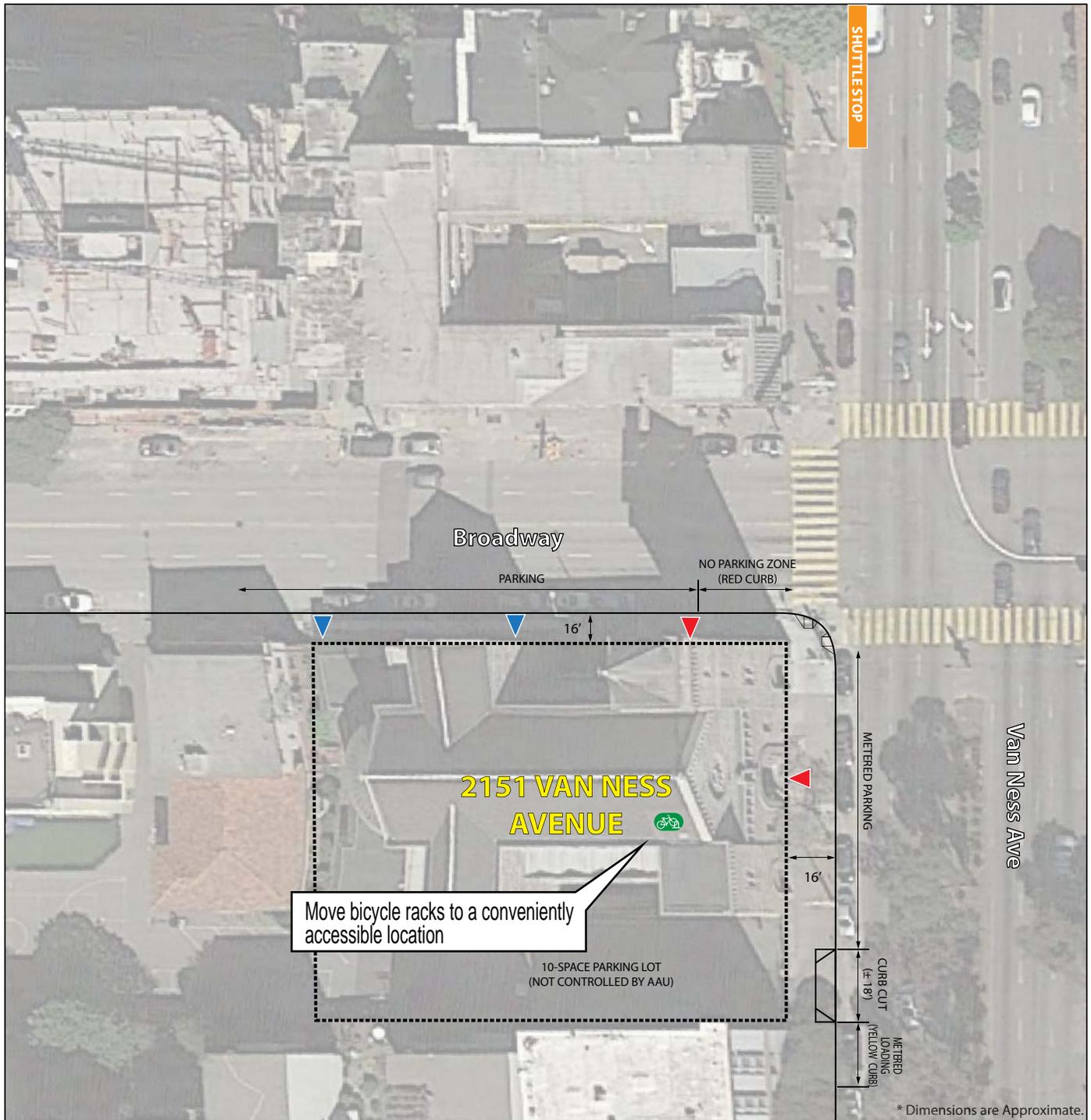
ACADEMY OF ART UNIVERSITY ESTM  
SOURCE: CHS Consulting Group, 2016.

**FIGURE 3 - ES-3: 1727 LOMBARD ST (RESIDENTIAL SITE)  
RECOMMENDED CONDITIONS OF APPROVAL**



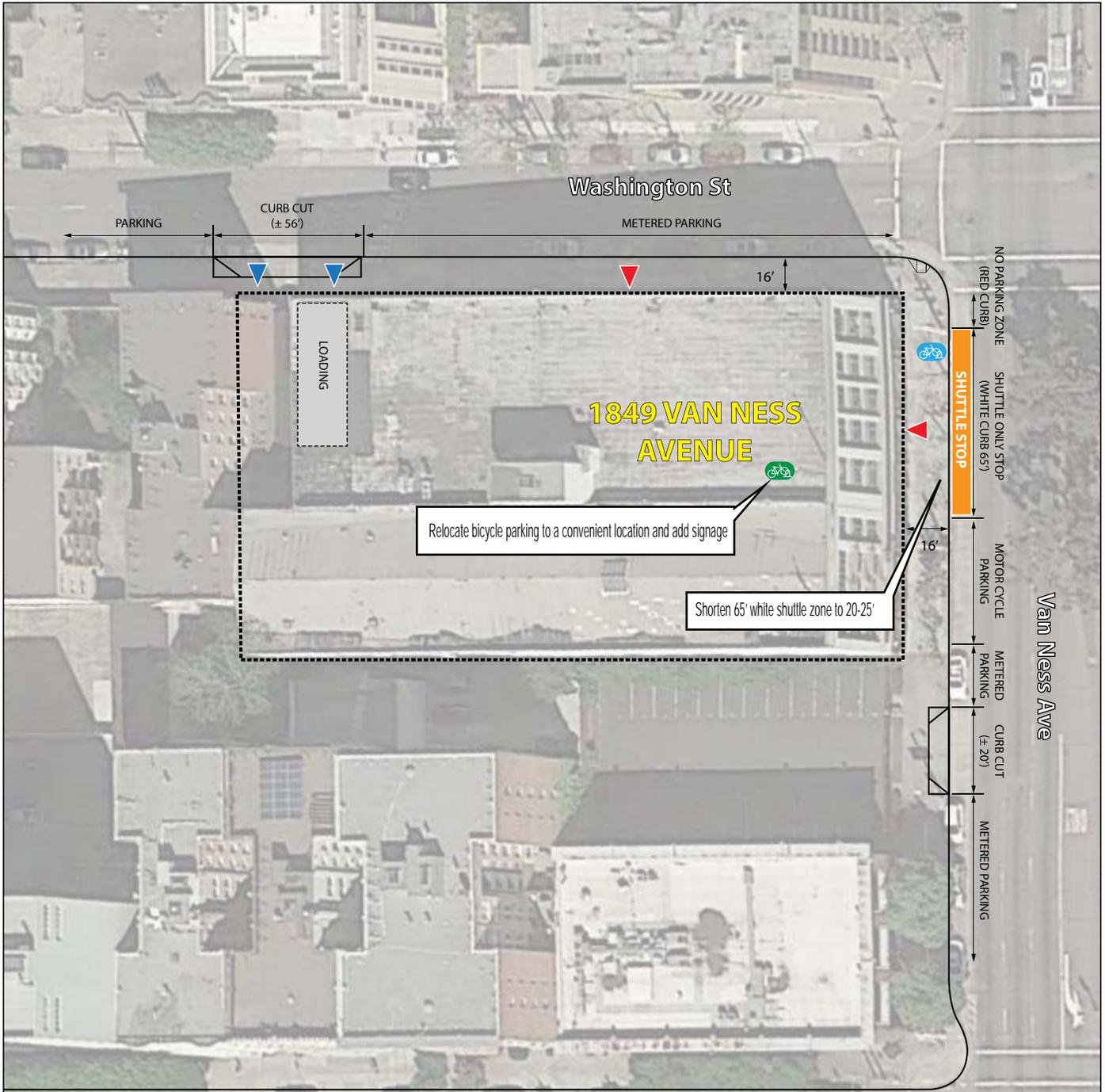
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<p><b>BICYCLE PARKING (2211 VN/2209 VN)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">5 / 14</td> <td style="text-align: center;">3 / 3</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0 / 0</td> <td style="text-align: center;">0 / 9</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">3 / 3</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">5 / 14</td> <td style="text-align: center;">3 / 0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	5 / 14	3 / 3	Existing Supply:	0 / 0	0 / 9	Parking Demand:	3 / 3		Recommended:	5 / 14	3 / 0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p><b>2211 Van Ness Avenue</b>            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Add 5 Class I bicycle parking spaces            TR-3 Add 3 Class II bicycle parking spaces</p> <p><b>2209 Van Ness Avenue</b>            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Shorten 40' white shuttle zone to 20-25'            TR-3 Add 14 Class I bicycle parking spaces</p>
	Class I	Class II														
Code Required:	5 / 14	3 / 3														
Existing Supply:	0 / 0	0 / 9														
Parking Demand:	3 / 3															
Recommended:	5 / 14	3 / 0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 4 - ES-4 &amp; 5: 2211 &amp; 2209 VAN NESS AVE (RESIDENTIAL SITES) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location       Primary Pedestrian Access   Shuttle Stop Location       Secondary Pedestrian Access         </p> <p style="text-align: right;"> Not to Scale</p>																		
<table border="1"> <thead> <tr> <th colspan="3">BICYCLE PARKING</th> </tr> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>TBD</td> <td>TBD</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>8</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">1</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	BICYCLE PARKING				Class I	Class II	Code Required:	TBD	TBD	Existing Supply:	0	8	Parking Demand:	1		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity          TR-2 Move bicycle racks to a conveniently accessible location</p>
BICYCLE PARKING																			
	Class I	Class II																	
Code Required:	TBD	TBD																	
Existing Supply:	0	8																	
Parking Demand:	1																		
Recommended:	0	0																	
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 5 - ES-6: 2151 VAN NESS AVE (INSTITUTIONAL SITE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p> AAU Bicycle Parking Location   Public Bicycle Parking Location   Shuttle Stop Location</p>	<p> Primary Pedestrian Access   Secondary Pedestrian Access</p> <p style="text-align: right;"> Not to Scale</p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>32</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">21</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	32	Parking Demand:	21		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity  TR-2 Shorten 65' white shuttle zone to 20-25' and return to public parking or commercial loading spaces  TR-3 Relocate bicycle parking to a more convenient location and add signage</p>	
	Class I	Class II															
Code Required:	0	0															
Existing Supply:	0	32															
Parking Demand:	21																
Recommended:	0	0															
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>		<p style="text-align: center;"><b>FIGURE 6 - ES-8: 1849 VAN NESS AVE (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



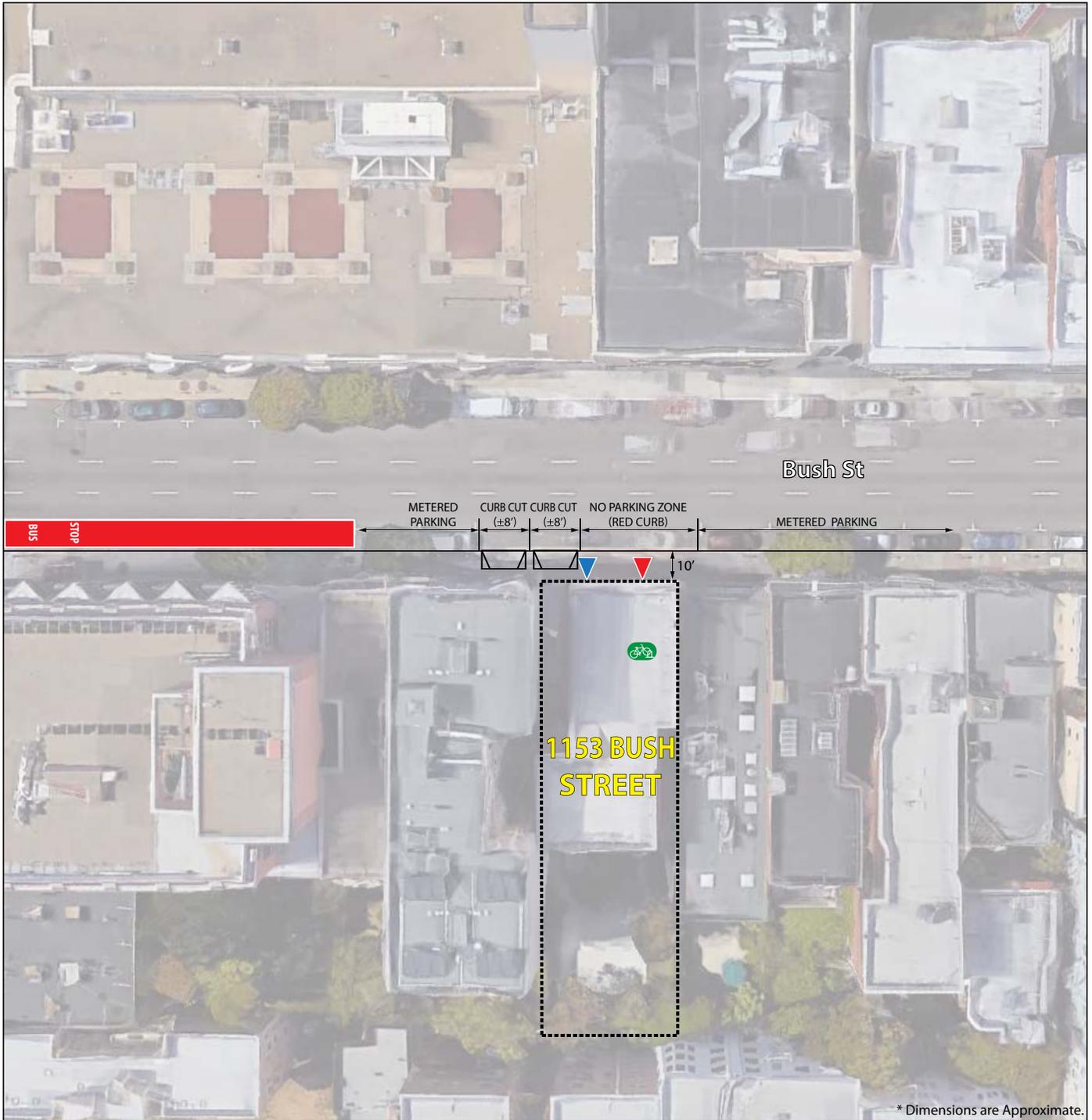
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location                Primary Pedestrian Access   Shuttle Stop Location                Secondary Pedestrian Access         </p> <p style="text-align: right;"> Not to Scale</p>																		
<table border="1"> <thead> <tr> <th colspan="3">BICYCLE PARKING</th> </tr> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>6</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">3</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	BICYCLE PARKING				Class I	Class II	Code Required:	0	0	Existing Supply:	0	6	Parking Demand:	3		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Coordinate with SFMTA to create a white zone            TR-3 Rearrange bicycle parking to allow for sufficient clearance of parked bicycles</p>
BICYCLE PARKING																			
	Class I	Class II																	
Code Required:	0	0																	
Existing Supply:	0	6																	
Parking Demand:	3																		
Recommended:	0	0																	
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 7 - ES-9: 1916 OCTAVIA ST (RESIDENTIAL SITE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



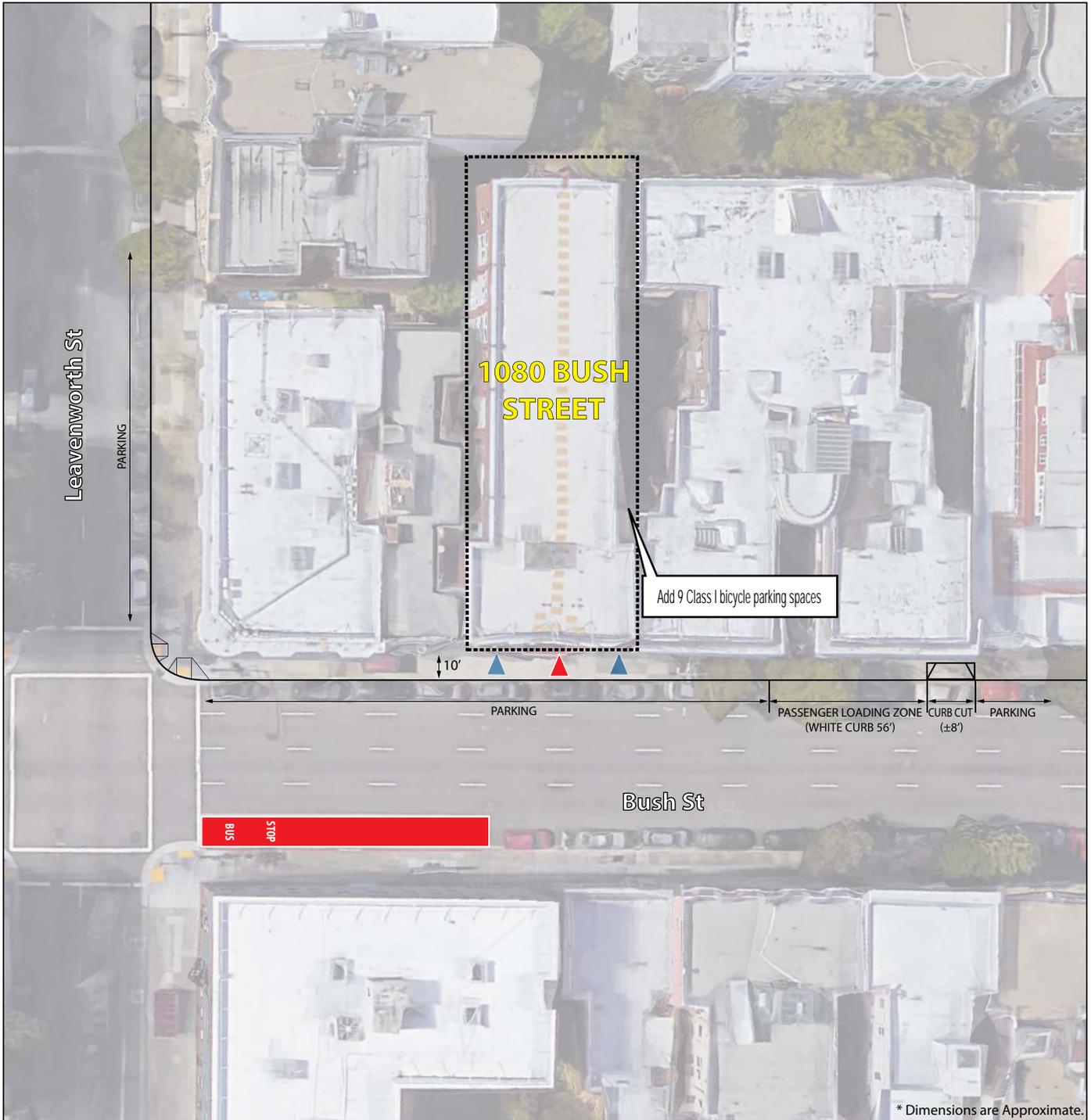
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b>  D (30 min), E (30 min), Sutter Express (25 min)  Nearest Stop at 620 Sutter Street</p>	<p>▲ Primary Pedestrian Access</p>  <p>Not to Scale</p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">0</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	0	Parking Demand:	0		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Remove unnecessary curb cuts along O'Farrell Street and Van Ness Avenue</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	0														
Parking Demand:	0															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 8 - ES-10: 950 VAN NESS AVE (VEHICLE STORAGE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



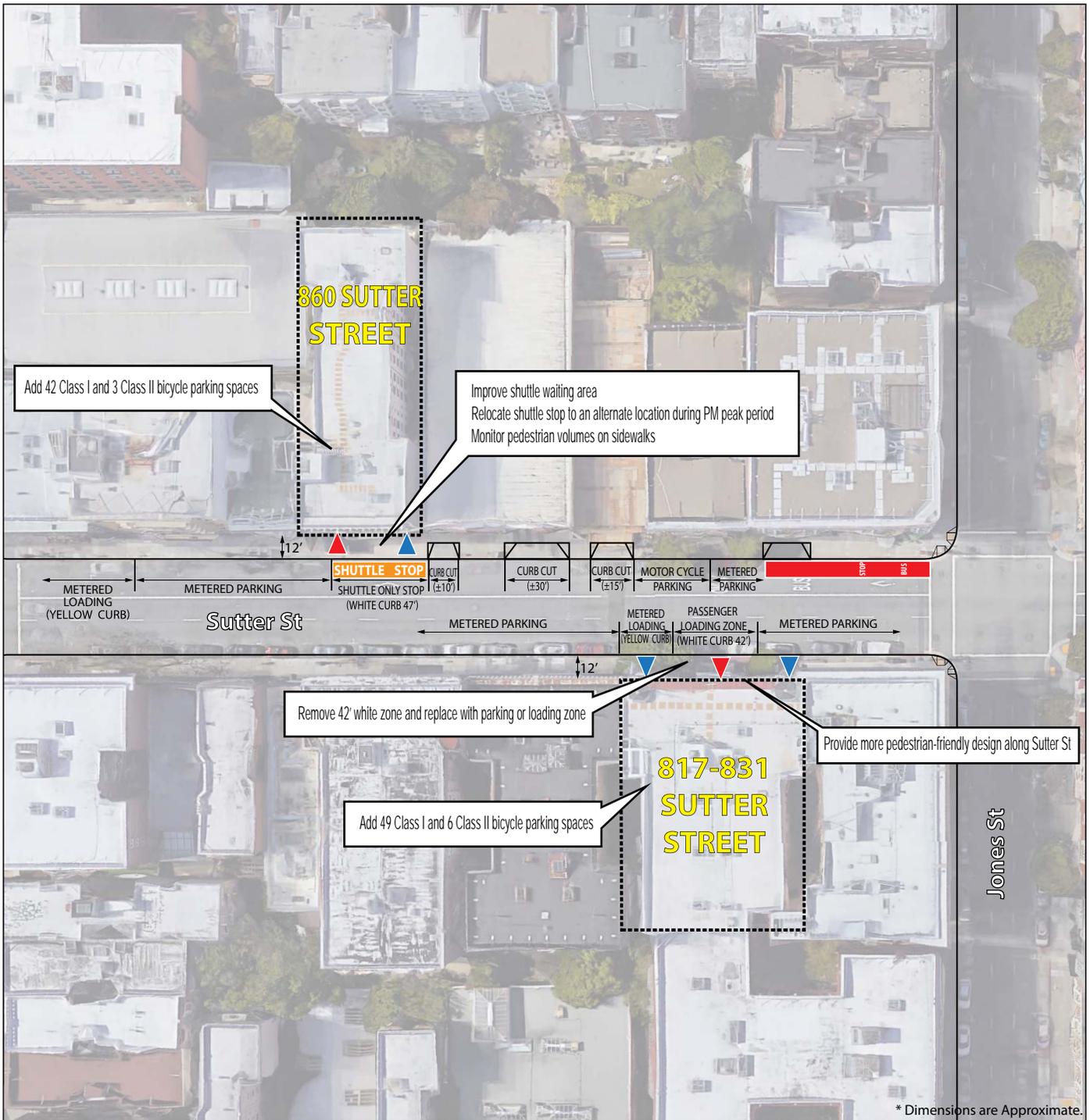
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min), Sutter Express (25 min) Nearest Stop at 860 Sutter Street</p>	<p> AAU Bicycle Parking Location       Primary Pedestrian Access  Secondary Pedestrian Access</p> <p style="text-align: right;"> Not to Scale</p>																		
<table border="1"> <thead> <tr> <th colspan="3" style="text-align: center;"><b>BICYCLE PARKING</b></th> </tr> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">3</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>	<b>BICYCLE PARKING</b>				Class I	Class II	Code Required:	0	0	Existing Supply:	0	8	Parking Demand:	3		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p>
<b>BICYCLE PARKING</b>																			
	Class I	Class II																	
Code Required:	0	0																	
Existing Supply:	0	8																	
Parking Demand:	3																		
Recommended:	0	0																	
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 9 - ES-11: 1153 BUSH ST RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



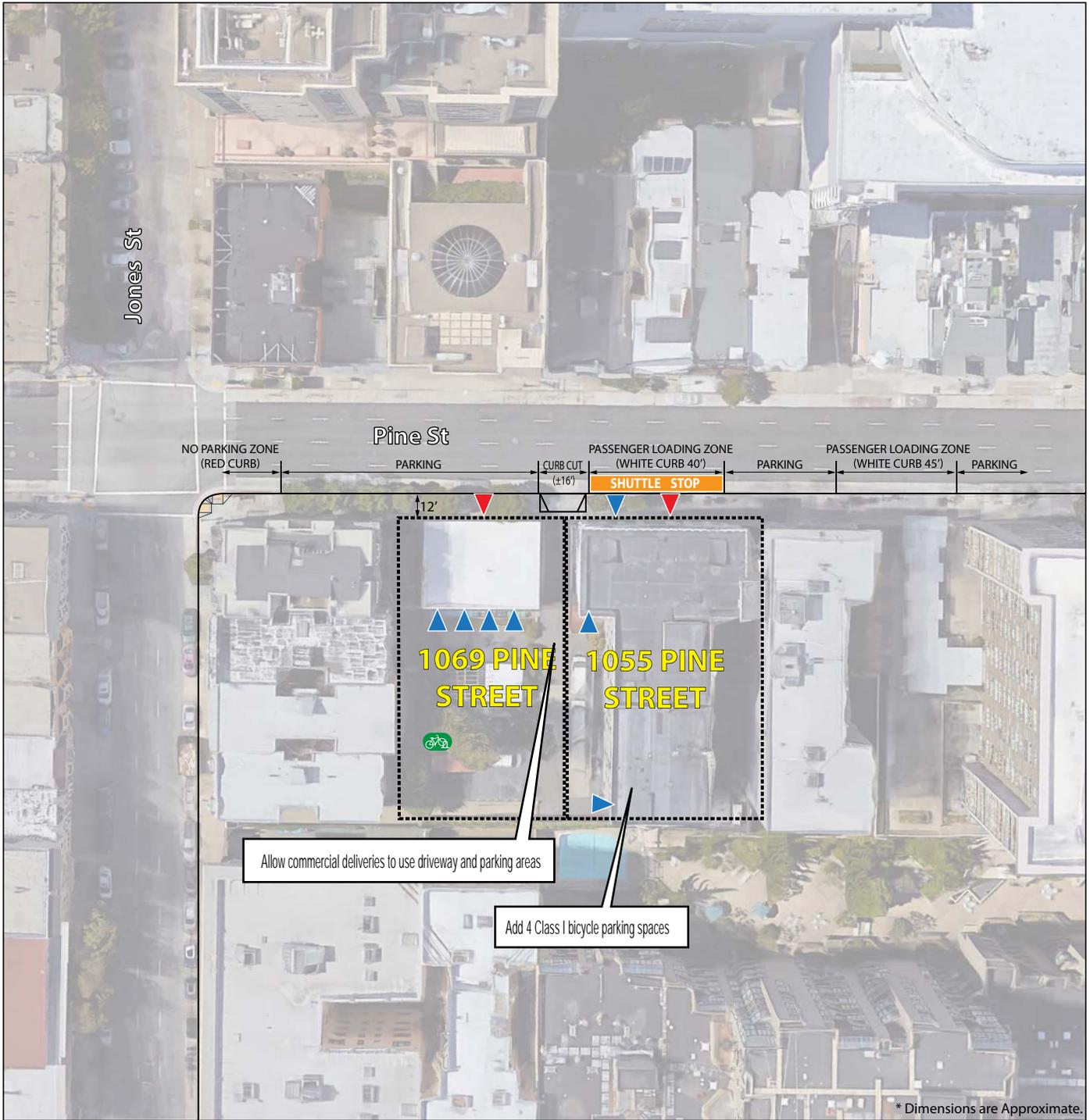
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min) Nearest Stop at 860 Sutter Street</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">           Not to Scale       </p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">9</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">9</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	0	Parking Demand:	9		Recommended:	9	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Add 9 Class I bicycle parking spaces, unless work with SFMTA to provide 9 Class II bicycle parking spaces along Bush Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	0														
Parking Demand:	9															
Recommended:	9	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 10 - ES-12: 1080 BUSH ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



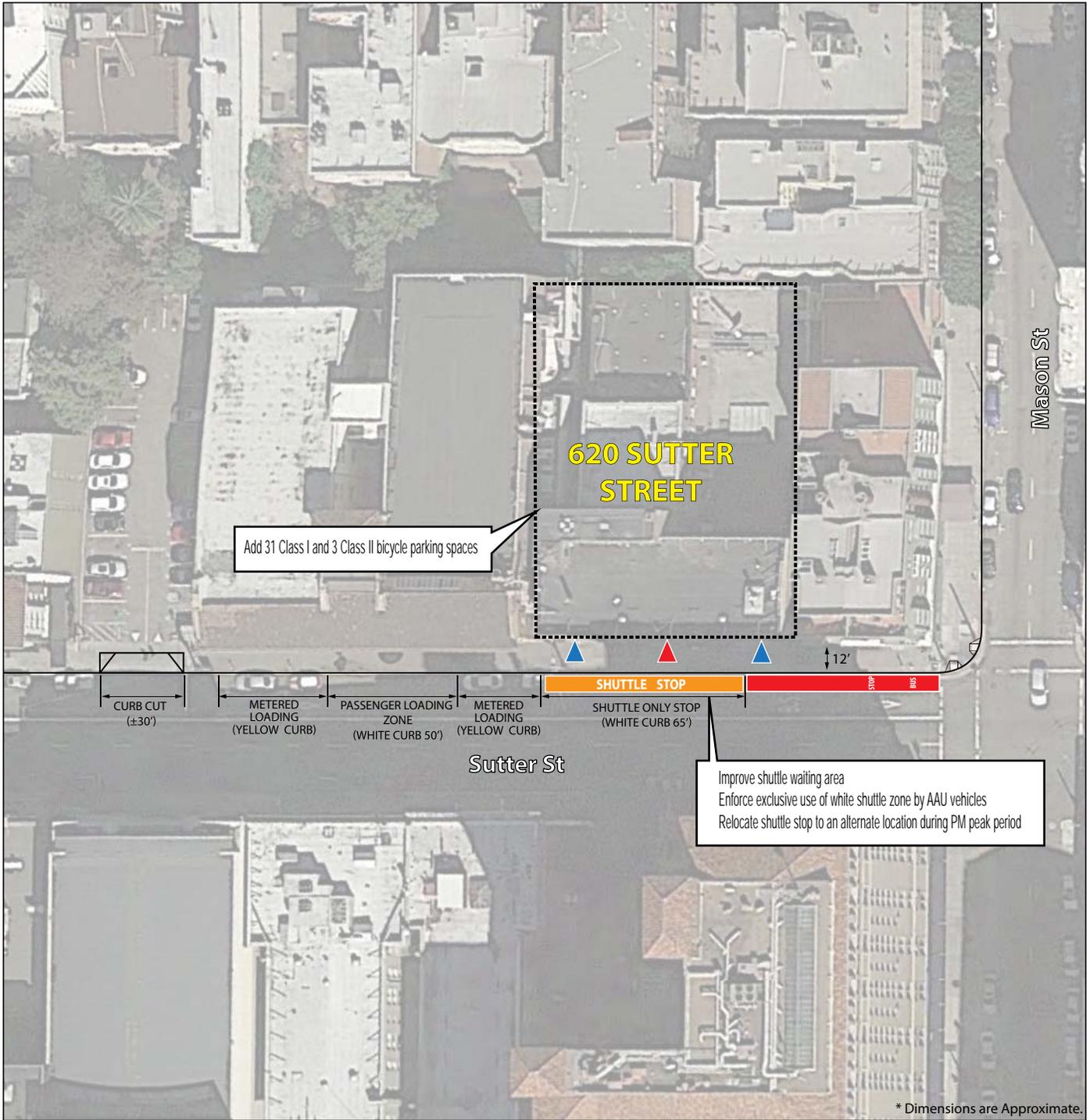
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p> <p style="text-align: right;"> Not to Scale</p>																	
<p><b>BICYCLE PARKING (860 / 817 Sutter)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">42 / 49</td> <td style="text-align: center;">3 / 6</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0 / 0</td> <td style="text-align: center;">0 / 0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">12 / 14</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">42 / 49</td> <td style="text-align: center;">3 / 6</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	42 / 49	3 / 6	Existing Supply:	0 / 0	0 / 0	Parking Demand:	12 / 14		Recommended:	42 / 49	3 / 6	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>860 Sutter Street</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Improve shuttle waiting area and monitor pedestrian volumes</p> <p>TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak hour</p> <p>TR-4 Monitor shuttle frequency to avoid double parking</p> <p>TR-5 Add 42 Class I bicycle parking spaces</p> <p>TR-6 Add 3 Class II bicycle parking spaces</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>817-831 Sutter Street</b></p> <p>TR-1 Remove 42' white zone and replace with parking or loading zone</p> <p>TR-2 Provide more pedestrian-friendly design along Sutter Street</p> <p>TR-3 Add 49 Class I bicycle parking spaces</p> <p>TR-4 Add 6 Class II bicycle parking spaces</p> </td> </tr> </table>		<p><b>860 Sutter Street</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Improve shuttle waiting area and monitor pedestrian volumes</p> <p>TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak hour</p> <p>TR-4 Monitor shuttle frequency to avoid double parking</p> <p>TR-5 Add 42 Class I bicycle parking spaces</p> <p>TR-6 Add 3 Class II bicycle parking spaces</p>	<p><b>817-831 Sutter Street</b></p> <p>TR-1 Remove 42' white zone and replace with parking or loading zone</p> <p>TR-2 Provide more pedestrian-friendly design along Sutter Street</p> <p>TR-3 Add 49 Class I bicycle parking spaces</p> <p>TR-4 Add 6 Class II bicycle parking spaces</p>
	Class I	Class II																	
Code Required:	42 / 49	3 / 6																	
Existing Supply:	0 / 0	0 / 0																	
Parking Demand:	12 / 14																		
Recommended:	42 / 49	3 / 6																	
<p><b>860 Sutter Street</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Improve shuttle waiting area and monitor pedestrian volumes</p> <p>TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak hour</p> <p>TR-4 Monitor shuttle frequency to avoid double parking</p> <p>TR-5 Add 42 Class I bicycle parking spaces</p> <p>TR-6 Add 3 Class II bicycle parking spaces</p>	<p><b>817-831 Sutter Street</b></p> <p>TR-1 Remove 42' white zone and replace with parking or loading zone</p> <p>TR-2 Provide more pedestrian-friendly design along Sutter Street</p> <p>TR-3 Add 49 Class I bicycle parking spaces</p> <p>TR-4 Add 6 Class II bicycle parking spaces</p>																		
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 11 - ES-13 &amp; 14: 860 &amp; 817-831 SUTTER ST (RESIDENTIAL SITES)</b></p> <p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



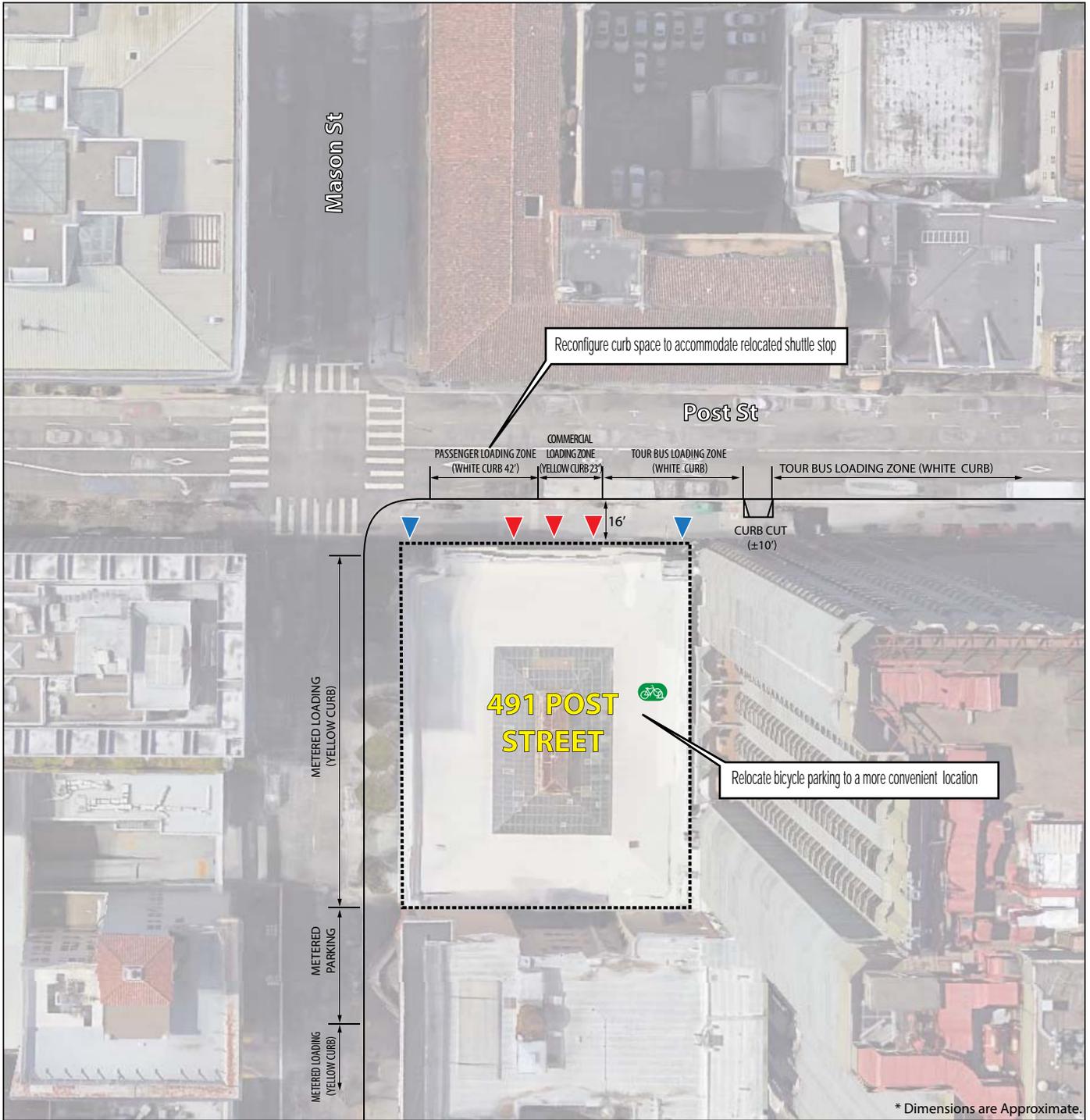
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> Sutter Express (25 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0 / 0</td> <td>0 / 0</td> </tr> <tr> <td>Existing Supply:</td> <td>0 / 0</td> <td>0 / 8</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">0 / 12</td> </tr> <tr> <td>Recommended:</td> <td>0 / 4</td> <td>0 / 0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0 / 0	0 / 0	Existing Supply:	0 / 0	0 / 8	Parking Demand:	0 / 12		Recommended:	0 / 4	0 / 0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>1069 Pine Street TR-1 Allow commercial deliveries to use the driveway and parking areas</p> <p>1055 Pine Street TR-1 Add 4 Class I bicycle parking spaces, unless work with SFMTA to provide 4 Class II bicycle parking spaces along Pine Street TR-2 Allow commercial deliveries to use the driveway and parking areas</p>
	Class I	Class II														
Code Required:	0 / 0	0 / 0														
Existing Supply:	0 / 0	0 / 8														
Parking Demand:	0 / 12															
Recommended:	0 / 4	0 / 0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 12 - ES-16 &amp; 17: 1069 (RECREATIONAL SITE) &amp; 1055 PINE ST (RESIDENTIAL SITE)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



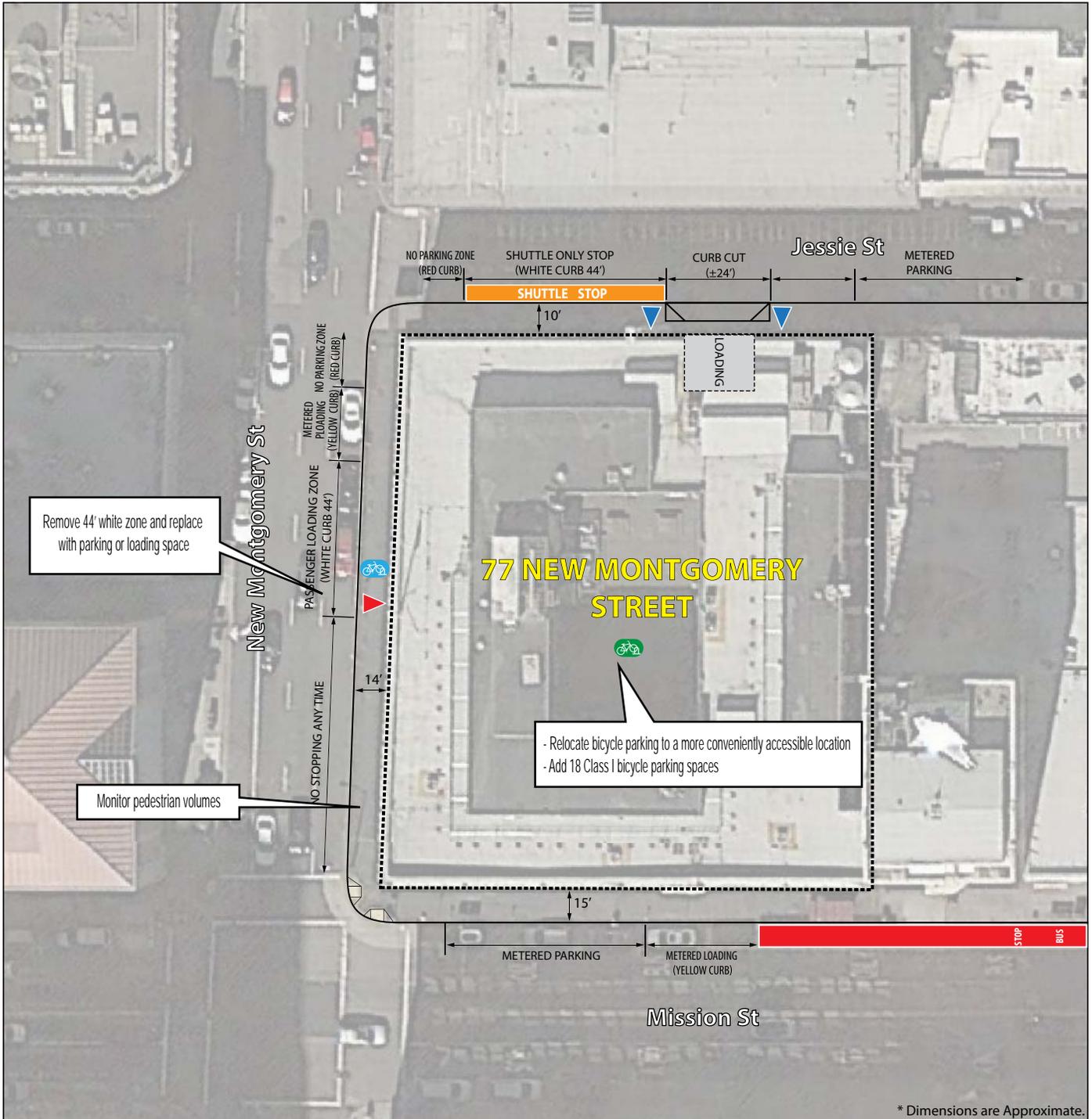
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p>	<p> Not to Scale</p>																		
<table border="1"> <thead> <tr> <th colspan="3">BICYCLE PARKING</th> </tr> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>31</td> <td>3</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">9</td> </tr> <tr> <td>Recommended:</td> <td>31</td> <td>3</td> </tr> </tbody> </table>	BICYCLE PARKING				Class I	Class II	Code Required:	31	3	Existing Supply:	0	0	Parking Demand:	9		Recommended:	31	3	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity  TR-2 Monitor on-time performance of shuttles to avoid double parking  TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak period  TR-4 Enforce exclusive use of white shuttle zone by AAU vehicles  TR-5 Improve shuttle waiting area  TR-6 Add 31 Class I bicycle parking spaces  TR-7 Add 3 Class II bicycle parking spaces</p>		
BICYCLE PARKING																					
	Class I	Class II																			
Code Required:	31	3																			
Existing Supply:	0	0																			
Parking Demand:	9																				
Recommended:	31	3																			
<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>		<p><b>FIGURE 13 - ES-20: 620 SUTTER ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>																			



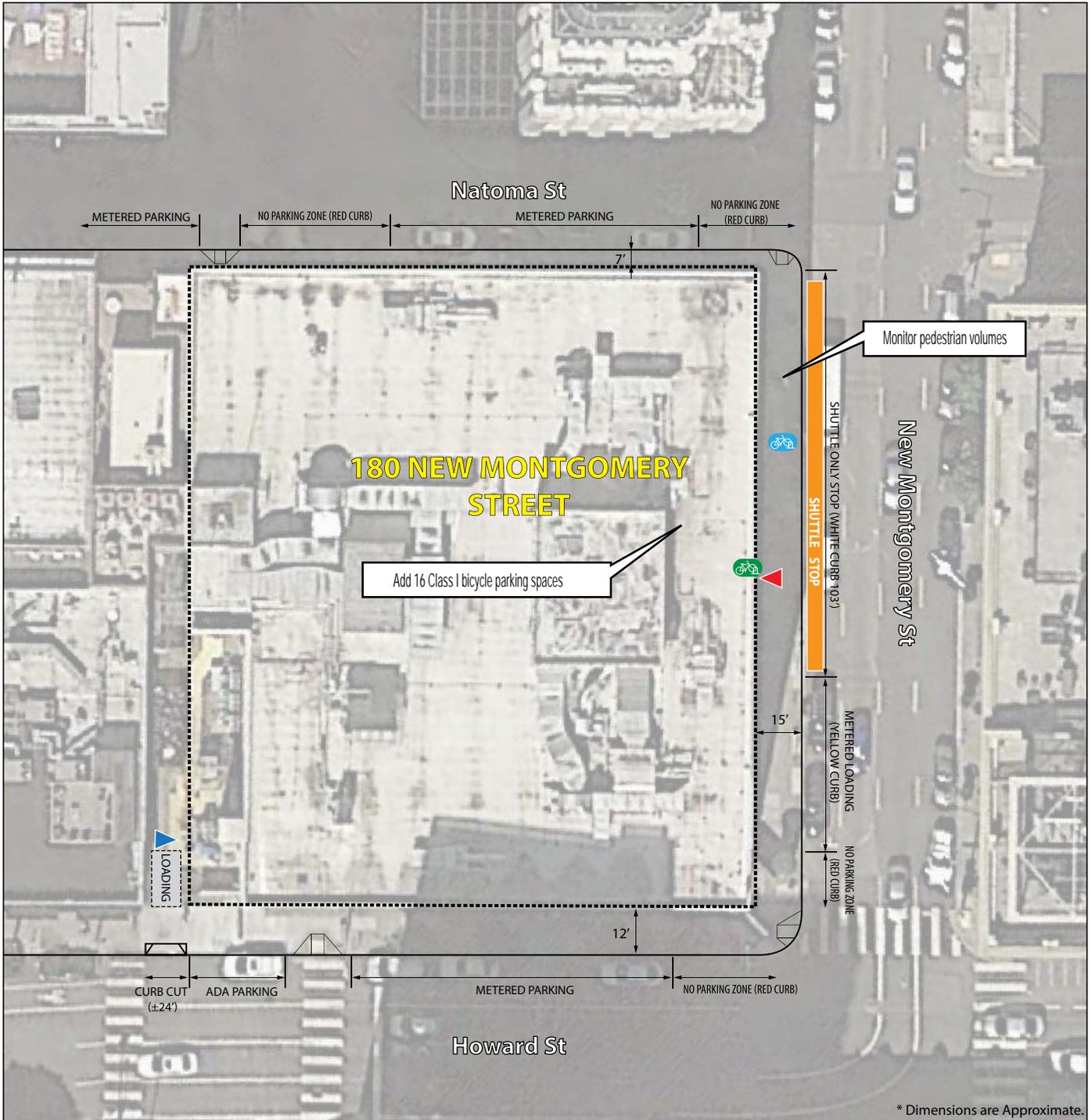
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min) Nearest Stop at 620 Sutter Street</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p>	<p> Not to Scale</p>															
<p><b>BICYCLE PARKING</b></p> <table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>20</td> </tr> <tr> <td>Parking Demand:</td> <td>7</td> <td></td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	20	Parking Demand:	7		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Relocate bicycle parking spaces to a more convenient location and add signage TR-2 Reconfigure curb space to accommodate relocated shuttle stop location</p>		
	Class I	Class II																
Code Required:	0	0																
Existing Supply:	0	20																
Parking Demand:	7																	
Recommended:	0	0																
<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 14 - ES-23: 491 POST ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>																	



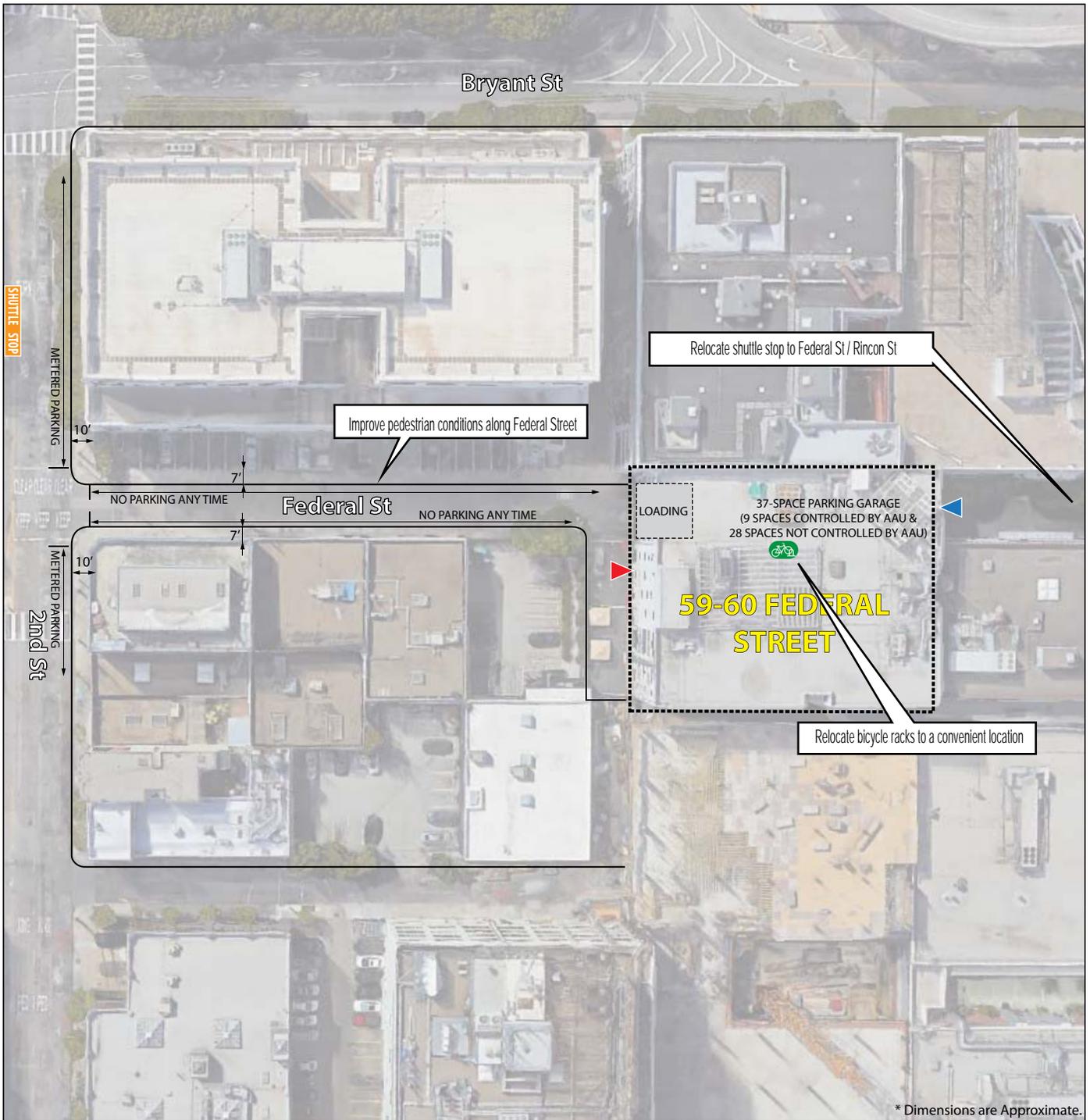
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min), Hayes Express (30 min)</p>	<table border="0"> <tr> <td></td> <td>AAU Bicycle Parking Location</td> <td></td> <td>Primary Pedestrian Access</td> </tr> <tr> <td></td> <td>Public Bicycle Parking Location</td> <td></td> <td>Secondary Pedestrian Access</td> </tr> <tr> <td></td> <td>Shuttle Stop Location</td> <td></td> <td></td> </tr> </table> <p style="text-align: right;"> Not to Scale</p>		AAU Bicycle Parking Location		Primary Pedestrian Access		Public Bicycle Parking Location		Secondary Pedestrian Access		Shuttle Stop Location					
	AAU Bicycle Parking Location		Primary Pedestrian Access													
	Public Bicycle Parking Location		Secondary Pedestrian Access													
	Shuttle Stop Location															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>16</td> </tr> <tr> <td>Parking Demand:</td> <td>34</td> <td></td> </tr> <tr> <td>Recommended:</td> <td>18</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	16	Parking Demand:	34		Recommended:	18	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity  TR-2 Remove 44' white zone and replace with parking or commercial loading zone  TR-3 Monitor pedestrian volumes on sidewalks  TR-4 Relocate bicycle parking to a more convenient location and add signage  TR-5 Add 18 Class I bicycle parking spaces, unless work with SFMTA to provide 18 Class II bicycle parking spaces along New Montgomery Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	16														
Parking Demand:	34															
Recommended:	18	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 15 - ES-27: 77 NEW MONTGOMERY ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



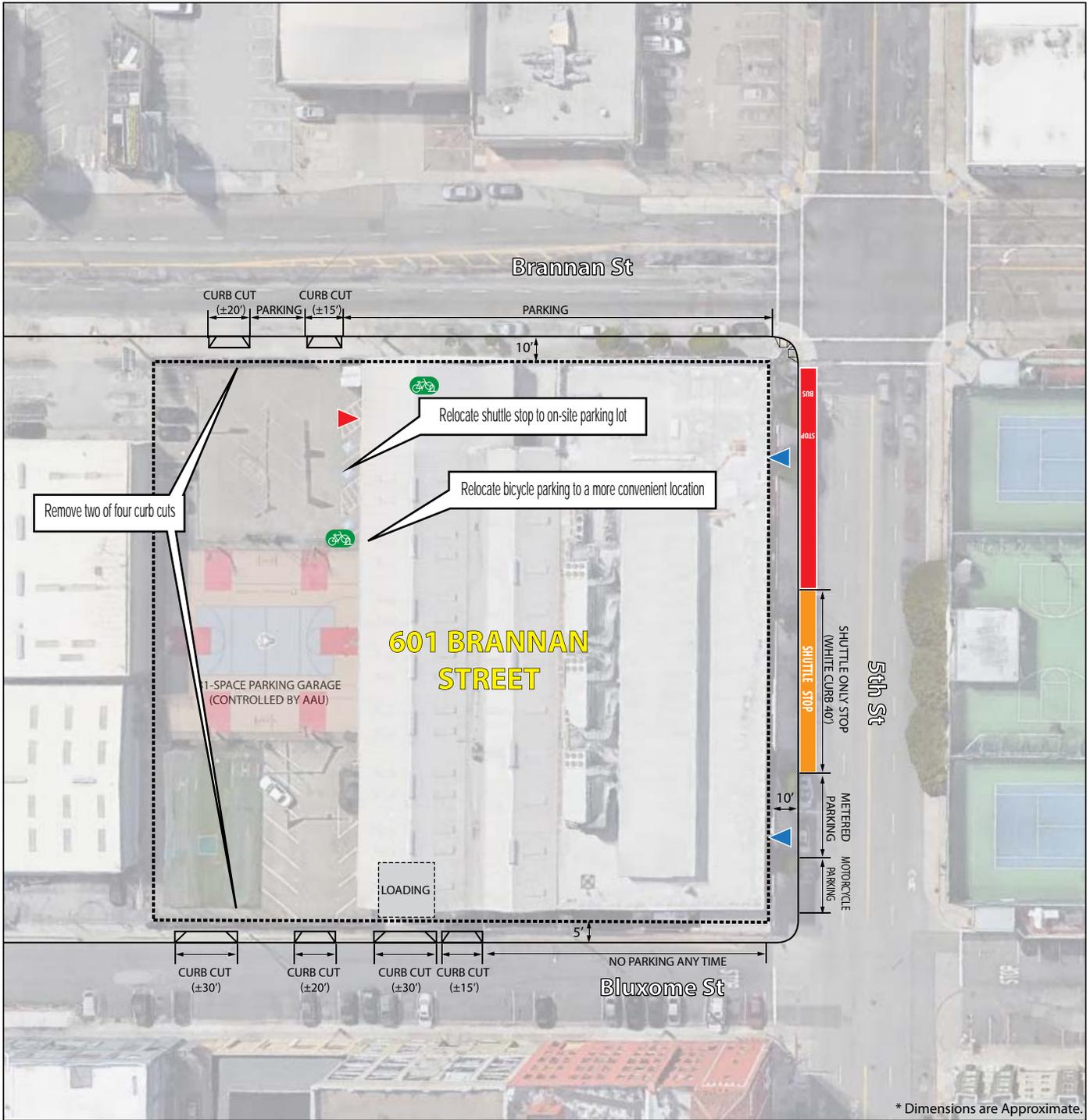
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I (20 min)</p>	<p>  AAU Bicycle Parking Location      Primary Pedestrian Access   Public Bicycle Parking Location      Secondary Pedestrian Access   Shuttle Stop Location         </p> <p style="text-align: right;"> Not to Scale</p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>28</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">44</td> </tr> <tr> <td>Recommended:</td> <td>16</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	28	Parking Demand:	44		Recommended:	16	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity          TR-2 Monitor pedestrian volumes on sidewalks          TR-3 Add 16 Class I bicycle parking spaces, unless work with SFMTA to provide 18 Class II bicycle parking spaces along New Montgomery Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	28														
Parking Demand:	44															
Recommended:	16	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 16 - ES-28: 180 NEW MONTGOMERY ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



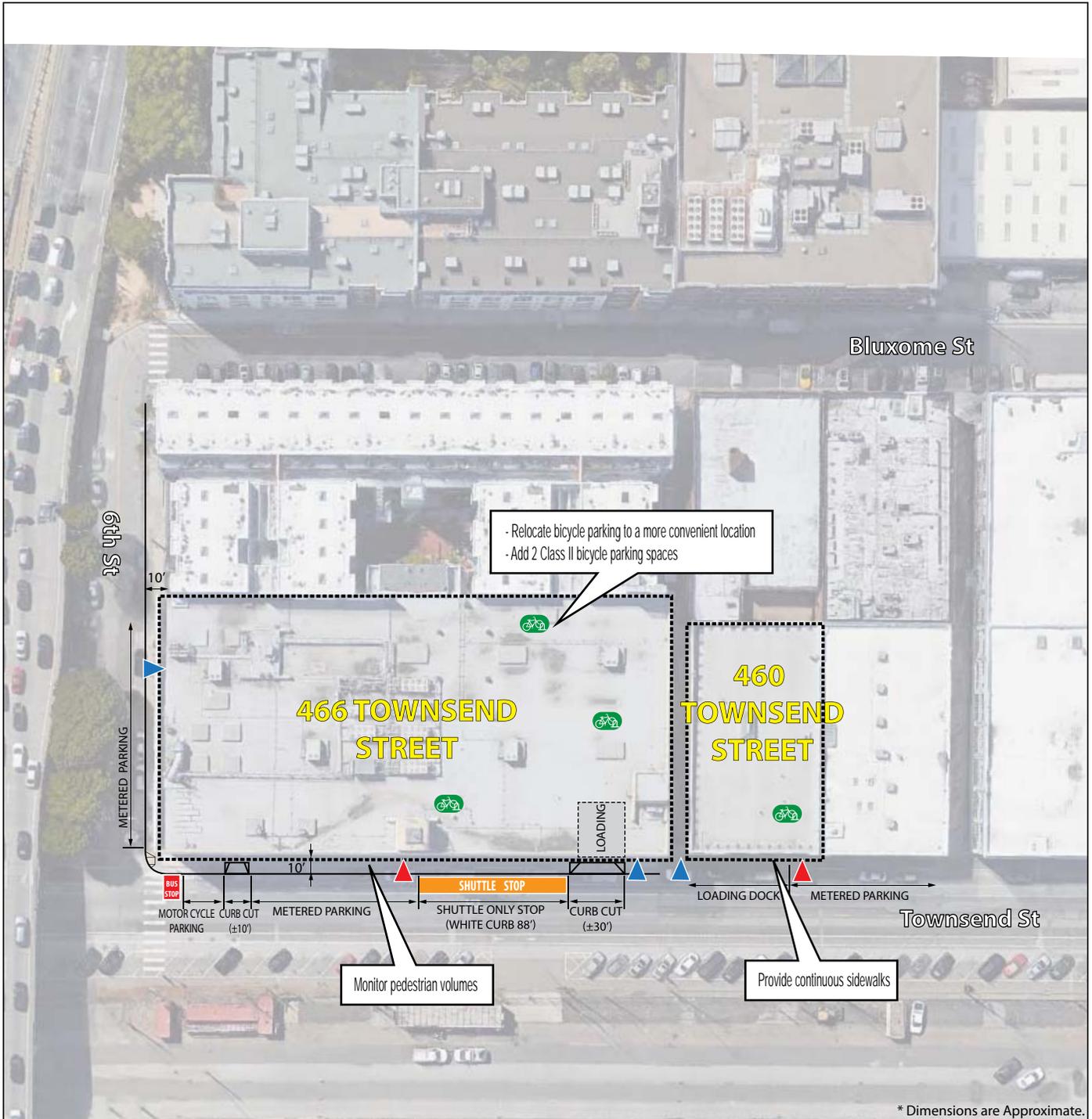
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;"> Not to Scale</p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>36</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">19</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	36	Parking Demand:	19		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity          TR-2 Relocate shuttle stop to the intersection of Federal St / Rincon St          TR-3 Improve pedestrian conditions along Federal Street          TR-4 Relocate bicycle parking to a more convenient location and add signage</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	36														
Parking Demand:	19															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 17 - ES-30: 58-60 FEDERAL ST (INSTITUTIONAL SITE)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b></p> <p>G (30 min); H, I (20 min)</p>	<p>  AAU Bicycle Parking Location               Primary Pedestrian Access   Shuttle Stop Location               Secondary Pedestrian Access       </p> <p style="text-align: right;"> Not to Scale</p>															
<p><b>BICYCLE PARKING</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">60</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">15</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	60	Parking Demand:	15		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity          TR-2 Remove two of four driveway curb cuts          TR-3 Relocate bicycle parking to a more convenient location and add signage          TR-4 Move shuttle stop to on-site parking lot</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	60														
Parking Demand:	15															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 18 - ES-31: 601 BRANNAN ST (INSTITUTIONAL SITE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min); H, I (20 min)</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p> <p style="text-align: right;"> Not to Scale</p>															
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	Class I	Class II															
Code Required:	0 / 0	0 / 0															
Existing Supply:	0 / 0	5 / 20															
Parking Demand:	4 / 22																
Recommended:	0 / 2	0 / 0															
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 19 - ES-33 &amp; 34: 460 &amp; 466 TOWNSEND ST (INSTITUTIONAL SITES) RECOMMENDED CONDITIONS OF APPROVAL</b></p>																

**EL < 6 HB.**

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# T O M E L I O T F I S C H

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**CONDITIONAL USE PERMIT**  
for  
**MARY CASSAT DORMITORY**  
Group Housing Associated with  
an Educational Institution in  
RC-3 District

**2209 Van Ness Avenue**  
San Francisco, CA 94109



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Doug Torr Principal

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Lakshmi Khanna: Project Engineer  
Ed Corlton

**Owner's Counsel**  
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fax 415 546-6445  
Principal: Suhel Shatara



Job # 20780.13 Print Date 1/30/08

Drawn By JP/AS/RDS Approved By

Scale Issue Revision

1.30.08 CONDITIONAL USE PERMIT

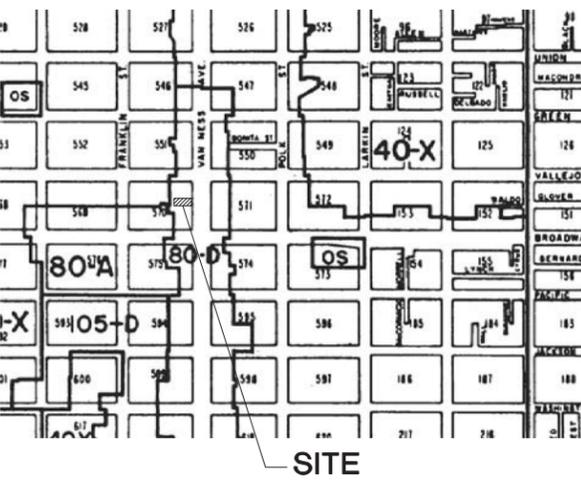
## TITLE SHEET

# G.01

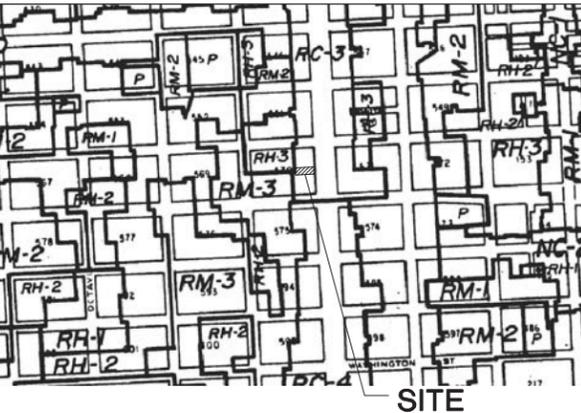
## ABBREVIATIONS

& > <   L Z // ⊥ ⊕ ⊙ # (E) (N) (R) ABV. A.C.B. A.C.P. ACOUS. A.C.T. A.D. ADJ. A.F. AGGR. ALUM. APPROX. ARCH. ASPH. A.F.F. B.D. BITUM. B.K.P. BLDG. BM. BOT./B.O. CAB. C.B. CEM. CER. C.G. C.I. C.J. C.L.G. CLGK. CLO. CLR. C.M.U. C.O. COL. CONC. CONF. CONN. CONSTR. CONT. CORR. CPT. CTS.K. CNTR. C.T. CTR. DBL. DEPT. D.F. DET. DIA. DIM. DISP. DN. DR. DWR. D.S. D.S.P. DWG. E. EA. E.J. EL. ELEC. ELEV. EMER. ENCL. EQ. EQPT. EXPO. EXP. EXT.	And Less Than Channel Property Line Angle Parallel Perpendicular Centerline Diameter At Pound or Number Existing New Remove Above Acoustical Board Acoustical Panel Acoustical Acoustical Tile Area Drain Adjustable Access Flooring Aggregate Aluminum Approximate Architectural Asphalt Above Finished Floor Board Bituminous Backing Plate Building Beam Bottom/ Bottom of Cabinet Catch Basin Cement Ceramic Corner Guard Cast Iron Control Joint Ceiling Caulking Closet Clear Concrete Masonry Unit Cased Opening Column Concrete Conference Connection Construction Continuous Corridor Carpet Countersunk Counter Ceramic Tile Center Double Department Drinking Fountain Detail Diameter Dimension Dispenser Down Door Drawer Downspout Dry Standpipe Drawing East Each Expansion Joint Elevation Electrical Elevator Emergency Enclosure Equal Equipment Exposed Expansion Exterior	F.A. F.D. F.N. F.E. F.E.C. F.H.C. F.H. F.N. FL FLUOR. F.O.C. F.O.F. F.O.S. F.P.R.F. F.S. FT. FTG. FUT. G.A. GALV. G.L. G.B. GND. GYP. G.W.B. H.B. H.C. HDCP. HDWD. H.M. HORIZ. H.P. HR. HGT./HT. I.D. I.E. INFO. INSUL. INT. INV. JAN. J.B. J.O.H. J.O.W. J.T. KIT. L.A.M. LAV. L.P. LT. MAX. M.C. M.D.F. M.D.O. MECH. MEMB. MFR. MHL. MIN. MIR. MISC. M.O. M.P. M.S. M.TD. MUL. MTL. N. N.A. N.I.C. NOM. N.T.S. OBS. O.C. O.C.D. O.C.G. O.D. O.F.C.I. O.F.D. OFF. O.F.O.I. OH. OPNG. OPP.	Fire Alarm Floor Drain Foundation Fire Extinguisher Fire Extinguisher Cab. Fire Hose Cabinet Flat Head Finish Floor Fluorescent Face of Concrete Face of Finish Face of Studs Fireproof Full Size Foot or Feet Footing Future Gauge Galvanized Grid Line Grab Bar Ground Gypsum Gypsum Wall Board Hose Bibb Hollow Core Handicapped Hardwood Hollow Metal Horizontal High Point Hour Height Inside Diameter (Dim) Invert elevation Information Insulation Interior Invert Janitor Junction Box Jamb Opening Height Jamb Width Joint Kitchen Laminated Lavatory Low Point Light Maximum Medicine Cabinet Medium Density Fiber Board Medium Density Overlay Mechanical Membrane Metal Manufacturer Manhole Minimum Mirror Miscellaneous Masonry Opening Midpoint Machine Screw Mounted Mullion Metal North Not Applicable Not in Contract Nominal Not to Scale Obscure On Center Overhead Ceiling Door Overhead Ceiling Grille Outside Diameter (Dim.) Owner Furnished, Contractor Installed Overflow Drain Office Owner Furnished, Owner Installed Opposite Hand Opening Opposite	PH. PL. P.LAM PLAS. PLYWD. PCP. PR. PT. PTCL.BD. PTD. PTDF. PTN RAD. R.C.P. R.D. REF. REFR. REINF. REQ./ROD. RESIL. RM. R.O. RWD. R.W.L. REFL. RE. REV. S. S.C. S.C.D. SCHED. SECT. S.M. S.M.D. S.Q. S.S.D. S.S.T. STD. STL. STOR. STR. S.T.S. SUSP. SYM. TRD. T.B. T.C. TEL. T&G THK. T.P. T.V. T.W. TYP. UNF. U.O.N. VERT. VEST. V.I.F. V.T.R. W. W/ W.C. WD. W.O. W/O WP. W.S. WT.	Phase Plate Plastic Laminate Plaster Plywood Portland Cement Plaster Pair Paint or Paint Particle Board Painted Pressure Treated Douglas Fir Partition Radius Reflected Ceiling Plan Roof Drain Reference Refrigerator Reinforced Required Resilient Room Rough Opening Redwood Rain Water Leader Reflected Refer to Reversed South See Civil Drawings Solid Core Schedule Section Sheet Metal See Mechanical Drawings Specification Square See Structural Drawings Stainless Steel Standard Steel Storage Structural Self Tapping Screw Suspended Symmetrical Tread Towel Bar Top of Curb Telephone Tongue and Groove Thick Top of Pavement Television Top of Wall Typical Unfinished Unless Otherwise Noted Vertical Vestibule Verify in Field Vent through Roof West With Water Closet Wood Window Opening Without Waterproof Wood Screw Weight
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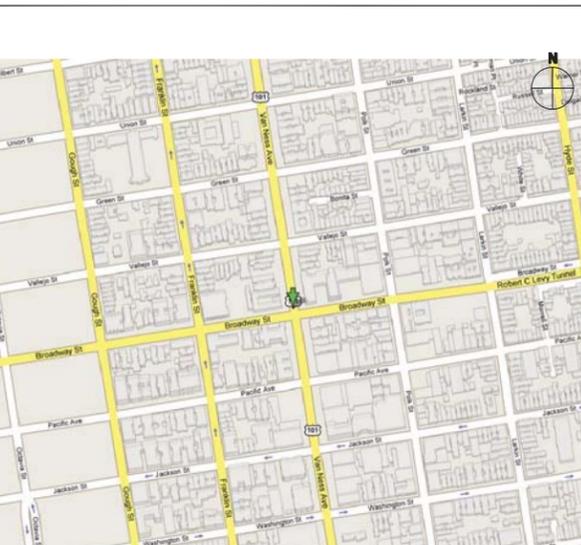
## HEIGHT AND BULK MAP



## ZONING MAP



## VICINITY MAP



## ZONING INFORMATION

Zoning: RC-3: Residential- Commercial Combined Medium Density  
Height & Bulk: 80-D  
Lot Area: 6,368 sq.ft.  
Density limitations for group housing (208): One bedroom per 140 sq. ft. of lot area  
The 18 bedrooms provided are less than the 45 bedrooms allowed  
Front Yard Setback: None Required  
Rear Yard Setback: 25% of lot depth, but no less than 15 feet. (at dwellings levels only)

## DORM ROOM USE INFORMATION

ROOM NUMBER	OCCUPANTS	ROOM CONFIGURATION	ROOM USED AS
<b>Ground Floor</b>			
B10	2	Dorm Double Full Bath	Student Room
<b>1st Floor</b>			
100	3	Dorm Shared 3-4 Room ONLY	Student Room
101	4	Dorm Shared 3-4 Room ONLY	Student Room
102	4	Dorm Shared 3-4 Room ONLY	Student Room
103	1	Dorm Private Room ONLY	Resident Advisor
104	3	Dorm Shared 3-4 Room ONLY	Student Room
<b>2nd Floor</b>			
200	4	Dorm Shared 3-4 Room ONLY	Student Room
201	2	Dorm Double Room ONLY	Resident Advisor
202	3	Dorm Shared 3-4 Room ONLY	Student Room
203	2	Dorm Double Room ONLY	Student Room
204	4	Dorm Shared 3-4 Room ONLY	Student Room
205	4	Dorm Shared 3-4 Full Bath	Resident Manager
206	3	Dorm Shared 3-4 Room ONLY	Student Room
<b>3rd Floor</b>			
300	2	Dorm Double Room ONLY	Resident Advisor
301	4	Dorm Shared 3-4 Room ONLY	Student Room
302	2	Dorm Double Room ONLY	Student Room
303	3	Dorm Shared 3-4 Room ONLY	Student Room
304	2	Dorm Double Room ONLY	Student Room
<b>52</b>	<b>Total occupants</b>		
<b>18</b>	<b>Total Bedrooms</b>		

## PROJECT DESCRIPTION

Application for Conditional Use Authorization per PC Section 209.2(c) to allow group housing for students in an RC-3 zoning district.  
San Francisco Planning Code Section 209.2 allows group housing as a conditional use in the RC-3 District where such facility is affiliated with and operated by an educational institution.  
Group housing is defined as "providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit."  
The Mary Cassat Dormitory houses both men & women over 21 years old

## BUILDING INFORMATION

HEIGHT: 3 Stories and Basement  
CONSTRUCTION: Wood Frame  
Originally built in 1912

## SHEET INDEX

**GENERAL:**  
G.01 TITLE SHEET

**SITE:**  
A1.00 PROJECT SITE PLAN  
A1.01 SITE PHOTOS

**ARCHITECTURAL:**  
A2.00 BASEMENT FLOOR PLAN  
A2.01 FIRST STORY FLOOR PLAN  
A2.02 SECOND STORY FLOOR PLAN  
A2.03 THIRD STORY FLOOR PLAN  
A2.04 FOURTH FLOOR PLAN

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2209 VAN NESS



1 VIEW UP VAN NESS LOOKING SOUTHWEST  
NO SCALE

2209 VAN NESS



2 VIEW ACROSS VAN NESS OF ST. BRIGID'S  
NO SCALE

2209 VAN NESS



3 VIEW ACROSS VAN NESS OF HOTEL/RESTAURANT  
NO SCALE

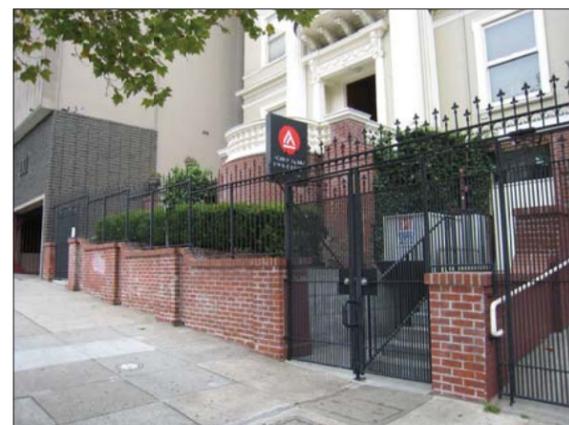
2211 VAN NESS



4 VIEW ACROSS VAN NESS LOOKING WEST  
NO SCALE



5 FRONT ELEVATION OF MARY CASSET DORMITORY  
NO SCALE



6 ENTRANCE TO CASSET DORM LOOKING SOUTHWEST  
NO SCALE



7 VIEW OF AAU'S 2211 VAN NESS  
NO SCALE



8 DENTAL OFFICE ON WEST SIDE OF VAN NESS  
NO SCALE



9 VIEW OF RESIDENCES ON EAST SIDE OF VAN NESS  
NO SCALE



10 VIEW OF APARTMENTS ON EAST SIDE OF VAN NESS  
NO SCALE

# T O M E L I O T F I S C H

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www.tomeiotfish.com

**CONDITIONAL USE PERMIT**  
for  
**MARY CASSAT**  
**DORMITORY**  
Group Housing Associated with  
an Educational Institution in  
RC-3 District

**2209 Van Ness Avenue**  
**San Francisco, CA 94109**



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Roger Sayre: Project Architect  
Doug Torr: Principal

**Owners Representative**  
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Principal: Suhel Shatara



Job # 20780.13 Print Date 1/30/08

Drawn By JP/AS/RDS Approved By

Scale Issue Revision

Man. Date Description

1 1.30.08 CONDITIONAL USE PERMIT

SITE PHOTOS

# A1.01

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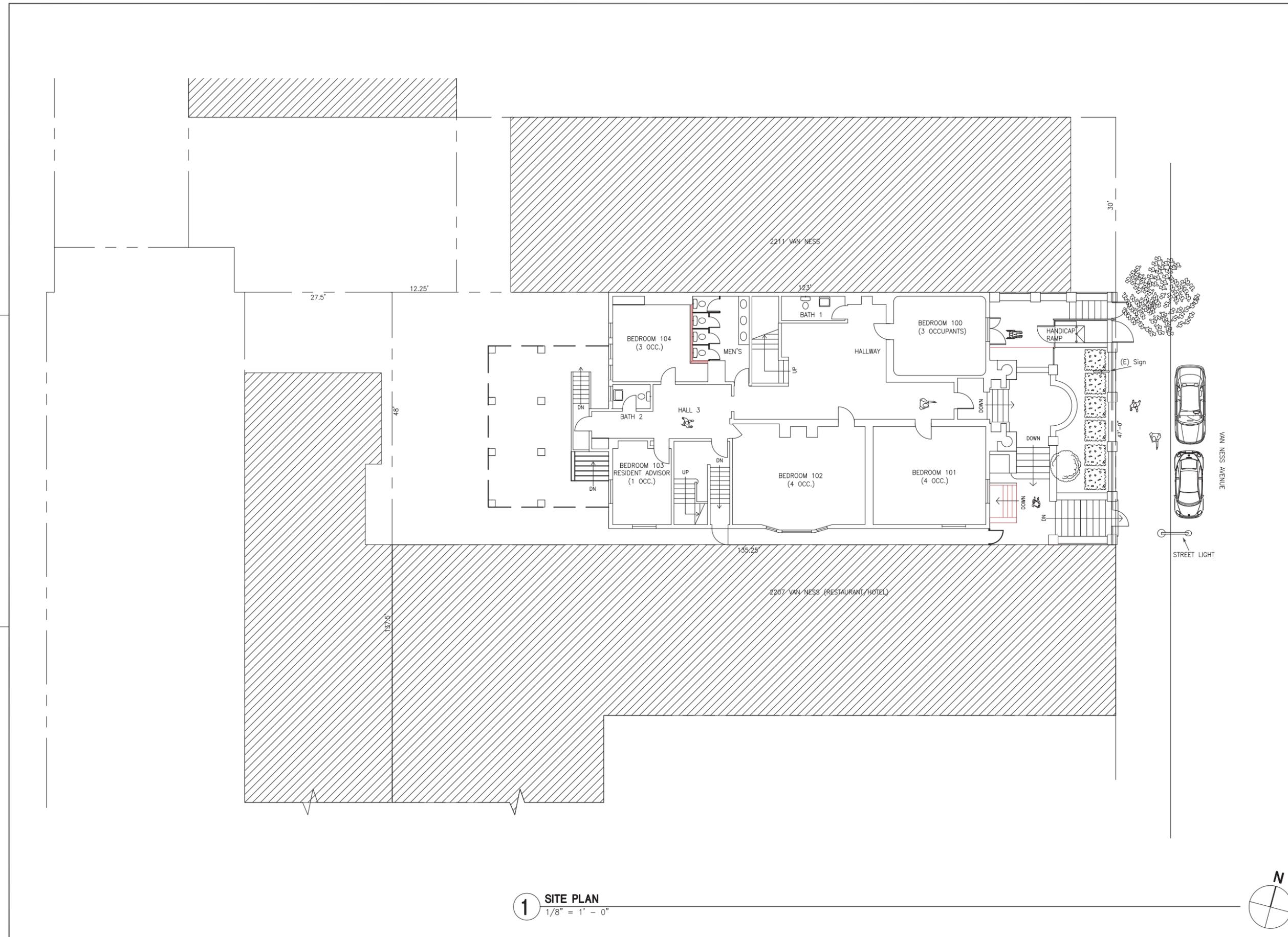
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Scale Issue  Revision

Num.	Date	Description
1	1.30.08	CONDITIONAL USE PERMIT

**SITE PLAN**

**A2.00**



**1 SITE PLAN**  
1/8" = 1' - 0"



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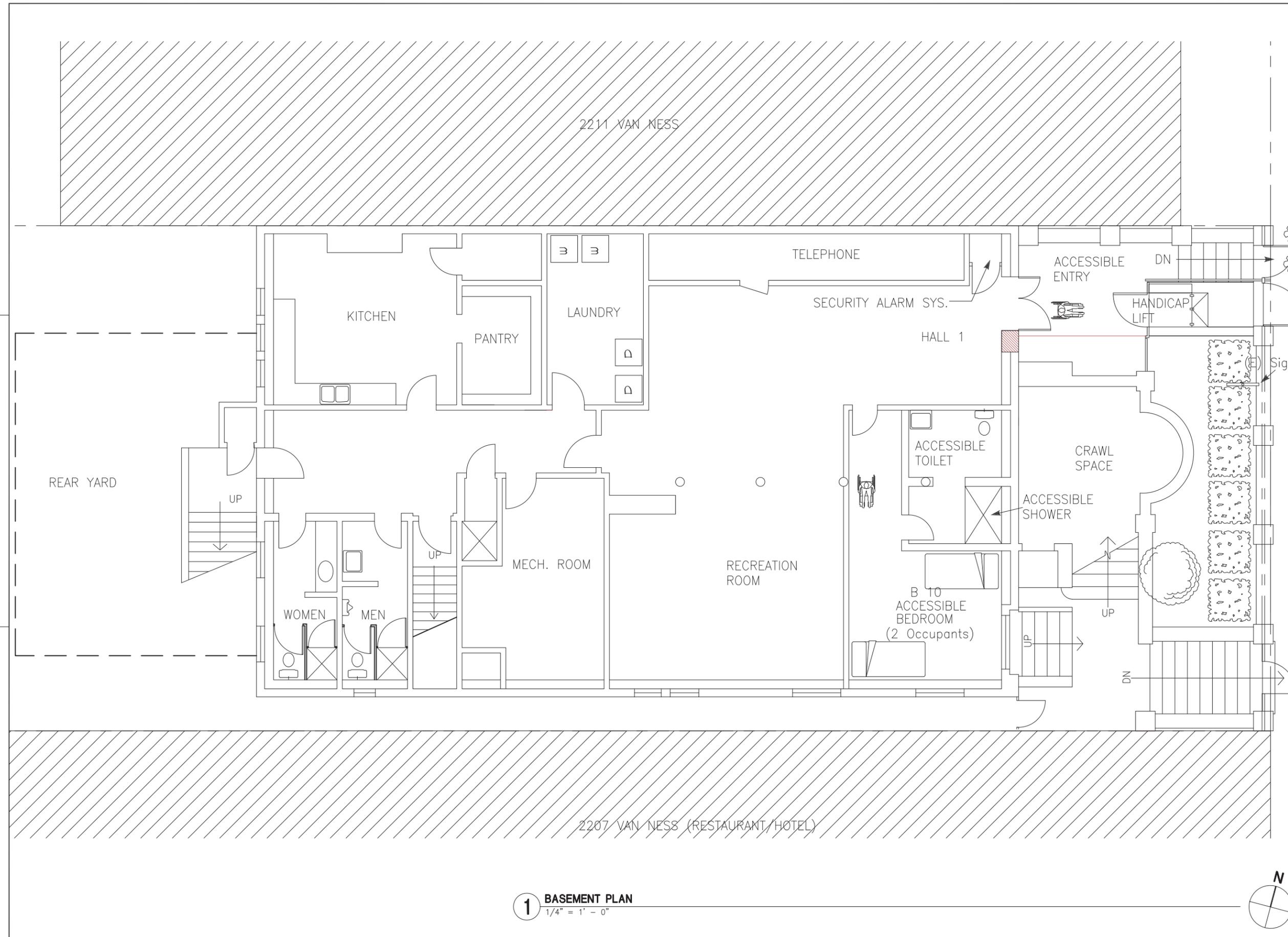
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Scale Issue  Revision

Num.	Date	Description
1	1.30.08	CONDITIONAL USE PERMIT

**BASEMENT FLOOR  
PLAN**

**A2.01**



**1 BASEMENT PLAN**  
1/4" = 1' - 0"



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**CONDITIONAL USE PERMIT**  
for  
**MARY CASSAT DORMITORY**  
Group Housing Associated with  
an Educational Institution in  
RC-3 District

**2209 Van Ness Avenue**  
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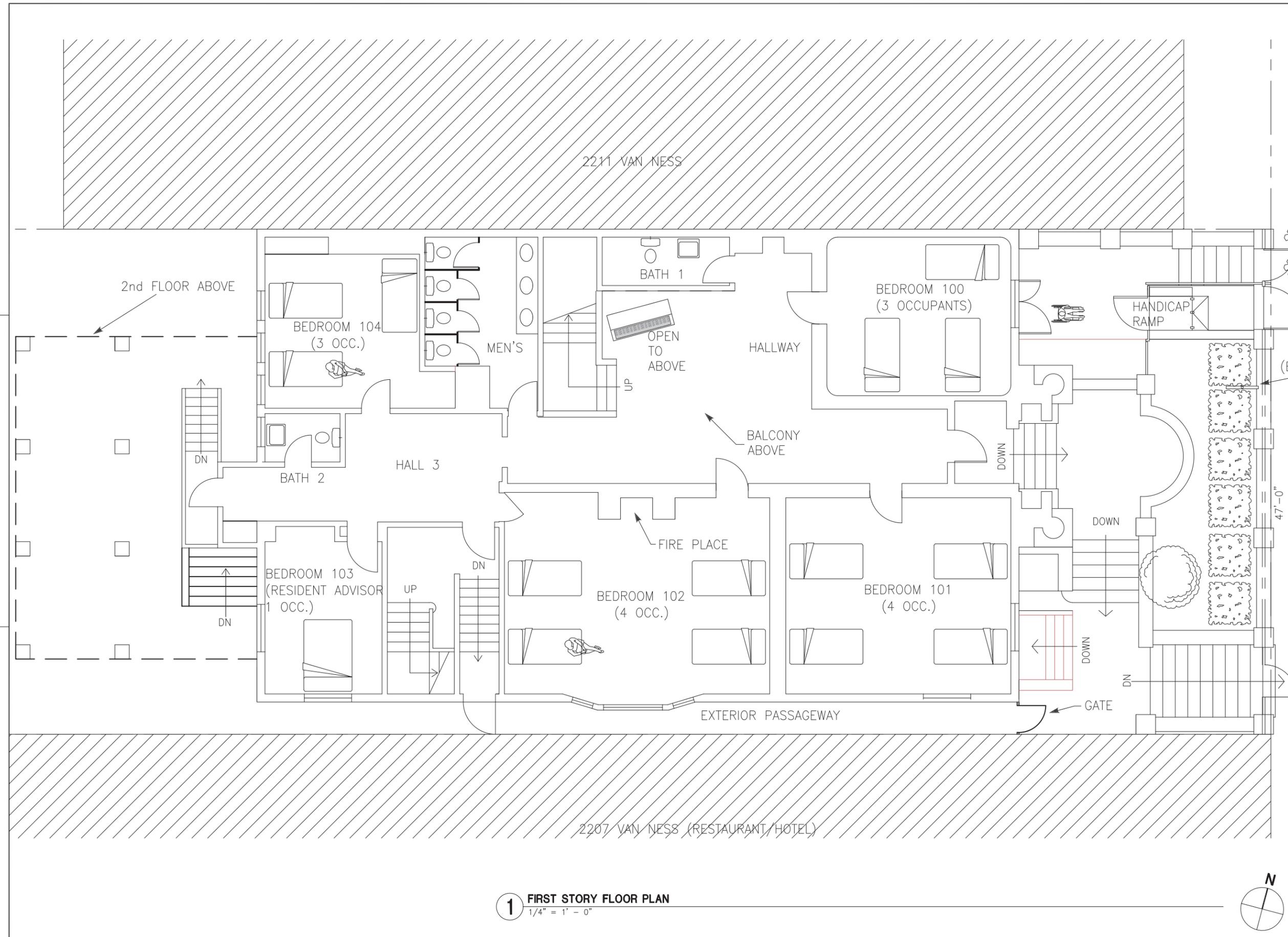
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Scale Issue  Revision

Num.	Date	Description
1	1.30.08	CONDITIONAL USE PERMIT

**FIRST STORY FLOOR PLAN**

**A2.02**



**1 FIRST STORY FLOOR PLAN**  
1/4" = 1' - 0"

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**CONDITIONAL USE PERMIT**  
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RC-3 District

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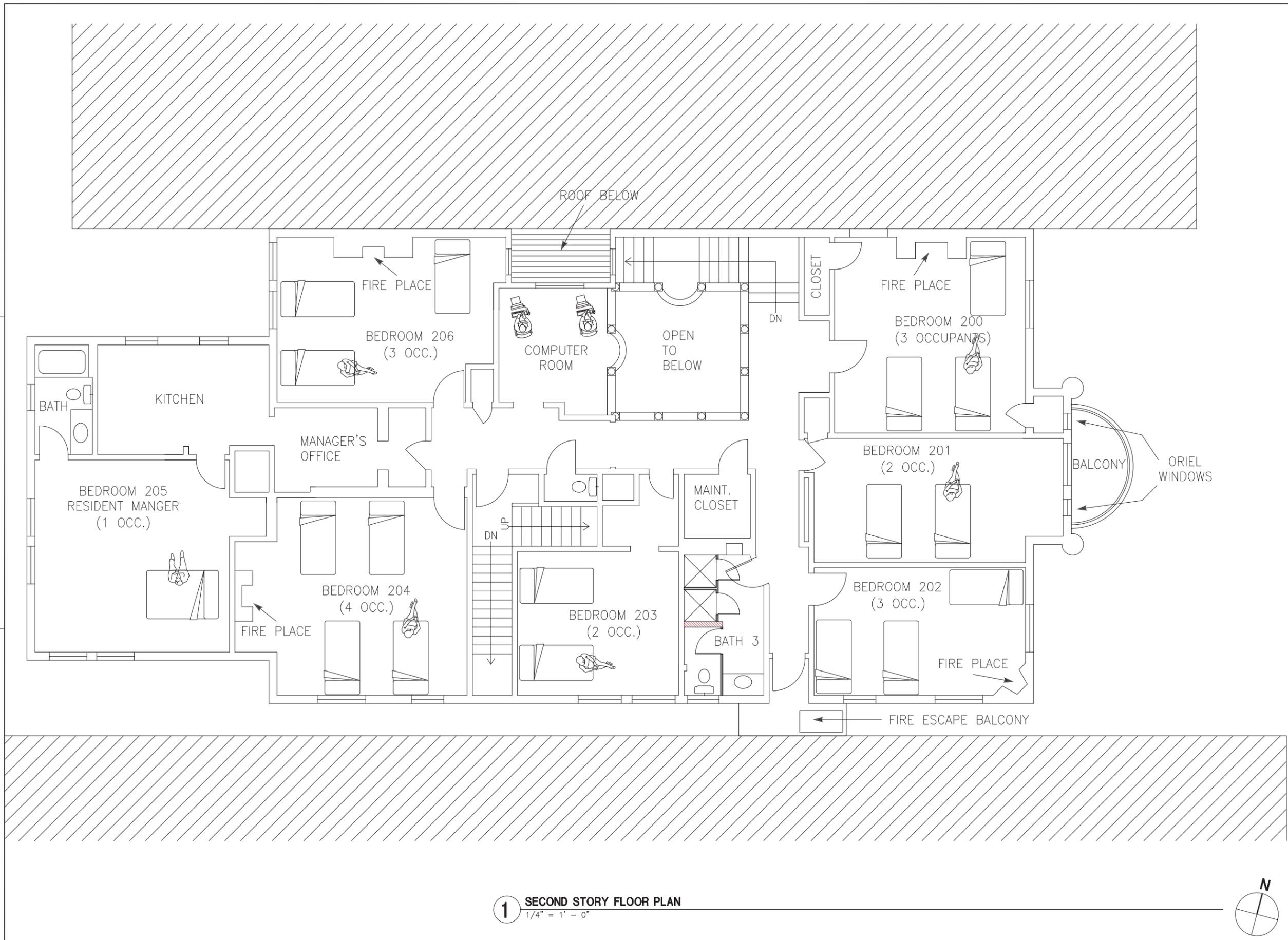
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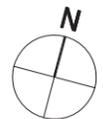
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1	1.30.08	CONDITIONAL USE PERMIT

**SECOND STORY FLOOR  
PLAN**

**A2.03**



**1 SECOND STORY FLOOR PLAN**  
1/4" = 1' - 0"



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**2211 VAN NESS AVENUE**

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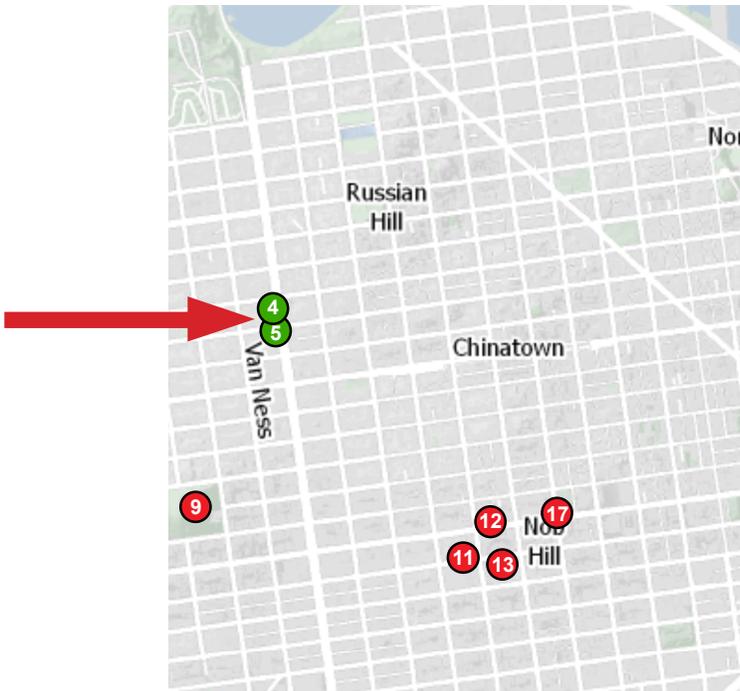


# #4 2211 VAN NESS AVENUE

Not Permitted by Code; Requires Planning Code Text Amendment



2211 Van Ness Ave between Vallejo Street and Broadway



### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e))
- Requires CUA for group housing in RC-3
- Requires Variance from Exposure (Section 140) and Open Space Requirements (Section 135)
- Requires Building Permit

**Construction Date:** 1876

**Zoning:** RC-3

**Architect/Builder/Designer (if known):** G.

Albert Lansburgh

**Preservation:** Category A

**AAU Acquisition Date:** 2005

### Staff Recommendation:

**Inclined to recommend approval.** The Department is inclined to support cases where the conversion to student housing serves as a higher use than what would otherwise likely be located on the subject site.

EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	2211 Van Ness Avenue*	0570/005	RC-3	NW (Pacific Heights)	Student Housing (3 Dwelling Units & 8 rooms (20 beds))	Student Housing (3 Dwelling Units & 8 rooms (20 beds))	Residential & Commercial (2 Dwelling Units & commercial) (5,076 sf)	Legislative Amendment to 317(e), CUA, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1083CVAR**  
*Project Address:* **2211 Van Ness Avenue**  
*Zoning:* RC-3 (Residential-Commercial, Medium Density)  
80-D Height and Bulk District  
*Area Plan:* Market and Octavia  
*Block/Lot:* 0570/029  
*Project Sponsor:* Academy of Art University  
Corinne Quigley  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes to legalize the unauthorized conversion of two Residential Units and Commercial space into three Residential Units containing 8 Student Housing rooms. Section 317 currently prohibits the conversion of Residential Units to Student Housing. However, the Planning Department has proposed an Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date" (Case Number 2016-000559PCA), initiated by the Planning Commission on July 28, 2016, that would waive the prohibition of Residential Units to Student Housing for the properties at 2209 Van Ness Avenue and at 2211 Van Ness Avenue. The subject Conditional Use Authorization is consistent with the procedures set forth in the aforementioned Ordinance, but requires the adoption of a recommendation of approval of the aforementioned Planning Code Amendment.

It should be noted that the Academy of Art University has initiated a Planning Code Amendment that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Staff

does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance.

## **SITE DESCRIPTION AND PRESENT USE**

The property at 2211 Van Ness Avenue, also referred to as the "Ansel Adams Building," is a two-story, 5,076-square-foot building constructed in 1876 located on Van Ness Avenue between Vallejo Street and Broadway, in the Pacific Heights neighborhood. The building has three apartments, containing eight group-housing rooms, and a capacity of 20 beds. The site is Lot 005 in Assessor's Block 0570.

Prior to Academy of Art University (AAU) occupation in 2005, the building was residential with a ground-floor restaurant. The building has both apartment-style units with private kitchens and dormitory-style units with a communal kitchen, as well as a laundry room. 2209 Van Ness Avenue is listed as a contributory building in the Van Ness Avenue Area Plan. The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone fronting 2209 Van Ness Avenue, approximately 30 feet south of 2211 Van Ness Avenue.

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings with supporting neighborhood-serving commercial uses typically located on the ground floor. Retail uses on the second floor require Conditional Use Authorization (CUA). Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require CU authorization, pursuant to San Francisco Planning Code (Planning Code) Section 209.3. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings while supporting neighborhood-serving commercial uses typically located on the ground floor. Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require a CU authorization. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

The project site is located on the northeastern edge of the Pacific Heights neighborhood which is characterized by larger Victorian-style homes loosely bordered by Van Ness and Presidio Avenues and Pine and Vallejo Streets. However, the project site sits at the confluence of the Marina, Russian Hill and Pacific Heights Neighborhoods. All are characterized by relatively quiet residential neighborhoods and robust Neighborhood Commercial Districts.

## **ENVIRONMENTAL REVIEW**

Environmental Review for the Academy of Art University has been addressed in two separate documents, the Environmental Impact Report (hereinafter "EIR"), which consisted of four general components: study area growth, project site growth, legalization of prior unauthorized changes, and shuttle service expansion. Study area growth consists of approximately 110,000 net square feet (sf) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in 12 geographic areas (study areas) where AAU could occupy

buildings to accommodate future growth. The EIR also included the legalization of changes in use and/or appearance undertaken without benefit of permits prior to issuance of the NOP at 28 of AAU's 34 existing sites. The Existing Sites Technical Memorandum evaluated environmental impacts of past non-permitted work at 34 AAU properties.

On May 19, 2016, the Planning Commission held a public hearing on the Draft Existing Sites Technical Memorandum (hereinafter "ESTM"), published by the Planning Department. The ESTM examines the environmental impacts of past non-permitted work at 34 Academy of Art (AAU) properties and recommends conditions of approval to remedy those impacts. The 30-day public comment period for the Draft ESTM document began May 4, 2016 and extended through June 3, 2016. The Planning Department considered all comments received on the ESTM, incorporated changes as necessary, and finalized the ESTM. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

Conditions of approval, mitigation measures and improvement measures identified in the Mitigation Monitoring and Reporting Program (MMRP), Project Improvement Measures, the Existing Sites Technical Memorandum and the Transportation Management Plan (an appendix to the Existing Sites Technical Memorandum) are included as conditions of approval for each entitlement as appropriate.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	22 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	10 days	September 12, 2016	September 2, 2016	20 days

## PUBLIC COMMENT & COMMUNITY OUTREACH

- **Public Comment.** As of September 12th, 2016, Planning Department has not received public comment regarding the particular project.

## ISSUES AND OTHER CONSIDERATIONS

- **Legal Use.** The last legal use for 2211 Van Ness Avenue included two-family Residential Units and ground-floor Commercial space. Research conducted as part of the Existing Sites Technical Memorandum found that the building was originally constructed as a single family dwelling in 1876. By 1943, the building contained 6 apartments and appears to have remained residential until 1984 when the building, at least in part, was converted to a commercial use.

- **Open Space.** The building requires a variance from Section 135 because the project requires approximately 347 square feet of common open space but does not provide such space.
- **Exposure.** The project requires a variance from Section 140 because not all the dwelling units and student housing rooms expose onto a public right-of-way or Code-compliant open space.
- **Signage.** The building does not appear to have a Code-compliant sign per Article 6 of the Planning Code.
- **Planning Code Amendments.** The property is associated with two Planning Code Amendments – one proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units to Student Housing, and a second one proposed by the Planning Department that would only enable the legalization of only 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
    - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
    - AAU initiated their proposed Planning Code Amendment by virtue of their application.
  - **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the conversion of two Residential Units over ground for Commercial space at 2211 Van Ness Avenue to 8 Student Housing Rooms contained within 3 dwelling units pursuant to Planning Code Sections 303, 317 and the Ordinance entitled, "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".

## **BASIS FOR RECOMMENDATION**

- The conversion to student housing serves as a higher intensity use than what would otherwise be located on the subject site.
- The project will comply with all applicable conditions of approval outlined in the Transportation Management Plan.
- The project is desirable for, and compatible with the surrounding neighborhood.

**RECOMMENDATION: Approval with Conditions**

**Attachments:**

Draft Motion for Conditional Use Authorization

Project Data Sheet

Exhibits:

Parcel Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photograph

Existing Sites Technical Memorandum - Individual Site Assessment

Final AAU EIR Certification

Exhibit B – Proposed Plans

Exhibit C - CEQA Findings

Exhibit D - Transportation Management Plan

**Attachment Checklist**

Executive Summary

Draft Motion

Environmental Determination

Zoning District Map

Height & Bulk Map

Parcel Map

Sanborn Map

Aerial Photo

Context Photos

Site Photos

Project sponsor submittal

Letter

Letter in support

Drawings: Proposed Project

Check for legibility

Health Dept. review of RF levels

RF Report

Community Meeting Notice

Inclusionary Affordable Housing Program:  
Affidavit for Compliance

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

TC

Planner's Initials

TC G:\Documents\CONDITIONAL USE\2211 Van Ness Ave\_2007.1083CVAR\2211 Van Ness Ave.--Exec Summary.docx

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# SAN FRANCISCO PLANNING DEPARTMENT

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

*Subject to: (Select only if applicable)*

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Rincon Hill Impact Fees)

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1083CVAR**  
*Project Address:* **2211 Van Ness Avenue**  
*Zoning:* RC-3 (Residential-Commercial, Medium Density)  
 80-D Height and Bulk District  
*Area Plan:* Market and Octavia  
*Block/Lot:* 0570/005  
*Project Sponsor:* Academy of Art University  
 Corinne Quigley  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, CA 94105  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Approval with Conditions**

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND THE ORDINANCE ENTITLED "WAIVING APPLICABILITY OF THE PROHIBITION ON CONVERSION OF RESIDENTIAL UNITS TO STUDENT HOUSING SET FORTH IN PLANNING CODE SECTION 317(e) TO 2209 VAN NESS AVENUE (LOT 05 IN ASSESSOR'S BLOCK 0570) AND 2211 VAN NESS AVENUE (LOT 029 IN ASSESSOR'S BLOCK 0570); ESTABLISHING CRITERIA FOR CONDITIONAL USE AUTHORIZATION APPLICABLE TO CONVERSIONS TO STUDENT HOUSING FOR 2209 VAN NESS AVENUE AND 2211 VAN NESS AVENUE; MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND PROVIDING FOR EXPIRATION OF THE PROVISION BY OPERATION OF LAW THREE YEARS AFTER ITS EFFECTIVE DATE" TO ALLOW THE CONVERSION OF RESIDENTIAL UNITS INTO STUDENT HOUSING AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL

**QUALITY ACT. THE PROJECT SITE IS LOCATED WITHIN THE RESIDENTIAL-COMMERCIAL, MEDIUM DENSITY (NCT-3) ZONING DISTRICT AND AN 80-D HEIGHT AND BULK DISTRICT.**

**PREAMBLE**

In 2006, the Department's Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU's IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter "Department"), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held numerous hearings regarding the enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and required AAU to submit an Environmental Evaluation Application (Case No. 2008.0586E) for the Academy of Art University Project (Proposed Project). On September 29, 2010, the Planning Department published the Notice of Preparation (NOP) of an Environmental Impact Report and provided public notice of that determination by publication in a newspaper of general circulation, and held a public scoping meeting on October 26, 2010. . The Proposed Project studied in the EIR consisted of four general components: program-level growth, study area growth, project-level growth, legalization of prior unauthorized changes, and shuttle service expansion. . Program level growth consists of approximately 110,000 net square feet (sf) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in 12 geographic areas (study areas) where AAU could occupy buildings to accommodate future growth. The study areas generally include the following areas: Study Area 1 (SA 1), Lombard Street/Divisadero Street; SA 2, Lombard Street/Van Ness Avenue; SA 3, Mid Van Ness Avenue; SA 4, Sutter Street/Mason Street; SA 5, Mid-Market Street; SA 6, Fourth Street/Howard Street; SA 7, Rincon Hill East; SA 8, Third Street/Bryant Street; SA 9, Second Street/Brannan Street; SA 10, Fifth Street/Brannan Street; SA 11, Sixth Street/Folsom Street; and SA 12, Ninth Street/Folsom Street. Project-level growth consists of six additional sites that have been occupied, identified, or otherwise changed by AAU since publication of the September 2010 Notice of Preparation (NOP) for this EIR. The six project sites would include a total of 411,070 sf of institutional, bus storage, and community facility uses. The project sites include the following addresses: 2801 Leavenworth Street

(The Cannery) (Assessor's block/lot:0010/001); 700 Montgomery Street (Assessor's block/lot:0196/028); 625 Polk Street (Assessor's block/lot:0742/002); 150 Hayes Street (Assessor's block/lot:0811/022); 121 Wisconsin Street (Assessor's block/lot:3953/004); and 2225 Jerrold Avenue (Assessor's block/lot:5286A/020). The Proposed Project also includes extension of AAU's shuttle service to serve growth in the study areas and at the project sites. The Proposed Project includes legalization of changes in use and/or appearance undertaken without benefit of permits prior to issuance of the NOP at 28 of AAU's 34 existing sites.

The EIR addressed the fact that AAU was operating at 34 locations at the time of the September 2010 NOP, but at 28 of those locations, AAU had not obtained the required conditional use authorizations, building permits, or other permits. The uses at AAU's 34 existing sites would not change with implementation of the Proposed Project; therefore, for purposes of the EIR, the existing sites are considered part of the baseline conditions. As part of the retroactive compliance process, the Planning Department prepared the Academy of Art University Project Existing Sites Technical Memorandum (ESTM) to present an analysis of the environmental effects that have resulted from the changes in use and associated tenant improvements undertaken by AAU at the existing sites. The public review process of the ESTM is discussed further below.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising his enforcement discretion, the Zoning Administrator also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision. In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with

Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to local, State, and federal agencies and organizations and individuals for a period of 62 days, to April 27, 2015.. The Commission held a duly advertised public hearing on said DEIR on April 16, 2015 at which opportunity for public comment was given, and public comment was received on the DEIR.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Responses to Comments (RTC) document, published on June 30, 2016, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 1, 2015, the Planning Commission heard the progress of the environmental review, Institutional Master Plan update and discussed ideas for how to process entitlements related to the Academy of Art University.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On May 19, 2016, a public hearing was held to provide an update to the Planning Commission regarding processing strategies as well as policy and preliminary project-specific recommendations as contained in the "Memo to the Planning Commission", dated May 12, 2016.

The Planning Department also prepared a separate technical memorandum, the ESTM, to present an analysis of the environmental effects that have resulted from the changes in use and associated tenant improvements undertaken by AAU at the existing sites as part of their retroactive compliance process. The ESTM is part of the record used by the Planning Department, the Planning Commission, the Board of Supervisors and the public in considering whether or not to issue the approvals for the 23 existing sites that require a CU authorization, building permit, legislative amendment, or all three. The ESTM will also be used by the Historic Preservation Commission in considering whether COAs or PTAs should be issued for the ten sites that require their review. The Draft ESTM was published for a 30-day public comment period on May 4, 2016 and extended through June 3, 2016. The Historic Preservation Commission held a hearing on the ESTM on May 18, 2016; the Planning Commission held a public hearing on the ESTM on May 19, 2016. The ESTM examines the environmental impacts of past non-permitted work at 34 Academy of Art (AAU) properties and recommends conditions of approval to remedy those impacts. After the close of the public review period on the ESTM, the Planning Department responded to all comments received on the ESTM, incorporated changes as necessary, and finalized the ESTM. The Final ESTM was provided to the Planning Commission for informational purposes on June 30, 2016.

On July 28, 2016, the Commission initiated an Ordinance proposed by the Planning Department for the limited conversion of existing Residential Units to Student Housing for two properties at 2209 Van Ness Avenue (Lot 005 in Assessor's Block 0570) and 2211 Van Ness Avenue (Lot 029 in Assessor's Block 0570). The Ordinance waives the applicability of the prohibition on conversion of Residential Units to Student Housing set forth in Planning Section 317(e) and also establishes criteria for conditional use authorization applicable to conversions to Student Housing; makes findings under the California Environmental Quality Act, make findings under Planning Code Section 302 of public necessity, convenience, and welfare; make findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and provide for expiration of the provision by operation of law three years after its effective date.

The environmental effects of the Proposed Project were determined by the San Francisco Planning Department to have been fully reviewed under the Academy of Art University Environmental Impact Report, Case No.2008.0586E. The EIR was prepared, circulated for public review and comment, and, at a public hearing on July 28, 2016, by Motion No. 19704, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The Commission has reviewed the FEIR, which has been available for this Commission's review as well as public review.

#### **TIMELINE OF INVESTIGATION AT SUBJECT PROPERTY**

On September 14, 2007, Michael Burke, on behalf of AAU, filed Application No. 2007.1083C to seek Conditional Use authorization ("hereinafter the "Project") to change the use of the subject building from a mixed-use building containing Commercial space at the ground-floor with two-family Dwelling Units above to Group Housing for an Educational Institution under then-Section 209.2(c).

On August 27, 2008 and again on July 8, 2010, the Planning Department performed site visits to the subject property and found that the approximately 4,688 sq. ft. building was fully occupied as a Group Housing use operated by AAU. The last known legal use of the building was as two dwelling units and no building permits are on file to authorize the change the use to that of a Group Housing use.

On April 28, 2011, the Department issued a letter regarding the unauthorized installation of an AAU business sign on the property. Although a building permit has been submitted (BP. No. 200804028568) to legalize the wall sign, the sign cannot be legalized as the use of the subject property remains unauthorized per Planning Code Section 209.2(c).

On November 4, 2011, the Department issued an Enforcement Notification (EN) detailing the violations listed above with details on how to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that AAU does not believe that a change of use occurred because the units in the property contain individual cooking facilities. Page 101 of AAU's IMP notes that the property contains "dormitory-style units with a communal kitchen" necessitating group housing use authorization.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay (see above) that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On April 7, 2016, the Zoning Administrator issued the final NOVP Decision for the subject property.

On April 14, 2016, Gordon North, on behalf of AAU, submitted an update to the Application for Conditional Use, Case No. 2007.1083C to establish 8 Group Housing Rooms and three Dwelling Units.

On September 22, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application for a conditional use did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 and the analysis was encompassed within the analysis contained in the FEIR. Since the FEIR was certified, there have been no substantial changes to the project and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this project, including the Academy of Art University FEIR, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, Case No. 2008.0586E.

Planning Department staff prepared a Transportation Management Plan setting forth measures that will optimize access to and from AAU facilities for faculty, staff and students while reducing transportation impacts on the surrounding neighborhoods. The Transportation Management Plan (hereinafter "TMP") is included as Exhibit D of the subject motion and recommendations identified for the subject property shall be incorporated as a Condition of Approval.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case No. 2007.1082C; at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On September 22, 2016, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2007.1083C.

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 approves the Conditional Use authorization to convert Residential Units for Case No. 2007.1083CVAR, 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 property at 2211 Van Ness Avenue, also referred to as the “Ansel Adams Building,” is a two-story, 5,076-square-foot building constructed in 1876 located on Van Ness Avenue between Vallejo Street and Broadway, in the Pacific Heights neighborhood. The building has three apartments, containing eight group-housing rooms, and a capacity of 20 beds. The site is Lot 005 in Assessor’s Block 0570.

Prior to Academy of Art University (AAU) occupation in 2005, the building was residential with a ground-floor restaurant. The building has both apartment-style units with private kitchens and dormitory-style units with a communal kitchen, as well as a laundry room. 2209 Van Ness Avenue is listed as a contributory building in the Van Ness Avenue Area Plan. The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone fronting 2209 Van Ness Avenue, approximately 30 feet south of 2211 Van Ness Avenue.

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings with supporting neighborhood-serving commercial uses typically located on the ground floor. Retail uses on the second floor require Conditional Use Authorization (CUA). Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require CU authorization, pursuant to San Francisco Planning Code (Planning Code) Section 209.3. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.<sup>1</sup>

3. **Surrounding Properties and Neighborhood.** The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings while supporting neighborhood-serving commercial uses typically located on the ground floor. Single room occupancy buildings and student housing are listed as principally permitted uses; institutional uses and hotels require a CU authorization. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

The project site is located on the northeastern edge of the Pacific Heights neighborhood which is characterized by larger Victorian-style homes loosely bordered by Van Ness and Presidio Avenues and Pine and Vallejo Streets. However, the project site sits at the confluence of the

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-103.

Marina, Russian Hill and Pacific Heights Neighborhoods. All are characterized by relatively quiet residential neighborhoods and robust Neighborhood Commercial Districts.

4. **Project Description.** The project proposes to legalize the unauthorized conversion of two Residential Units and Commercial space into three Residential Units containing 8 Student Housing rooms. Section 317 currently prohibits the conversion of Residential Units to Student Housing. However, the Planning Department has proposed an Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date," (Case Number 2016-000559PCA), initiated by the Planning Commission on July 28, 2016, that would waive the prohibition of Residential Units to Student Housing for the properties at 2209 Van Ness Avenue and at 2211 Van Ness Avenue. The subject Conditional Use Authorization is consistent with the procedures set forth in the aforementioned Ordinance, but requires the adoption of a recommendation of approval of the aforementioned Planning Code Amendment.

It should be noted that the Academy of Art University has initiated a Planning Code Amendment that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance.

5. **Public Comment.** As of September 12<sup>th</sup>, 2016, Planning Department has not received public comment regarding the particular project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Conversion of Residential Units to Student Housing.** Typically, the conversion of Residential Units to Student Housing is prohibited per Section 317(e). However, the Planning Commission adopted a resolution to recommend approval of the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date,"

which requires Conditional Use Authorization and establishes criteria that must be met to grant the authorization. Compliance with said criteria is discussed under Section 6.

*Student Housing is a principally permitted use in RC-3 Zoning Districts per Section 209.3. However, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

- B. Density (Section 209.3).** The RC-3 Zoning District allows up to one bedroom for every 140 square feet of lot area and one dwelling unit per 400 square feet of floor area.

*The lot on which 2211 Van Ness Avenue is located is approximately 3,689 square feet which allows up to 26 rooms or 9 dwelling units. The project proposes eight (8) rooms contained in three (3) dwelling units, and is therefore Code-compliant with respect to density.*

- C. Uses (Sections 209.3).** Student Housing is a principally permitted use in RC-3 Zoning Districts.

*Student Housing is a principally permitted use in RC-3 Zoning Districts per Section 209.3. However, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

- D. Rear Yard (Section 134).** Planning Code Section 209.3 requires that projects in the RC-3 Zoning Districts provide a minimum rear yard depth equal to 25 percent of lot depth at the first residential level and above, but in no case less than 15 feet.

*Aside from the setback provided at the front, the building at 2211 Van Ness covers nearly the entire lot. A rear yard of is not provided, however, the property at 2211 Van Ness Avenue is considered an existing, noncomplying structure. Section 188 allows the intensification of a use of a noncomplying structure provided that there is no increase in any discrepancy or any new discrepancy between the existing and proposed condition. The conversion of the building containing two-family Residential*

*Units and ground-floor Commercial space to 8 Student Housing rooms does not exacerbate the nonconforming rear yard. Accordingly, the project complies with Section 134.*

- E. **Residential Open Space (Section 135).** Planning Code Section 135 requires 60 square feet of private open space per dwelling unit or 80 square feet of common open space per dwelling units in RC-3 Zoning Districts. However, the open space requirement for group housing units is reduced to one-third the specified requirement.

*The 3 Dwelling Units and 4 Student Housing rooms require approximately 347 square feet of common open space ((3 Dwelling Units x 80 square feet + (4 group housing rooms X 80 square feet) / 3). However, the project's only open space exists on the second floor rear deck that does not appear to meet the required dimensional requirements or access to satisfy Section 135 for the entire building. Therefore a variance from open space is required.*

- F. **Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one interior common area that meets the 120 square-foot minimum floor area requirement that opens onto a public street at least 20 feet in width, or rear yard requirements of the Planning Code.

*The project does not meet exposure requirements pursuant to Planning Code Section 140, and therefore requires a variance from Section 140.*

- G. **Bicycle Parking (Section 155).** Section 155.2 requires one Class 1 space for every four beds is required, and two Class 2 spaces for every 100 beds are required. A minimum of 2 Class 2 spaces are required. Group Housing that is also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.

*The project provides 20 beds and is therefore required to provide 5 Class 1 and 3 Class 2 bicycle parking spaces since Group Housing that is also Student Housing requires 50 percent more Class 2 spaces than would otherwise be required.*

- H. **Signage.** All signage is required to comply with Article 6 of the Planning Code, which stipulates that signs on awnings may not exceed 20 square feet per business.

*The property at 2211 Van Ness Avenue does not have any visible signage. Therefore, the project complies with Article 6 of the Planning Code.*

7. **Additional Criteria per the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law**

**Three Years After Its Effective Date**". When considering the legalization of Student Housing use to be permitted by this Ordinance, the Planning Commission shall consider the standard Conditional Use criteria described in Section 303 as discussed under item 7.) and the additional criteria listed below:

- (A) whether legalization of the Student Housing use would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

*Prior to AAU's occupation of the building in 2005, the building was residential with a ground-floor restaurant. The building was originally constructed as a single-family residence in 1876 and was converted, at least in part, to commercial use by the 1980s. By 1943, the building contained six apartments and appears to have remained residential until 1984 when building permits show that Mr. Kham Dinh Tran owned the property. Around that time, Mr. Tran converted the building into use as the Golden Turtle Restaurant.<sup>2</sup> Mr. Tran is the presumed owner of the building prior to AAU's occupation. There is no indication that the units were not owner-occupied.*

- (B) whether the legalization would provide desirable new Student Housing at sufficient densities to warrant the loss of the existing residential use;

*Although the last legal use of the property was documented as a two-family dwelling with a ground-floor commercial unit, historic analysis of the property, as reflected in the Existing Sites Technical Memorandum, demonstrates that the building has been converted, at least in part, to commercial use since the 1980s. Records from the San Francisco Rent Board do not indicate that any evictions have occurred on-site.*

*The conversion converts two dwelling units into three dwelling units containing 8 student housing rooms, which is a higher intensity use than would otherwise occur on-site.*

- (C) whether legalization will bring the building closer into conformance with the Uses permitted in the zoning district;

*Student housing is a principally permitted use in RC-3 Zoning District. The legalization does not change its conformance with Uses permitted in the zoning district.*

- (D) whether legalization of the Student Housing use will be detrimental to the City's housing stock;

*The Department does not find that the legalization will be detrimental to the City's housing stock since the legalization allows for a higher intensity residential use than would otherwise occur on-site.*

- (E) whether legalization of the Student Housing use will remove Affordable Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

*The legalization of the Student Housing use will not remove Affordable Housing or units subject to the Residential Rent Stabilization and Arbitration Ordinance.*

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<sup>2</sup> International Institute of the Bay Area, [www.iibayarea.org/about/](http://www.iibayarea.org/about/). Accessed January 2016.

- (F) whether the location for proposed Student Housing use will reduce Green House Gas emissions relative to other potential locations for the students of the post-secondary Educational Institution.

*2211 Van Ness Avenue is located in a transit rich location with convenient access to retail and services. Therefore, the Department finds that the location proposed for Student Housing will likely reduce or at minimum have not negative impact to the amount of Green House Gas emissions relative to other potential locations for the students.*

- (G) whether the Student Housing would be owned, operated or otherwise controlled by a post-secondary Educational Institution that has an up-to-date Institutional Master Plan on file with the Department and accepted by the Planning Commission.

*The Planning Commission accepted the Academy of Art University's Institutional Master Plan in 2011. AAU has submitted the required two-year IMP updates since its full IMP was originally accepted. The Department finds that the Update meets the intent of the submittal requirements pursuant to Planning Code Section 304.5.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in 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 community.

*The project intensifies the existing structure. However, as Student Housing is a principally permitted use in RC-3 Zoning Districts, the intensification does not exceed the intensity contemplated and provides a development that is desirable for and compatible with the neighborhood.*

*Although Student Housing is a principally permitted use in the RC-3 Zoning District, the conversion of Residential Units to Student Housing for the subject property requires a Conditional Use Authorization per the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date".*

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

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

*The project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity with respect to the nature of the proposed site, including its shape and size and arrangement of structures.*

- 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The project site is located within an urban context, where convenience goods and services are available within walking distance. The project will not provide off-street parking, and is required to provide at least 5 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces.*

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

*The project will not result in noxious or offensive emissions.*

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

*The project includes landscaped entryways.*

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

*The Project generally complies with the applicable sections of the Code. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing students to commute, shop and reach amenities by walking, transit and bicycling. The Project conforms with multiple goals and policies of the General Plan, as follows*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

**OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.9.**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*The Department finds the conversion of a building containing two-family dwelling units and ground floor commercial space to Student Housing to accommodate up to 20 beds consistent with Objective 1 and Policy 16 of the General Plan's Housing Element.*

**OBJECTIVE 5:**

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

**Policy 5.4.**

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*The Planning Department finds that the conversion of the subject building containing two-family dwelling units and ground floor commercial space to a Student Housing building accommodating approximately 20 beds supportive of Objective 5 and Policy 5.4 of the General Plan's Housing Element.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.3:**

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

*The project is required to provide 5 Class 1 and 3 Class 2 bicycle spaces.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The project does not negatively impact neighborhood-serving retail uses.*

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

*The project preserves the existing residential building and does not alter its form, conserving the existing neighborhood character.*

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

*The project does not detract from the City's supply of affordable housing.*

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

*The project does not include any on-site parking. The use of Muni and all public transit will be sustained by 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 would not displace any industrial or service sectors, nor will City resident employment be negatively impacted.*

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

*The project will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building is not a landmark but has been classified as a resource. The Existing Sites Technical Memorandum found that AAU's occupation of the building has not negatively impacted the historic resource; the project preserves the existing historic building.*

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

*The project will not affect the City's parks or open space or their access to sunlight and vistas.*

11. 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.

12. 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 Authorization No. 2007.1083CVAR** under Planning Code Sections 303 and 317(e) and pursuant to the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date," to allow the conversion of a Residential Use to Student Housing, within the RC-3 (Residential- Commercial, Medium Density) Zoning District, and a 80-D Height and Bulk District. The project also seeks a Variance from Planning Code Section 135 and 140 as the Student Housing building does not meet open space or exposure requirements, respectively. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 30, 2008, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the CEQA Findings attached hereto as Exhibit C and the Transportation Management Plan (hereinafter "TMP") of the Existing Sites Technical Memorandum attached hereto as Exhibit D of the subject motion. The Project is required to implement and meet conditions outlined in the Transportation Management Plan.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309.1 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.**

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code

Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow the conversion of an existing two-family Residential with ground-floor commercial building to Student Housing containing 8 rooms and approximately 20 beds, pursuant to Planning Code Sections 303, 317(e) and the Ordinance entitled "Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570); Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date," within the RC-3 (Residential-Commercial, Medium Density) Zoning District, and a 80-D Height and Bulk District; in general conformance with plans, dated January 30, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1083CVAR and subject to conditions of approval reviewed and approved by the Commission on September 22, 2016 under Motion No. [ ]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 22, 2016 under Motion No. [ ].

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. [ ] shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. The project may not be entitled until the Ordinance entitled "Ordinance Waiving Applicability Of The Prohibition On Conversion Of Residential Units To Student Housing Set Forth In Planning Code Section 317(E) To 2209 Van Ness Avenue (Lot O5 In Assessor's Block 0570) And 2211 Van Ness Avenue (Lot 029 In Assessor's Block 0570);

Establishing Criteria For Conditional Use Authorization Applicable To Conversions To Student Housing For 2209 Van Ness Avenue And 2211 Van Ness Avenue; Making Findings Under The California Environmental Quality Act; Making Findings Of Consistency With The General Plan And The Eight Priority Policies Of Planning Code Section 101.1; And Providing For Expiration Of The Provision By Operation Of Law Three Years After Its Effective Date” has been approved by the Board of Supervisors, signed by the Mayor and enacted.

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administration to address the requirements for exposure (Planning Code Section 140) and open space (Planning Code Section 135). The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

## PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 5 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces.

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

8. **Transportation Management Plan.** The Transportation Management Plan (TMP) of the Existing Sites Technical Memorandum has been attached as Exhibit D as a Condition of Approval. The Project shall implement all general Conditions of Approval included in Sections 3.1, 3.2, 3.3, 3.4, and 3.6. Additionally, the Project shall reduce the existing 40-foot white shuttle zone to 25-feet as depicted in Figure 4 of the TMP. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

## PROVISIONS

9. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

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

## MONITORING AFTER ENTITLEMENT

10. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
11. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

12. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
14. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).  
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).  
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

16. **Prohibition of Short-term Rentals.** Student Housing shall not be used for Short-Term Residential Rentals under Chapter 41A of the Administrative Code, which restriction shall be recorded as a Notice of Special Restriction on the subject lot.

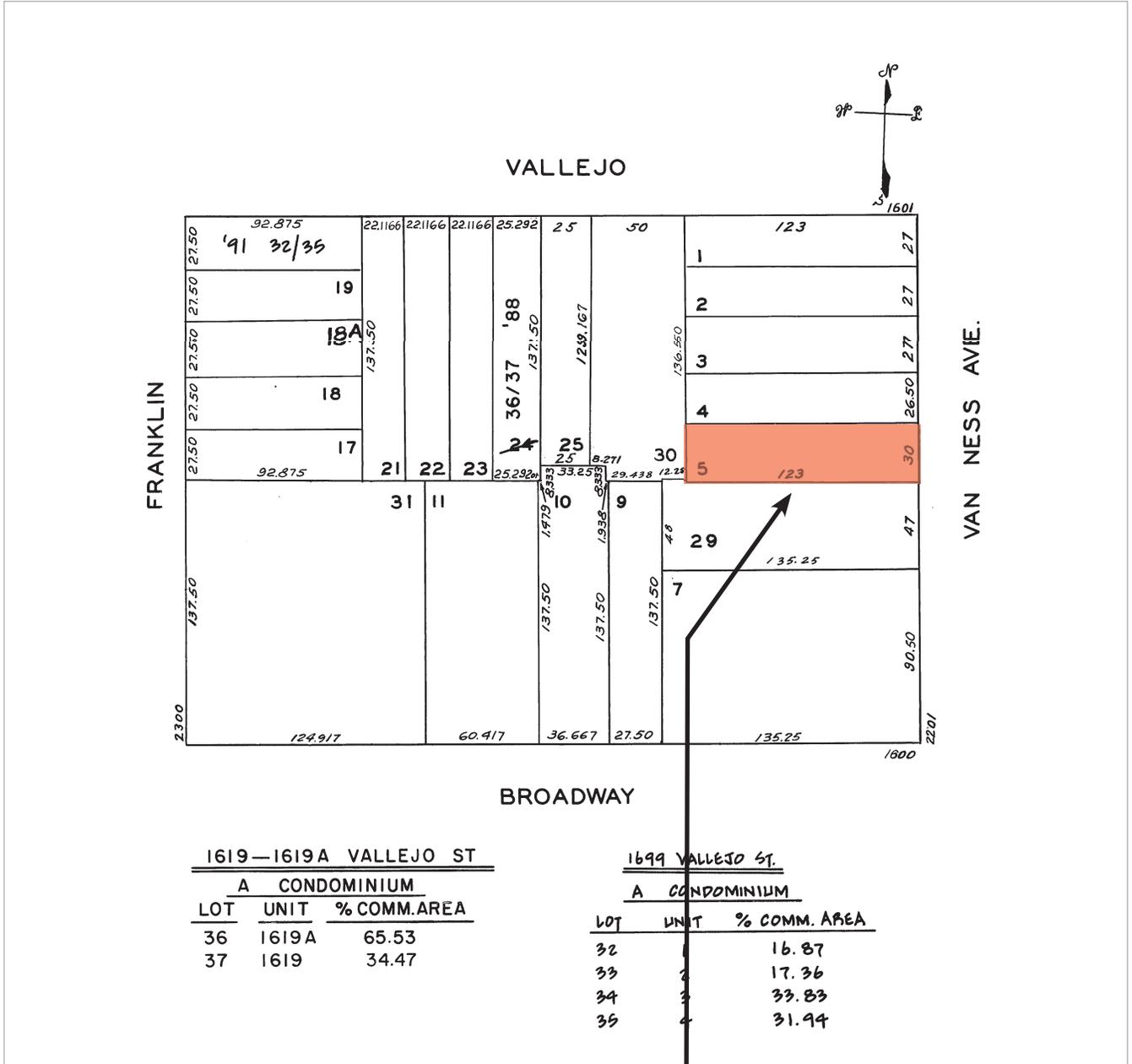
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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# Parcel Map



1619-1619A VALLEJO ST

A CONDOMINIUM

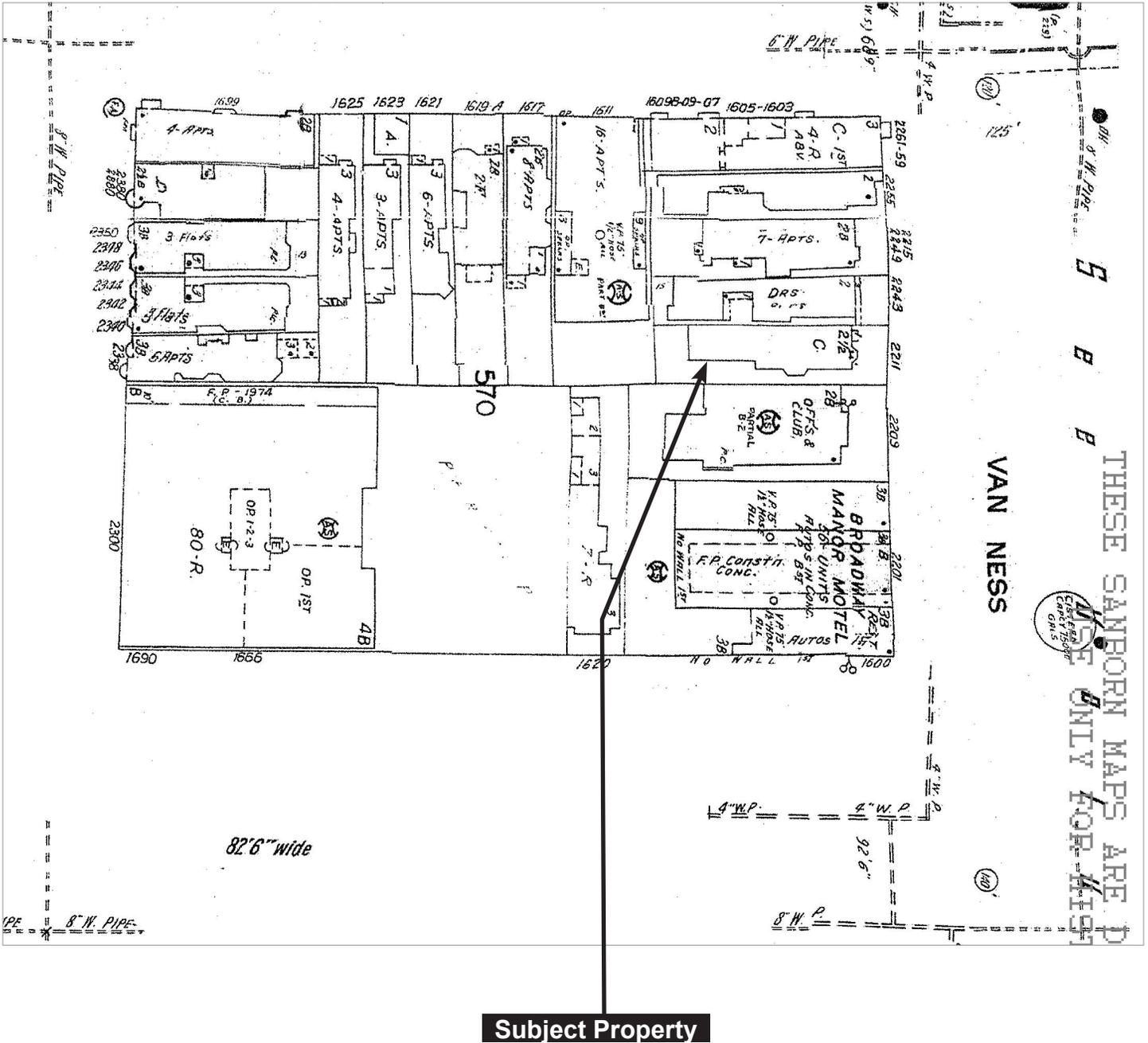
LOT	UNIT	% COMM. AREA
36	1619A	65.53
37	1619	34.47

1699 VALLEJO ST.

A CONDOMINIUM

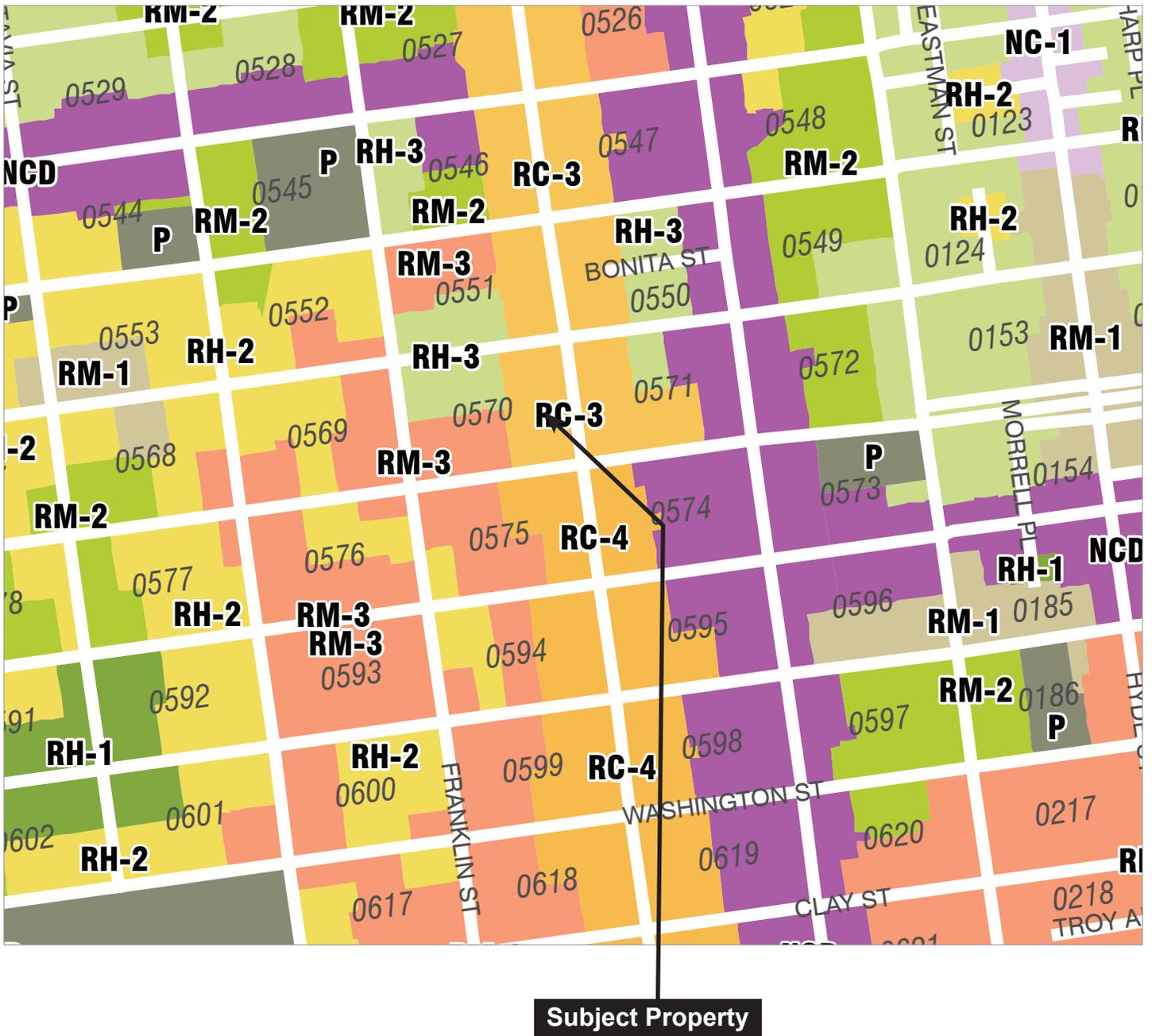
LOT	UNIT	% COMM. AREA
32	1	16.87
33	2	17.36
34	3	33.83
35	4	31.94

# Sanborn Map



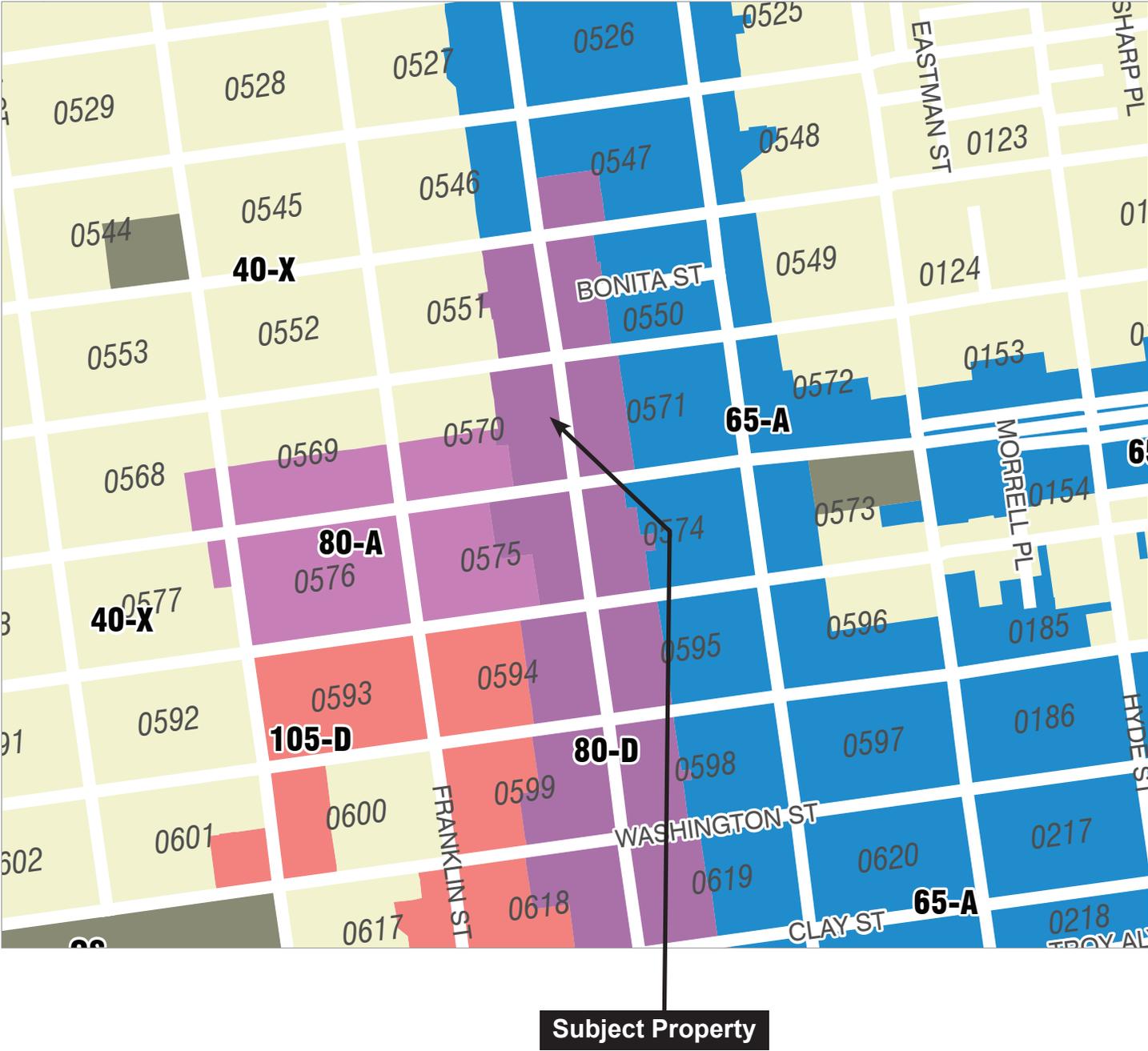
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

# Zoning Map

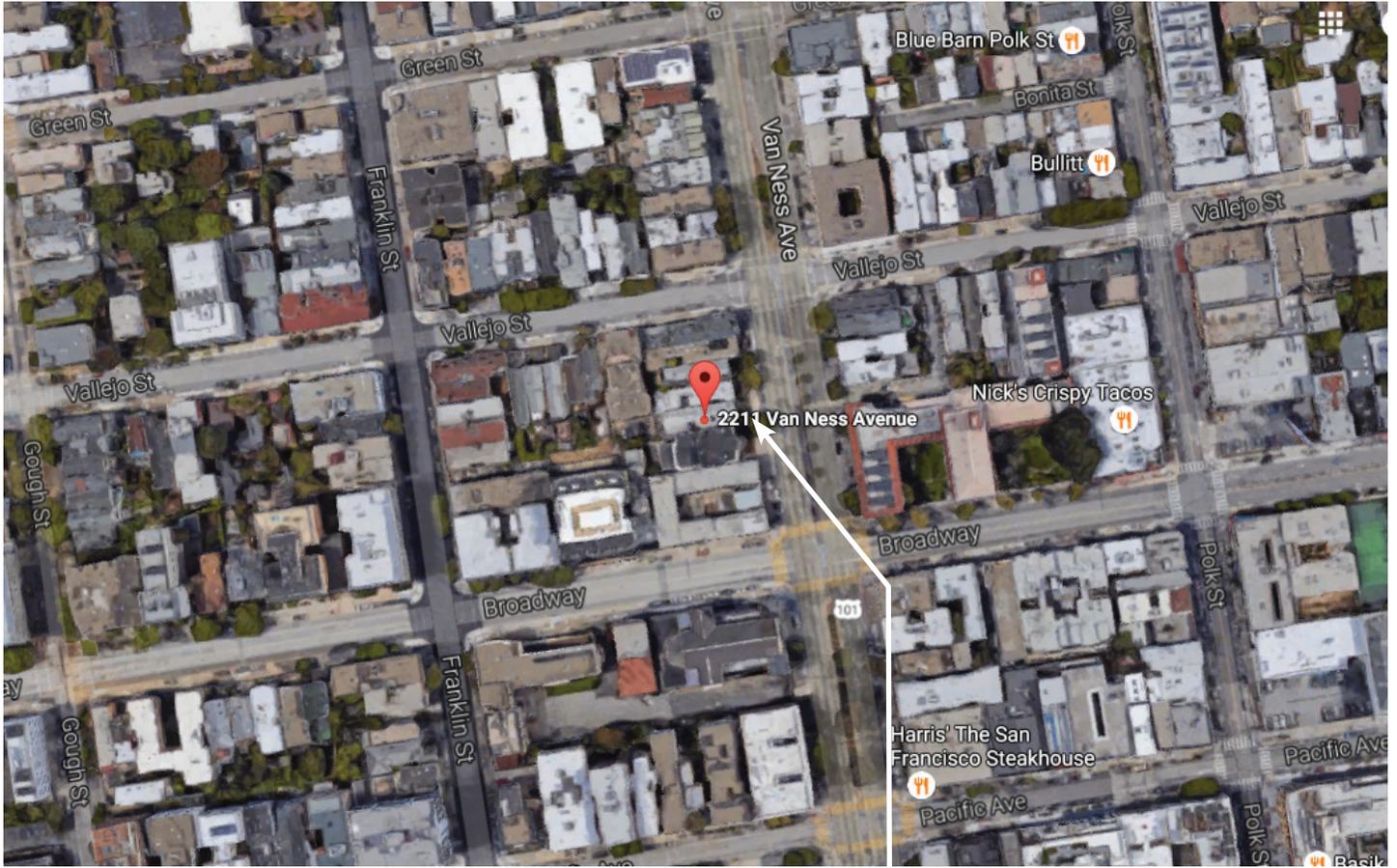


Conditional Use Authorization  
Case Number 2007.1083CVAR  
2211 Van Ness Avenue  
Block 0570 Lot 005

# Height Map



# Aerial



**Subject Property**

Conditional Use Authorization  
Case Number 2007.1083CVAR  
2211 Van Ness Avenue  
Block 0570 Lot 005

# Site Photos



**INDIVIDUAL SITE ASSESSMENT**  
**(Existing Sites Technical Memorandum)**

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#### 4.2.4. 2211 Van Ness Avenue (ES-4)

##### **Property Information**

The 2211 Van Ness Avenue existing site (ES-4), AAU’s “Ansel Adams Building,”<sup>145</sup> is a two-story, 5,076-square-foot building constructed in 1876 located on Van Ness Avenue between Vallejo Street and Broadway, in the Pacific Heights neighborhood (Photographs 21–24). The building has three apartments, eight group-housing rooms, and a capacity of 20 beds. The site is Lot 005 in Assessor’s Block 0570.

Prior to Academy of Art University (AAU) occupation in 2005, the building was residential with a ground-floor restaurant. The building has both apartment-style units with private kitchens and dormitory-style units with a communal kitchen, as well as a laundry room.<sup>146</sup> ES-4 is listed as a contributory building in the Van Ness Avenue Area Plan.<sup>147</sup> The site is served by AAU shuttle bus route M. AAU shuttle buses use the 40-foot-long white passenger loading zone fronting 2209 Van Ness Avenue (ES-5), approximately 30 feet south of ES-4. Figure 4, ES-4 & ES-5: 2211 & 2209 Van Ness Avenue – Existing Condition, in Appendix TDM, shows this site and the adjacent 2209 Van Ness Avenue AAU site.

The site is zoned RC-3 (Residential-Commercial, Medium Density), which provides for medium density residential buildings with supporting neighborhood-serving commercial uses typically located on the ground floor. Retail uses on the second floor require conditional use (CU) authorization. Single room occupancy buildings and student housing are listed as principal permitted uses; institutional uses and hotels require CU authorization, pursuant to San Francisco Planning Code (Planning Code) Section 209.3. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

##### ***Tenant Improvements and Renovations***

AAU re-roofed the building and, on the interior, AAU had exploratory demolition work done to fix a wall/deck at the rear room (no structural work was involved). Without building permits, AAU painted signage over an existing awning some time after 2008 and remodeled the ground floor to provide bedrooms, bathrooms, and kitchens, and to add full-height walls, baseboard heaters, and a shower after 2007.<sup>148</sup> AAU also installed security fencing along the brick wall at some point after 2005 without a building permit.<sup>149</sup>

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<sup>145</sup> 2011 IMP, p. 101.

<sup>146</sup> 2011 IMP, p. 101.

<sup>147</sup> 2011 IMP, p. 101.

<sup>148</sup> Building Permits obtained for the improvements and renovations at ES-4 are: BPA #201202234678 (reroofing), #200702264852 (ground-floor remodeling, permit never issued), #200804028568 (signage, permit never issued), and #200903204570 (exploratory demolition).

<sup>149</sup> Academy of Art University, Memorandum to SWCA: Alteration Chronologies, February 2, 2016.



**Photograph 21. 2211 Van Ness (ES-4).**



**Photograph 22. Mid-block Van Ness Avenue, facing east.**



**Photograph 23. Mid-block Van Ness Avenue, facing south.**



**Photograph 24. Mid-block Van Ness Avenue, facing north.**

### ***Required Project Approvals***

The 2211 Van Ness Avenue existing site (ES-4) would require a legislative amendment to San Francisco Planning Code (Planning Code) Section 317(f)(1), the Student Housing Legislation, to allow for conversion of residential and commercial uses to student housing (group housing for a postsecondary educational institution) within a RC-3 (Residential-Commercial, Medium Density) Zoning District. A building permit under Planning Code Section 171 and CU authorization under Planning Code Sections 303 and 209.3 would be required for the change in use from residential and commercial to student housing (group housing for a postsecondary educational institution). A building permit is required for any tenant improvements to the building that were not permitted.

### **Plans and Policies and Land Use**

ES-4 is located in the Pacific Heights neighborhood. The Nob Hill and Russian Hill neighborhoods are located on the east side of Van Ness Avenue, to the south and north of Broadway, respectively. In the immediate vicinity of ES-4 there are a mix of uses including residential, commercial, medical, and hotel uses. The ES-4 building was built in 1876, is two stories, and was previously used as a multi-family residential building with ground-floor restaurant.

ES-4 is located on Van Ness Avenue, a major north-south thoroughfare that serves as U.S. 101 through San Francisco to the Golden Gate Bridge. Near ES-4, Van Ness Avenue has three lanes in each direction with a planted median. Parallel parking is limited to 2 hours for non-residential cars on both sides of Van Ness Avenue. The Van Ness Bus Rapid Transit Project is scheduled to begin construction in 2016 and will include 2 miles of dedicated transit-only lanes near ES-4 that separate transit from traffic, enhanced boarding platforms, and the installation of new traffic signals. Bus stops are located on the northeastern corner of Van Ness Avenue and Broadway, and the southwestern corner of Van Ness Avenue and Vallejo Street. A white passenger loading zone is located in front of ES-4 for AAU shuttle service.

Land use near ES-4 is primarily mixed use. The block includes a dental office, professional offices, restaurants, a bicycle store, and a spa. South of ES-4 is the Inn on Broadway, at the northwestern corner of Van Ness Avenue and Broadway. The block also has several solely residential-use buildings. A private surface parking lot is located adjacent to 2200 Van Ness Avenue, directly across the street from ES-4.

The zoning along both sides of Van Ness Avenue near ES-4 is RC-3 (Residential – Commercial, Medium Density). RC-3 Zoning Districts provide for a mixture of medium-density dwellings with supporting commercial uses.<sup>150</sup> ES-4 is located in the Van Ness Special Use District. The Van Ness Special Use District's focus is to implement the Van Ness Avenue Area Plan, which attempts to revitalize the area by encouraging new retail and housing to facilitate the transformation of Van Ness Avenue into an attractive mixed-use boulevard.<sup>151</sup> The use of ES-4 as student housing is consistent with the Van Ness Area Plan. The height and bulk district for Van Ness Boulevard between Green and California streets is 80-D.

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<sup>150</sup> Planning Code Section 209.3.

<sup>151</sup> Planning Code Section 243.

As noted above, the use of ES-4 has been changed by AAU from residential and commercial to student housing (group housing for a postsecondary educational institution) use. The change in use of the site to student housing (group housing for a postsecondary educational institution) remains representative of the primarily residential uses in the RC-3 Zoning Districts. However, the change in use at ES-4 conflicts with the Planning Code and requires a legislative amendment for conversion of residential units to student housing. The legislative amendment could be inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid conversion of such affordable housing uses.

Change in use would not physically divide an established community; rather, localized changes in character could occur as the previous use as a single-family residential dwelling is altered to student housing (group housing for a postsecondary educational institution) use. The change in use would intensify activities and introduce new patterns of use at the site (i.e., student populations as opposed to longer-term residents). In addition, the change in use could increase AAU's presence in the area, because the institution occupies student housing at the adjacent property (2209 Van Ness Avenue [ES-5]), as well as St. Brigid Church (ES-6) at the corner of Van Ness Avenue and Broadway, approximately 175 feet east of ES-4, which is used for lectures.

Student housing (group housing for a postsecondary educational institution) use is subject to approval by the Planning Commission as a CU within an RC-3 District. Since ES-4 involves the conversion of residential units to student housing, which is not permitted per Section 317(f), a legislative amendment to the subject Code section is required. Additionally, a building permit pursuant to Planning Code Section 171 is required. The ES-4 uses would not, however, conflict with any applicable land use plans, policy, or regulation adopted for the purpose of avoiding or mitigating environmental affects, and the uses as ES-4 would not result in any substantial effects on the environment.

## **Population and Housing**

### ***Population***

Please refer to Section 3.3.2, Population and Housing, for the discussion of the combined population from AAU on-site student population and faculty/staff figures.

The capacity of ES-4 is 20 residents (three apartments and eight group-housing rooms). The change in use from residential and commercial to student housing (group housing for a postsecondary educational institution) would not substantially alter the population of the building. Conservatively presuming that ES-4 was unoccupied prior to AAU use, the change in population of 20 beds would be insubstantial, as it would represent less than 1 percent of the overall population of San Francisco (829,072).<sup>152</sup> However, the student housing use would likely have a larger population compared to the previous use as two dwelling units.

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<sup>152</sup> U.S. Census Bureau, 2009-2014 5-Year American Community Survey 5- Year Estimates, San Francisco County, Selected Housing Characteristics. Available online at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. Accessed February 2, 2016.

Because another AAU student housing location is adjacent to ES-4 at 2209 Van Ness Avenue (ES-5), the neighborhood population of AAU students is relatively high (approximately 76 student residents). Though not heavily used, St. Brigid Church (ES-6), is also located approximately 185 feet to the south at 2151 Van Ness Avenue. The student population would be typical of an urban neighborhood with a mix of populations and uses.

The site is located within a Priority Development Area (PDA) identified in *Plan Bay Area*.<sup>153</sup> PDAs are areas identified for housing and population growth because of their amenities, services, pedestrian-friendly environment, and transit.<sup>154</sup> Although AAU's change in use would not support new development, its induced population growth, although minimal, would be supported by sustainable City center characteristics (e.g., public transportation and walkability). No substantial effect on population has occurred from the change in use at ES-4.

### ***Housing***

Please refer to Section 3.3.2, Population and Housing, for housing characteristics of San Francisco and AAU, including the combined discussion of demand for housing and displacement of housing. The housing demand created by ES-4 and all existing sites is discussed under the combined housing discussion, pp. 3-15 – 3-18.

The change in use at ES-4 from residential and commercial to student housing (group housing for a postsecondary educational institution) has incrementally intensified housing demand created by AAU students and faculty/staff, as group-housing units were converted to student housing and these units were removed from the housing market. The change of use at ES-4 could have resulted in displacement of people and existing housing units; however, the previous use as two dwelling units would not necessitate the need to construct replacement housing elsewhere. If AAU housing was not offered, students would seek private housing within various areas of the City or around the Bay Area. However, conversion of rental units is not consistent with the San Francisco General Plan Housing Element Policy 3.1., intended to preserve rental units, especially rent controlled units, to meet the City's affordable housing needs. ES-4 provides 20 beds of the 1,810 beds that AAU provides for AAU students and supplements some housing demand created by AAU.

Due to the conversion of group-housing units, the change in use is subject to Planning Code Section 317(b)(1), which indicates that the change of occupancy from a dwelling unit, group housing, or single-room occupancy (SRO) to student housing is considered a conversion of a residential unit. Planning Code Section 317 (f)(1) prohibits the conversion of a residential unit to Student Housing. The intent of the Student Housing Legislation is to preserve rent-controlled housing and permanently affordable residential hotels and single-room occupancy units.

### **Aesthetics**

ES-4 is located along the Van Ness Corridor within the Pacific Heights neighborhood. The Nob Hill and Russian Hill neighborhoods are located on the east side of Van Ness Avenue, to the south and

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<sup>153</sup> ABAG, *Plan Bay Area*, Priority Development Area Showcase. Available online at <http://gis.abag.ca.gov/website/PDAShowcase/>. Accessed on November 10, 2015.

<sup>154</sup> ABAG, *Plan Bay Area*, p. 2, July 18, 2013. Available online at [http://files.mtc.ca.gov/pdf/Plan\\_Bay\\_Area\\_FINAL/Plan\\_Bay\\_Area.pdf](http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf). Accessed on November 10, 2015.

north of Broadway, respectively. ES-4 was built in 1876 and is a notable example of Italianate-style residential architecture and representative of the Van Ness Corridor prior to the 1906 Earthquake and Fire. The building is set back and elevated from the sidewalk. A mature street tree is located directly in front of the building on Van Ness Avenue. ES-4 is bounded by Van Ness Avenue to the east, another AAU building (ES-5) to the south, a dentist office to the north, and a backyard to the west.

Van Ness Avenue (U.S. 101) is a major arterial roadway linking Lombard Street and the Golden Gate Bridge to the north and U.S. 101 to the south. In addition, other nearby streets including Franklin Street, Gough Street, Broadway, and Polk Street are all moderate- to heavily traveled thoroughfares that link neighborhoods in the City. As such, vehicular traffic is a major contributor to the visual environment near ES-4.

Much of the streetscape is dominated by low- to moderate-scale residential and commercial buildings with some neighborhood-serving retail and restaurant uses on the ground floor. Many of the buildings on the western side of Van Ness Avenue, on the subject block, are set back from the sidewalk and have fencing and landscaping as a visual buffer. Generally, buildings across the street from ES-4 have larger massing and no setback, creating a continuous façade. A variety of architectural styles that include differing building materials and patterns, window patterns, and rooflines are present; however a majority of the buildings on the subject block appear older and were likely built pre-1960.

ES-4 is located on and viewable from Van Ness Avenue, which is designated as a street that defines City form and is important for significant building viewing.<sup>155</sup> The density of development, abundance of active vehicular thoroughfares, and dynamic land uses generate a substantial amount of pedestrian and vehicle traffic that adds to the visual character of the area.

The change in use at ES-4 has caused minimal visual changes to the building and neighborhood. The installation of security fencing does not degrade the visual quality of the building or neighborhood. AAU has painted signage on an existing awning. Nevertheless, the small signage is comparable to other advertising in the area including signs relating to a bicycle shop, spa, dentist office, and restaurant that are also located on Van Ness Avenue between Broadway and Vallejo Street. In addition, the previous restaurant use of the site had a similarly sized awning with advertising. Therefore, no substantial adverse aesthetic effect has occurred from the change in use at ES-4.

## **Cultural and Paleontological Resources**

### ***Historic Architectural Resources***

#### **Building Description**

Originally constructed as a single family residence in 1876, the building at 2211 Van Ness Avenue (ES-4) had been converted to commercial use by the 1980s. The rectangular-shaped building is set back and elevated from the sidewalk. Located on a rectangular, sloped lot, the building has a primary elevation fronting Van Ness Avenue and secondary elevations facing the neighboring properties. The Italianate style building has a symmetrical façade and is capped with a flat roof with shallow roof eaves which terminate in a molded cornice with brackets. The original façade was expanded to the

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<sup>155</sup> San Francisco Planning Department, *San Francisco General Plan*, Urban Design Element, Map 11, Street Areas Important to Urban Design and Views.

south, east, and west during the structure's conversion to a commercial use. The Italianate ornamental detailing and stucco finish continued on the additions. The main entry is located on the northern corner of the first story, whereas two secondary entries are located on southeast corner of the elevation. Stacked bay windows, characteristic of the style, are centered on the elevation. On the second story, single rectangular windows flank the bay windows. Multi-light awning windows are used on the elevation. Secondary elevations are visible on the north, south and west elevation. The west elevation features wood siding with aluminum sliding windows in various configurations. The small portions of the north and south elevations which are visible are plain with no fenestration (for representative photographs refer to Photographs 25 and 26).



**Photograph 25. 2211 Van Ness Avenue.**



**Photograph 26. 2211 Van Ness Avenue, northeastern perspective of the upper stories of the west elevation**

### Site History

Information on file with SF Heritage indicates that the Italianate-style residence was constructed in 1876 for James McNeil and converted to a boarding house between 1911 and 1915. Building permits indicate the building was owned by Edith Vivian by 1920 and subsequently by W.D. Forbes in 1934, at which time the single-family residence was converted into private apartments. By 1943, the building contained six apartments with additional interior alterations designed by William Mooser

III. The third generation in a family of San Francisco architects, Mooser was born in 1893 and educated at the École des Beaux Arts in Paris in the early 1920s. Upon his return to San Francisco, he eventually joined his father, William Mooser II, in the family practice, designing numerous buildings throughout San Francisco and California. One of Mooser Jr.'s best-known and celebrated commissions is the Santa Barbara County Courthouse, constructed in 1926.<sup>156</sup>

The building appears to have remained residential into the following decades. By the early 1980s, at least a portion of the building was altered for commercial purposes by Arden Development and Investment. Building permits identify Kham Dinh Tran as the owner as of 1984; around that time, Mr. Tran converted the building into use as the Golden Turtle Restaurant. Extensive interior and exterior alterations were completed over the following two decades, including the replacement of original windows and doors, and additions to the west and south of the building. Most notably, the façade of the building was altered/expanded through the introduction of a third bay on the southern portion of the building. Additions at that time also included an awning spanning the width of the building and the removal and replacement of original windows and doors.

Due to unpermitted work and extensive appeals by the former owner, permits on file at the Department of Building Inspection do not clearly reveal when the southern addition to the primary façade occurred. However, Sanborn Fire Insurance Company maps and photographs on file with San Francisco Planning indicate that this alteration was completed after 1999 and prior to AAU's occupation of the property in 2005.

#### California Register of Historical Resources Evaluation

Review of materials on file at San Francisco Heritage and the San Francisco Planning Department indicate that the 2211 Van Ness Avenue (ES-4) was found ineligible/not of interest to local planning as part of the 1968 Junior League Survey. The property was subsequently included in Appendix B of the 1995 Van Ness Area Plan, as a contributory building that possessed architectural qualities consistent with the prevailing characteristics of the more intact landmark buildings.<sup>157</sup> No other information was included about the subject property, and as of 2015, it does not appear to have been subject to intensive-level survey or evaluation.

As part of the current study, 2211 Van Ness Avenue was evaluated for eligibility for the California Register of Historical Resources (CRHR). In addition to meeting the applicable eligibility criteria, a property must retain historic integrity, which is defined in National Register Bulletin 15 as the "ability of a property to convey its significance."<sup>158</sup> In order to assess integrity, the National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven aspects: Location, Design, Setting, Materials, Workmanship, Feeling, and Association (each aspect is defined in National Register Bulletin 15).

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<sup>156</sup> David Parry, "William Mooser, Architect," *Encyclopedia of San Francisco*, San Francisco Museum and Historical Society, 2003.

<sup>157</sup> San Francisco Planning Department, *San Francisco General Plan, Van Ness Area Plan*. San Francisco Planning Department, San Francisco, 1995.

<sup>158</sup> National Park Service, *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, National Register Branch, 1990.

Although 2211 Van Ness Avenue is a pre-1906 Earthquake and Fire residential property on Van Ness Avenue, a rare resource within San Francisco, substantial alterations, including the addition of an additional bay and extensive replacement and reconfiguration of windows and doors on the primary façade have negatively affected the integrity of the property's design, workmanship, materials, association, and feeling. As a result, 2211 Van Ness Avenue no longer retains the character-defining features of a nineteenth century, Italianate residence along Van Ness Avenue. These alterations occurred within the last twenty years and based on archival research and site inspections, they have not acquired significance in their own right. Due to a lack of significant associations and historic integrity, the property does not appear eligible for the CRHR under any applicable criteria, either individually or as a contributor to a historic district.

Because ES-4 does not appear eligible for CRHR listing, it is not considered a historical resource and no analysis of known alterations made by AAU was conducted for compliance with the *Secretary's Standards for Rehabilitation*.

### ***Archaeology and Paleontology***

AAU's building alterations at ES-4 were limited to interior improvements or minor exterior non-structural alterations that did not involve ground-disturbing activities. Due to the fact that the alterations were limited to the interior of the building, no effects on archaeological and paleontological resources have occurred.

### **Transportation and Circulation**

The AAU residential building at ES-4 is located on the west side of Van Ness Avenue, mid-block between Vallejo Street and Broadway in the Pacific Heights neighborhood. The 3,689 square-foot site is located in a residential and commercial neighborhood and is adjacent to other residential zoning districts (RH-3 and RM-3) to the west. The approximately 5,076-square-foot, two-story structure was built as a two-family residence and was modified to include a former restaurant use on the ground floor. The building is being used by AAU for eleven residential units (three apartments and eight group-housing units) with a total of 20 beds.

No vehicle or bicycle parking is provided on-site. The primary and the only pedestrian access to the site is from Van Ness Avenue through the gated doorway. There is no AAU shuttle stop provided at this site; however, shuttle service (Route M) is provided at the 40-foot-long white shuttle zone located in front of 2209 Van Ness Avenue (ES-5), which is located approximately 30 feet south of ES-4.

As shown in Table 9, Existing Sites PM Peak Hour Person and Vehicle Trips by Mode, p. 3-27, the student housing use (20 beds) at ES-4 generates approximately 15 person trips (six inbound trips and nine outbound trips) and no vehicle trips during the weekday PM peak hour.

### ***Traffic***

ES-4 and 2209 Van Ness Avenue (ES-5) are immediately contiguous to each other. In the vicinity of these two AAU sites, Van Ness Avenue and Broadway have a mixture of office, retail, institutional, and residential uses. Vallejo Street has mostly residential uses. Van Ness Avenue is also U.S. 101, which has heavy traffic during the morning and afternoon peak periods. Traffic volumes are moderate

to heavy along Broadway, and are light along Vallejo Street. The heaviest traffic movements in the project vicinity are on the southbound Van Ness Avenue approach to Broadway eastbound, especially during the AM peak period and along Broadway in the westbound approach to Van Ness Avenue northbound in the PM peak period. There are two Muni routes in the vicinity of ES-4, 47-Van Ness and 49-Van Ness/Mission, both of which operate along Van Ness Avenue. In 2010 four AAU shuttle bus routes (D, M, Q, and R) stopped at 2209 Van Ness Avenue, which also served this site as well as the 2151 Van Ness Avenue site (ES-6) located 270 feet to the south; as of spring 2015 only route M provides shuttle service at these three sites.

The following presents a discussion of existing roadway systems in the vicinity of ES-4, including roadway designations, number of lanes, and traffic flow directions. The functional designation of these roadways was obtained from the *San Francisco General Plan* and *Better Streets Plan*.<sup>159,160</sup> Roadways identified under the *Vision Zero San Francisco Two-Year Action Strategy* are also noted.<sup>161</sup>

**Van Ness Avenue** is a north-south commercial throughway that runs between North Point Street and Market Street, where it becomes South Van Ness Avenue. Van Ness Avenue, with its connection to Lombard Street, is also designated as U.S. 101 through the City. Van Ness Avenue has three lanes in each direction and a mix of metered and unmetered (2-hour time restricted) parking in the vicinity of the AAU site. The *San Francisco General Plan* classifies Van Ness Avenue as a Major Arterial in the CMP Network; it is also part of the MTS Network, a Transit Preferential Street (Transit Important Street), part of the Citywide Pedestrian Network, and a Neighborhood Pedestrian Street (Neighborhood Commercial Street). Van Ness Avenue is designated as a High Injury Corridor in the City's Vision Zero network.

**Vallejo Street** is an east-west street that runs between The Embarcadero and Lyon Street. In the vicinity of the AAU site, Vallejo Street has one travel lane in each direction and a mix of metered and unmetered (2-hour time restricted) parking on both sides of the street.

**Broadway** is an east-west street that runs between The Embarcadero and Lyon Street. In the vicinity of the AAU site, Broadway has two travel lanes in each direction and a mix of metered and unmetered (2-hour time restricted) parking on both sides of the street. The *San Francisco General Plan* identifies Broadway as a Major Arterial in the CMP Network. Broadway is designated as a High Injury Corridor in the City's Vision Zero network.

The student housing uses at ES-4 and ES-5 are not expected to generate a substantial amount of vehicle trips because residential students are discouraged from driving private automobiles, but the institutional use at ES-6 located approximately 240 feet south of ES-4 adds approximately seven vehicle trips to adjacent streets during the PM peak hour. Based on this level of additional vehicle traffic, traffic operating conditions in the vicinity have not been substantially altered by AAU uses at 2209, 2211 or 2151 Van Ness Avenue.

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<sup>159</sup> San Francisco Planning Department, *San Francisco General Plan*, Transportation Element, July 1995.

<sup>160</sup> San Francisco Planning Department, *San Francisco Better Streets Plan*, December 2010.

<sup>161</sup> San Francisco Municipal Transportation Agency, *Vision Zero San Francisco Two-Year Action Strategy*, February 2015.

**Transit**

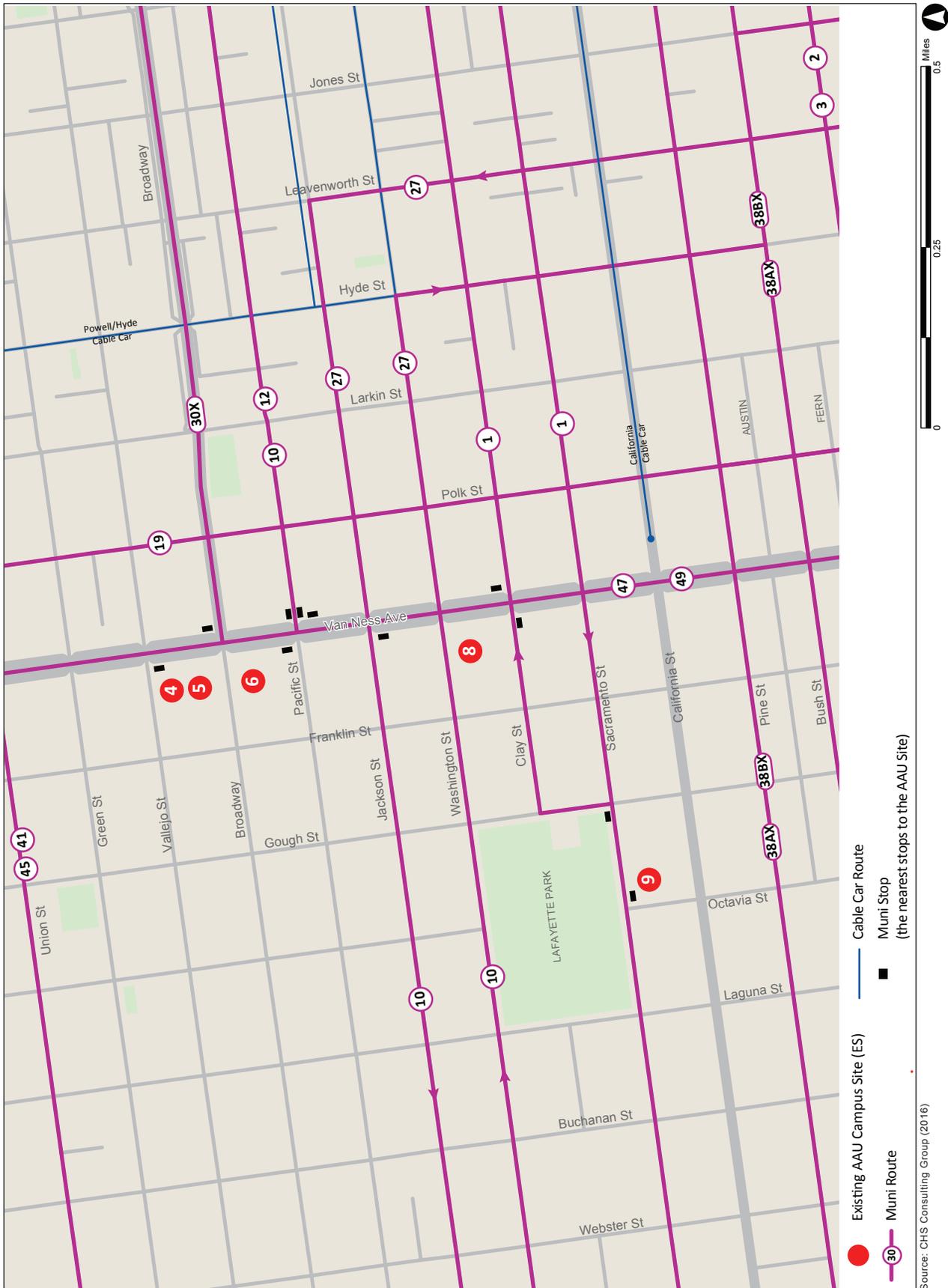
The student housing use at ES-4 generates approximately one transit trip during the PM peak hour. This is primarily due to residential students utilizing AAU shuttles, including on weekends. ES-4 is served by Muni bus lines 47-Van Ness and 49-Van Ness/Mission, both of which travel along Van Ness Avenue, and the 19-Polk route on Polk Street. These routes provide further connections to Muni rail service on Market Street and other east-west routes, such as 10-Townsend, 12-Folsom/Pacific, and 27-Bryant. The nearest bus stops to the AAU site are located on Van Ness Avenue between Vallejo Street and Broadway, which serve the 47-Van Ness and the 49-Van Ness/Mission lines. Stops include shelters and signage with transit information (see Figure 7, Muni Transit Network for ES-4, ES-5, ES-6, ES-8, and ES-9). There are also eight Golden Gate Transit bus lines (i.e., Routes 10, 54, 56, 70, 72X, 93, 101, and 101X) that use the bus stop on Van Ness Avenue north of Broadway.

Table 38 presents the AM, midday, and PM frequencies of the Van Ness Avenue lines as well as the passenger load and capacity utilization at the Maximum Load Point (MLP) during the PM peak hour. All three Muni routes operate below the SFMTA performance standard of 85 percent capacity utilization during the PM peak hour.

**Table 38. 2211 Van Ness Avenue – Muni Service Frequencies and Capacity Utilization at Maximum Load Point: Weekday PM Peak Hour**

Bus Lines	Route	Frequency of Service (Minutes)			PM Peak Hour Capacity (Outbound)		
		AM Peak	Midday	PM Peak	Peak Hour Load	MLP	PM Peak Hour Capacity Utilization
19 – Polk	Hunter’s Point to Fisherman’s Wharf via Civic Center	15	15	15	124	Polk St/ Sutter St	49%
47 – Van Ness	Caltrain Depot to Beach, Townsend, Mission, Van Ness and North Point	10	10	10	222	Van Ness Ave/ O’Farrell St	58%
49 – Van Ness/ Mission	City College to North Point via Ocean, Mission, and Van Ness	8	9	8	338	Van Ness Ave/ McAllister St	47%

Source: SFMTA, 2015; San Francisco Planning Department Transit Data for Transportation Impact Studies Memorandum (updated May 15, 2015).



**AAU EXISTING SITES TECHNICAL MEMORANDUM**

**FIGURE 7: MUNI TRANSIT NETWORK FOR ES-4, ES-5, ES-6, ES-8, AND ES-9**

As part of the SFMTA's Muni Forward, the following change is proposed:

- The Van Ness Corridor Transit Improvement Project will implement the Bus Rapid Transit (BRT) along Van Ness Avenue, which is expected to reduce travel times for the routes 47-Van Ness and 49-Van Ness/Mission by 32 percent (this project has been approved). Proposed improvements include dedicated transit-only lane for use by Muni and Golden Gate Transit buses only, enhanced traffic signals optimized for north-south traffic with Transit Signal Priority system, low-floor vehicles and all-door boarding, safety enhancements for pedestrians, and boarding islands located at consolidated transit stops located along Van Ness Avenue at key transfer points.

The one PM peak hour transit trip generated by the AAU student housing use at ES-4, in combination with one other transit trip from ES-5 and 22 transit trips from 2151 Van Ness Avenue (ES-6), are distributed to several routes and are generally accommodated on existing transit service. There is no existing shuttle stop provided at this site; thus AAU shuttle service has not substantially conflicted with the operation of transit vehicles.

### ***Shuttle***

The AAU student housing use at ES-4 generates approximately eight shuttle riders during the PM peak hour, with approximately four riders in each direction. AAU shuttle route M currently runs adjacent to the site on Van Ness Avenue, but no shuttle stop is provided at ES-4. Instead, students walk approximately 30 feet to the shuttle zone located in front of the adjacent 2209 Van Ness Avenue site (ES-5) to catch AAU shuttle bus route M. In 2010, this site was served by AAU shuttle bus routes D, M, Q and R, with 20-minute, 60-minute, 30-minute, and 30-minute headways, respectively, throughout the day. The total seating capacity for these four routes was 299 seats in the PM peak hour. Routes D, M, Q and R operated at 30, 44, 29, and 18 percent capacity utilization, respectively, at the MLP during the PM peak hour. During the shuttle peak hour, routes D, M, Q and R operated at 64, 81, 96, and 55 percent capacity utilization, respectively, at the MLP. MLPs occur at 860 Sutter Street on Route D, at 860 Sutter Street on Route M, at 1849 Van Ness Avenue on Route Q, and at 1916 Octavia Street on Route R. Due to this past excess shuttle capacity, in 2015 only route M serves this site. Route M operates with 20-minute headways and a total of 72-seat capacity over the PM peak hour, a 76 percent reduction over 2010 shuttle conditions.

The eight PM peak hour AAU shuttle bus riders, in addition to the estimated 12 shuttle bus trips at the adjacent 2209 Van Ness Avenue (ES-5) and seven shuttle bus trips at 2151 Van Ness Avenue (ES-6) sites, could be accommodated on this route. However, since this route also stops at other student housing locations prior to this site, a Condition of Approval to assess and monitor shuttle demand on this route (Route M) is recommended below.

More information is provided in the 2209 Van Ness Avenue (ES-5) site discussion under "Shuttles."

### ***Pedestrian***

The AAU student housing use at ES-4 generates 14 pedestrian trips, including five walking, one transit and eight shuttle trips during the PM peak hour. The eight shuttle walking trips are short in length: from the building entrance to the passenger loading zone in front of 2209 Van Ness Avenue (ES-5), approximately 30 feet to the south. Both Broadway and Van Ness Avenue are designated as

High Injury Corridors under the City's Vision Zero Improvement Plan.<sup>162</sup> Intersections near the AAU site have well-defined crosswalk markings, pavement delineations, and traffic lights. The intersection of Van Ness Avenue and Broadway has pedestrian crossing signal heads. The intersection of Van Ness Avenue and Vallejo Street is signalized, but does not have pedestrian crossing signal heads. Sidewalks along Vallejo Street, Van Ness Avenue, and Broadway are approximately 10 and 16 feet wide, respectively, and portions of these streets are lined with street trees in the vicinity of ES-4. There is no curb cut at this site. The primary and only pedestrian access to the site is from Van Ness Avenue through the gated doorway.

Pedestrian volumes were observed to be generally low in the vicinity of ES-4 and pedestrians were observed to move freely within the sidewalk and crosswalk areas. The land uses in the area are mostly residential with some ground floor retail, which does not attract a considerable amount of pedestrian activity. During the field observation, there were no pedestrians standing outside of ES-4 or at Muni bus stop shelters located in front of the site. Adjacent pedestrian facilities accommodate the estimated 14 pedestrian trips (including to and from shuttle and transit service). The 14 pedestrian trips at ES-4 and 20 pedestrian trips for the adjacent 2209 Van Ness Avenue (ES-5) and 35 pedestrian trips at the 2151 Van Ness Avenue (ES-6) are accommodated on the adjacent 10- and 16-foot sidewalks.

### ***Bicycle***

The student housing land use at ES-4 generates one bicycle trip. Van Ness Avenue is not a bicycle route. However, Route 25 on Polk Street and Routes 210 on Broadway are located within a block of the site. AAU reports there is no bicycle parking provided on site, with limited access to rear courtyard areas. The nearest public bicycle racks are located on the east side of Van Ness Avenue north of Broadway on sidewalks. The site's one PM peak hour bicycle trip, even in combination with the one PM peak hour bicycle trip from 2209 Van Ness Avenue (ES-5) and one trip from 2151 Van Ness Avenue (ES-6), has not substantially affected the operation or capacity of bicycle facilities in the area. This site generates a demand for approximately three bicycle parking spaces.<sup>163</sup> Pursuant to Planning Code Section 155.2, the 20-bed student housing use at ES-4 is required to provide five Class I bicycle and three Class II spaces.<sup>164</sup> Therefore, Conditions of Approval related to additional bicycle parking are recommended below.

### ***Loading***

The AAU student housing use at ES-4 generates limited freight loading demand (less than one daily truck trip). There are no on-street freight loading (yellow) spaces adjacent to the site. This site does not have any off-street loading spaces. It is likely that the infrequent commercial deliveries to the site utilize the nearest commercial zone such as the one located on the north side of Vallejo Street west of Van Ness Avenue, approximately 210 feet north of the AAU site. Additionally, there are

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<sup>162</sup> San Francisco Municipal Transportation Agency, *Vision Zero San Francisco Two-Year Action Strategy*, February 2015.

<sup>163</sup> Bicycle parking demand is estimated by dividing the total daily bicycle trips (11.7 times of PM peak hour trips for institutional buildings or 5.8 times of PM peak hour trips for residential buildings) by two to discount a round trip and by four to account for a daily turnover rate.

<sup>164</sup> Planning Code Section 155.2 requires that one Class I space is provide for every four beds. For buildings containing over 100 beds, 25 Class I spaces plus one Class I space are provided for every five beds over 100. A minimum of two Class II spaces are provided for every 100 beds. Student housing shall provide 50 percent more spaces than would otherwise be required.

approximately four white passenger loading spaces adjacent to the site, including 20 feet on the south side of Vallejo Street, 40 feet in front of ES-5 (used as a shuttle stop), and 16 feet on the north side of Broadway.

Field observations of commercial loading activities in the area were conducted during the weekday midday period (1:00 p.m. to 3:00 p.m.) on Wednesday, July 15, 2015. No AAU freight/delivery vehicles or related activities were observed and general commercial activity in the area was low during the observation. On-street parking spaces along these streets experience moderate to high parking utilization during the midday period. Trucks making deliveries to this site have to find available on-street parking spaces in the vicinity, such as the existing yellow freight loading zone on the north side of Vallejo Street west of Van Ness Avenue, approximately 210 feet north of the site. Although commercial parking may be limited in the site vicinity, the low daily delivery activity and loading demand related to the AAU student housing use as noted during observation have not substantially altered commercial loading conditions in the vicinity. As discussed under the Shuttle discussion above, a Condition of Approval is recommended in the discussion of ES-5, 2209 Van Ness Avenue, Section 4.2.5, to reduce the size of the white zone in front of ES-5.

Garbage collection at this site occurs on the west side of Van Ness Avenue, located next to the entrance of the site. Trash receptacles are placed along the sidewalk at designated areas. Garbage collection along Van Ness Avenue at this location occurs three days a week in the late night hours.

### ***Parking***

The AAU student housing use at ES-4 is not expected to generate parking demand since students are discouraged from bringing private vehicles to San Francisco.<sup>165</sup> The site does not provide any off-street parking. Although the site has not resulted in a substantial increase in parking demand, an on-street parking survey was conducted along streets adjacent to the site and other nearby AAU sites (2209 Van Ness Avenue [ES-5] and 2151 Van Ness Avenue [ES-6]) during a typical weekday midday period (1:00 p.m. and 3:00 p.m.) on Wednesday, July 15, 2015. Detailed parking inventory, supply, and occupancy information is provided in Appendix TR-J.

On-street parking spaces bordering ES-4 and the other nearby AAU sites at 2209 Van Ness Avenue (ES-5) and 2151 Van Ness Avenue (ES-6) are generally time limited (2-hour) and unmetered except for portions of Vallejo Street, Van Ness Avenue (between Broadway and Pacific Avenue) and Pacific Avenue which also have metered parking. Table 39 summarizes on-street parking supply and weekday midday occupancy for streets near ES-4 and other nearby AAU sites such as 2209 Van Ness Avenue (ES-5) and 2151 Van Ness Avenue (ES-6). There are a total of 55 on-street parking spaces surrounding these sites. During the survey period, parking occupancy was very high, averaging about 95 percent between 1:00 p.m. and 3:00 p.m. However, the AAU student housing use at 2211 Van Ness Avenue is not expected to have substantially added to this existing condition. As indicated under the Shuttle discussion, a Condition of Approval is recommended in Section 4.2.5 to reduce the size of the white loading zone in front of ES-5.

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<sup>165</sup> Student FAQs, <http://www.academyart.edu/faqs/faqs-student>, accessed on April 20, 2016.

**Table 39. 2211 Van Ness Avenue – On-Street Parking Supply and Occupancy (Midday Peak)**

Street	From	To	Side	Supply	Occupied	% Utilization
Vallejo St	Franklin St	Van Ness Ave	South	6	6	100%
Van Ness Ave	Vallejo St	Broadway	West	6	6	100%
Broadway	Franklin St	Van Ness Ave	North	14	13	93%
			South	8	8	100%
Van Ness Ave	Broadway	Pacific Ave	West	5	5	100%
Pacific Ave	Franklin St	Van Ness Ave	North	16	14	88%
<b>Total</b>				<b>55</b>	<b>52</b>	<b>95%</b>

Note: Parking utilization above 100 percent indicates double parking or other illegal activity.

Source: CHS Consulting Group, 2015.

An off-street parking inventory is presented for the study area generally bounded by Union Street, Gough Street, Jackson Street, and Larkin Street. Table 40 shows there is one public off-street parking facility within the study area with a total of 111 parking spaces. Parking occupancy at off-street parking facilities was not observed.

**Table 40. 2211 Van Ness Avenue– Off-Street Parking Supply**

Address	Type	Capacity
1650 Jackson St	Garage	111
<b>Total</b>		<b>111</b>

Source: SF Park, 2011; CHS Consulting Group, 2015.

***Emergency Vehicle Access***

San Francisco Fire Department Stations #38 (2150 California Street) and #16 (2251 Greenwich Street) are the closest stations to the AAU site, approximately 0.4 miles north and south of the site, respectively. From the stations, vehicles are able to access the AAU site via Van Ness Avenue and would be able to park along Van Ness Avenue.

***Existing Constraints and Proposed Conditions of Approval***

Based on the above discussion, constraints on the AAU use of ES-4 include a potential need for additional shuttle service, and a lack of/limited amount of bicycle parking available at the site. To address these constraints, the following conditions are recommended for consideration by decision makers:

**Recommended Condition of Approval, ES-4: TR-1, Shuttle Demand and Capacity.** Consistent with AAU Shuttle Policy, AAU shall continue to assess, adjust and monitor the AAU shuttle bus capacity for Route M, potentially increasing frequency or capacity to meet the measured demand of this and other academic and residential buildings along the route.

**Recommended Condition of Approval, ES-4: TR-2, Class I Bicycle Parking.** AAU shall add five Class I bicycle parking spaces to meet the Planning Code requirement. Since there is limited access to the rear courtyard of 2211 Van Ness Avenue, these spaces could be provided at the 2209 Van Ness Avenue student housing site (next door). Bicycle parking shall be consistent with San Francisco Planning Department guidance, including being conveniently located and easily accessed from the ground floor (at grade level).

**Recommended Condition of Approval, ES-4: TR-3, Class II Bicycle Parking.** AAU shall provide 3 Class II bicycle parking spaces along Van Ness Avenue. The Class II bicycle parking spaces on Van Ness Avenue shall be coordinated and reviewed by SFMTA. Bicycle parking shall be consistent with San Francisco Planning Department guidance.

### **Noise**

A summary of the methodology used to analyze noise effects and a discussion of estimated construction noise and vibration effects are presented in Chapter 3, Combined and Cumulative Analysis, on pp. 3-46 to 3-47. The methodology and construction effects are applicable to all of the AAU existing sites, and have not been repeated here.

The residential use at 2211 Van Ness Avenue (ES-4) is located on the west side of Van Ness Avenue, mid-block between Vallejo Street and Broadway in the Pacific Heights neighborhood. The approximately 5,076 gross square foot building, with three apartment units and eight rooms, is being used by AAU as student housing with 20 beds. In 2010, AAU shuttle routes D, M, Q, and R serve ES-4. As of 2015, AAU shuttle routes were revised and only M serves ES-4. The shuttle stop serving ES-4 was in front of the building in 2010. No vehicle trips are generated by the uses in ES-4; students use the AAU shuttle system, bicycles, and public transit.<sup>166</sup> According to the San Francisco Transportation Noise Map,<sup>167</sup> the existing traffic noise level near ES-4 from vehicular traffic along Van Ness Avenue was approximately 75 dBA  $L_{dn}$  in 2008, indicating a noisy commercial environment. Traffic-generated noise levels along these streets currently exceed the “satisfactory” level for a residential land use, according to the *San Francisco General Plan*.

AAU did not install or modify any existing rooftop mechanical equipment at ES-4. Since there are no new rooftop stationary sources at the site, there would have been no increase rooftop mechanical equipment noise that did not already exist prior to AAU occupation. In addition, the activities in the ES-4 building have been and continue to be required to comply with the City’s Noise Ordinance with respect to music and/or entertainment or noise from machines or devices, as well as fixed noise sources at the site; therefore, the change in use at ES-4 would not have exceeded the standards established by the City for noise effects on sensitive receptors near ES-4.

The *General Plan* noise compatibility guidelines indicate that any new residential construction or development in areas with noise levels above 60 dBA  $L_{dn}$  should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA  $L_{dn}$ , new residential construction or development is generally discouraged, but if it does proceed, a detailed analysis of noise reduction

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<sup>166</sup> CHS Consulting Group, AAU ESTM Transportation Section Draft #1A, January 2016.

<sup>167</sup> San Francisco Department of Public Health, *Transportation Noise Map 2008*. Accessed at <https://www.sfdph.org/dph/files/EHSdocs/ehsNoise/TransitNoiseMap.pdf>

requirements must be done and needed noise insulation features included in the design. Tenant improvements at the existing ES-4 residential building may be subject to state Title 24 noise requirements contained in the California Noise Insulation Standards. This Building Code regulation requires meeting an interior noise level standard of 45 dBA  $L_{dn}$  in any habitable room where dwelling units are located in areas subject to noise levels greater than 60 dBA  $L_{dn}$ . In areas with noise levels above 70 dBA  $L_{dn}$ , as for ES-4, more insulation than is typically provided with conventional construction may be needed. However, the proposed change in use from group-housing to group-housing for a post-secondary educational institution would not be considered a change from a non-noise sensitive use to a noise-sensitive use; therefore, the provisions of Title 24 would not apply.

### **Air Quality**

A summary of the methodology used to analyze construction air emissions and a discussion of estimated construction emissions are found in the Air Quality subsection of Chapter 3, Combined and Cumulative Analysis, on pp. 3-52 to 3-55. The methodology and results are applicable to all of the AAU existing sites, and have not been repeated here.

Long-term regional emissions of criteria air pollutants and precursors associated with the operation of institutional facilities (rooms) at ES-4, including mobile- and area-sources emissions, were quantified using the CalEEMod computer model. The facility is assumed to have been occupied by AAU in 2005, when AAU took control of the building. Area sources were estimated based on a 20 dwelling unit “Mid-Rise Apartments” land use designation in CalEEMod; although the building is two stories, use of “Mid-Rise Apartments” provides a conservative result. Because the residents at ES-4 are assumed to use only public transit, mobile-source emissions were based on a daily vehicle trip rate of zero round trips per day. There are no on site generators or boilers at ES-4. Table 41 presents the estimated long-term operational emissions of reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), and particulate matter 2.5 micrometers in diameter (PM<sub>2.5</sub>) or 2.5 to 10.0 micrometers in diameter (PM<sub>10</sub>) from ES-4, which are all shown to be below BAAQMD’s daily and annual significance thresholds.

The discussion of Health Risks in the Air Quality subsection of Chapter 3, Combined and Cumulative Analysis, on pp. 3-55 to 3-57, explains that three of the AAU existing sites are located in the Air Pollution Exposure Zone. ES-4 is not one of those sites; therefore, AAU occupation of ES-4 has not resulted in increased health risks for nearby sensitive receptors and has not resulted in the exposure of new sensitive receptors to increased health risks.

### **Greenhouse Gas Emissions**

New development and renovations/alterations for private and municipal projects are required to comply with San Francisco’s ordinances that reduce greenhouse gas (GHG) emissions, as stipulated in the City’s *Strategies to Address Greenhouse Gas Emissions*. San Francisco’s *Strategies to Address Greenhouse Gas Emissions* have proven effective as San Francisco’s GHG emissions have been measurably reduced compared to 1990 emissions levels, demonstrating that the City has met and exceeded the state’s GHG reduction law and policy goals.

**Table 41. 2211 Van Ness Avenue (ES-4) Operational Emissions**

Source	Average Daily (pounds/day) <sup>1</sup>				Maximum Annual (tons/year) <sup>1</sup>			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.11	0.29	<0.01	<0.01	0.02	<0.01	<0.01	<0.01
Energy	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Emissions	0.11	0.29	<0.01	<0.01	0.02	<0.01	<0.01	<0.01
BAAQMD Thresholds of Significance	54	54	82	54	10	10	15	10
Exceed Threshold?	No	No	No	No	No	No	No	No

Notes:

<sup>1</sup> Emissions were estimated using the CalEEMod computer model. Boiler emissions were estimated using emission factors obtained from AP-42. Assumptions and results can be found in Appendix AQ.

ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> and PM<sub>2.5</sub> = particulate matter 2.5 micrometers in diameter or 2.5 to 10.0 micrometers in diameter, respectively.

Source: ESA, 2016.

Applicable requirements for private projects are shown in the City’s GHG Compliance Checklist. A complete GHG Compliance Checklist has been prepared for ES-4 for the change in use and associated tenant improvements (Appendix GHG). Of the GHG Checklist requirements, AAU currently does not comply with the Residential Energy Conservation Ordinance (San Francisco Housing Code Chapter 12), Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A), and required bicycle parking infrastructure in accordance with Planning Code Section 155.1-155.4. Compliance with the Residential Water Conservation Ordinance and Residential Energy Conservation Ordinance would be initiated by the Department of Building Inspection, if applicable, during the building review process. Compliance with the bicycle parking requirements is presented below as a recommended Condition of Approval.

Compliance with the Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14, San Francisco Building Code Chapter 13B, and San Francisco Health Code Section 288) and CalGreen Section 5.504.4 (low-emitting adhesives, sealants, caulks, pants, coatings, composite wood, and flooring), which are applicable to tenant improvements and construction that have occurred, is unknown. However, AAU’s alterations at ES-4 would have produced minimal construction debris. Insofar as information is available on past alterations, inspections, and audits, compliance with the Construction and Demolition Debris Recovery Ordinance and CalGreen Section 5.504.4 would be verified by the Department of Building Inspection, if applicable, during the building permit review process. However, AAU would be required to comply with each of these ordinances in the future.

**Recommended Condition of Approval, ES-4: GHG-1, Compliance with the Bicycle Parking Requirements.** AAU shall design, locate and configure all bicycle parking spaces in accordance with Planning Code Sections 155.1 - 155.4.

With the implementation of requirements listed in the GHG Compliance Checklist and the above recommended Condition of Approval, the effects on GHG emissions from the change in use has been insubstantial.

### **Wind and Shadow**

The tenant improvements at ES-4 did not involve any new development or additions that changed the height or bulk of the existing structure, and therefore did not alter the wind environment or create new shadow in a manner that substantially affects nearby pedestrian areas, outdoor recreational facilities or other public areas. Therefore, no substantial effects on wind or shadow have occurred from the change in use at ES-4.

### **Recreation**

As shown on Figure 4, p. 3-63, 2211 Van Ness Avenue (ES-4) is located within 0.25 mile of two San Francisco Recreation and Park Department (RPD) parks: Allyne Park and Helen Wills Playground. Allyne Park, located at 2609 Gough Street, features a grass clearing, walking path and bench seating.<sup>168</sup> Helen Wills Playground, located at the corner of Broadway and Larkin Street, features a multi-functional clubhouse, play features, sports courts, and boardwalk.<sup>169</sup> Other publicly owned parks are within a 0.5-mile distance of ES-4, including Lafayette Park and Michelangelo Playground.

As described in Population and Housing on pp. 4-106 – 4-107, the capacity of ES-4 is 20 beds. The change in use from residential and commercial to student housing (group housing for a postsecondary educational institution) at ES-4 does not represent a substantial change in the daytime population of the area. The change in population is considered a minimal increase compared to the service population for the Allyne Park and Helen Wills Playground facilities. In addition, AAU student and faculty access to recreational facilities is augmented by AAU private recreation facilities at 1069 Pine Street (ES-16), 620 Sutter Street (ES-20), 601 Brannan Street (ES-31), and other university-run lounges and café areas. No substantial effect on recreation has occurred as a result of the change in use.

### **Utilities and Service Systems**

#### ***Water Supply***

ES-4 receives water from the San Francisco Public Utilities Commission (SFPUC) water supply facilities. The site had water service and consumption associated with the previous residential and commercial land use prior to AAU occupancy. Therefore, the change in use does not represent new or substantially increased water or wastewater demand. Presuming the subject site was vacant prior to AAU tenancy, the change in use would still not substantially affect the SFPUC's water supply, as it has been concluded that sufficient water is available to serve existing customers and planned future

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<sup>168</sup> SF Curbed, Getting to Know Cow Hollow's Allyne Park. Available online at: [http://sf.curbed.com/archives/2012/06/05/getting\\_to\\_know\\_cow\\_hollows\\_allyne\\_park.php](http://sf.curbed.com/archives/2012/06/05/getting_to_know_cow_hollows_allyne_park.php). Accessed on January 15, 2016.

<sup>169</sup> San Francisco Recreation and Parks, Helen Wills Playground. Available online at: <http://sfrecpark.org/destination/helen-wills-playground/>. Accessed on January 15, 2016.

uses.<sup>170</sup> No expansion of SFPUC water supply or conveyance facilities has occurred due to the change in use at ES-4. Compliance with the Commercial Water Conservation Ordinance would be initiated by the Department of Building Inspection during the building review process.

With the implementation of San Francisco's Residential Water Conservation Ordinance, no substantial effect on the water supply would occur from the change in use.

### ***Wastewater***

The change in use would not alter demand for stormwater or wastewater conveyance and treatment facilities because the site is completely covered with impervious surfaces and, as an existing building, is accounted for in existing and planned wastewater facilities. Correspondingly, projected population growth associated with the change in use may have incrementally increased wastewater flows from the site; however, the flows have been accommodated by existing wastewater treatment facilities. The SFPUC's Sewer System Improvement Program has improved the reliability and efficiency of the wastewater system, and systemwide wastewater improvements as well as long-term projects have ensured the adequacy of sewage collection and treatment services to meet expected demand in San Francisco.<sup>171</sup> No substantial effect on wastewater has occurred from the change in use.

### ***Solid Waste***

Solid waste services are provided by Norcal Waste Systems and its subsidiary, Recology. The change in use has incrementally increased solid waste generation at the site. Nevertheless, the site is subject to federal, state, and local regulations associated with the reduction in operational solid waste including the City's Mandatory Recycling and Composting Ordinance, which requires the separation of refuse into recyclables, compostables, and trash. Construction debris associated with alterations at ES-4 were minimal. San Francisco currently exceeds its trash diversion goals of 75 percent and is in the process of implementing new strategies to meet its zero waste goal by 2020.<sup>172</sup> In addition, the City's landfill at Recology Hay Road in Solano County has sufficient capacity accommodate the site's and City's solid waste disposal needs.<sup>173</sup> No substantial effect on solid waste has occurred as a result of the change in use by AAU.

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<sup>170</sup> San Francisco Public Utilities Commission (SFPUC), 2013 Water Availability Study for the City and County of San Francisco, p. 1, May 2013. Available online at <http://www.sfwater.org/modules/showdocument.aspx?documentid=4168>. Accessed on February 2, 2016.

<sup>171</sup> SFPUC, Sewer System Improvement Program Fact Sheet, February 2016. Available online at <http://sfwater.org/Modules/ShowDocument.aspx?documentID=4220>. Accessed on February 2, 2016.

<sup>172</sup> San Francisco Department of the Environment, Zero Waste Program, "San Francisco Sets North American Record for Recycling and Composting with 80 Percent Diversion Rate." Available online at <http://www.sfenvironment.org/news/press-release/mayor-lee-announces-san-francisco-reaches-80-percent-landfill-waste-diversion-leads-all-cities-in-north-america>. Accessed February 9, 2016.

<sup>173</sup> CalRecycle, Facility/Site Summary Details: Recology Hay Road (48-AA-0002), Available online at <http://www.calrecycle.ca.gov/SWFacilities/Directory/48-aa-0002/Detail/>. Accessed on February 2, 2016.

## **Public Services**

### ***Police***

ES-4 is located within the Northern District of the San Francisco Police Department (SFPD). The Northern District Police Station is located at 1125 Fillmore Street. The district covers approximately 5.3 square miles with a population of nearly 100,000. In 2013 (the most recent data available), there were 871 crimes against persons (e.g., homicide, rape, robbery, and aggravated assault) and 7,155 property crimes (e.g., burglary, vehicle theft, arson, and theft) in the Northern District.<sup>174</sup> Please refer to Section 3.3.12, Public Services, for additional information about the SFPD.

Police services are augmented by AAU's Department of Campus Safety. Campus Safety staff are trained to respond to the needs of University students, faculty, and administration. Please refer to Section 3.3.12, Public Services, for additional information about AAU's Department of Campus Safety.

2211 Van Ness Avenue has a capacity of 20 beds (three apartments and eight group-housing rooms). The change in use from residential and commercial to student housing (group housing for a postsecondary educational institution) within a RC-3 District would represent a slight change in the population of the area, as the population density of student housing is likely more than a residence or commercial use. However, the change would not be substantial because the student housing capacity is limited by the space in the building (three apartments and eight group-housing rooms). Therefore, the change in use would have resulted in minimal additional police protection demand. In addition, Department of Campus Safety staff augments the availability of safety services and could reduce the need for increased SFPD services and any additional demand that could be associated with the change in use. No substantial effect on police protection has occurred as a result of the change in use at ES-4.

### ***Fire and Emergency Services***

ES-4 is located within 3,000 feet of Fire Station No. 41 (1325 Leavenworth Street) and Fire Station No. 38 (2150 California Street). Fire Station Nos. 38 and 41 both consist of a single fire engine.<sup>175</sup> Please refer to Section 3.3.12, Public Services, for additional information about the SFPD.

In 2011, Fire Station No. 38 responded to 510 non-emergency calls with an average response time of 6:47 minutes, with 90 percent of non-emergency calls responded to in under 12:31 minutes. Fire Station No. 38 responded to 1,662 emergency calls with an average response time of 3:04 minutes, with 90 percent of emergency calls responded to in under 4:14 minutes. In 2011, Fire Station No. 41 responded to 448 non-emergency calls with an average response time of 7:27 minutes, with 90 percent of non-emergency calls responded to in under 14:08 minutes. Fire Station No. 41 responded

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<sup>174</sup> San Francisco Police Department, Annual Report 2013, p. 117. Available at <https://dl.dropboxusercontent.com/u/76892345/Annual%20Reports/2013%20Annual%20Report.pdf>. Accessed on October 15, 2015.

<sup>175</sup> San Francisco Fire Department, Annual Report 2012–2013 (FY). Available at <http://www.sf-fire.org/modules/showdocument.aspx?documentid=3584>. Accessed on October 22, 2015.

to 1,796 emergency calls with an average response time of 2:57 minutes, with 90 percent of emergency calls responded to in under 4:06 minutes.<sup>176</sup>

The goal for transport units for a Code 3 (emergency), which is a potentially life-threatening incident, is to arrive on scene within five minutes of dispatch 90 percent of the time. This goal complies with the National Fire Protection Association 1710 Standard. Both fire stations near ES-4 meet the Citywide emergency transport goals.

As described above on pp. 4-106 – 4-107, the change in use from residential and commercial to student housing (group housing for a postsecondary educational institution) would not represent a substantial change in the population of the area. Therefore, additional fire and emergency protection demand would be minimal. No measurable changes in response times have occurred since the change in use. No substantial effect on fire or emergency medical services has occurred as a result of the change in use at ES-4.

### ***Libraries***

The nearest public libraries to ES-4 are the Golden Gate Valley Branch Library and Marina Branch Library. Please refer to Section 3.3.12, Public Services, for additional information about the San Francisco Public Library as well as AAU's private library for use by its students and faculty, which augments the public library's services.

The change in use from a residential and commercial to student housing (group housing for a postsecondary educational institution) would not represent a substantial change in the daytime population of the area. Any change in population would be minimal compared to the service population for the Golden Gate Valley Branch and Marina Branch Libraries. In addition, public library use would be augmented by AAU's private library system provided to AAU students for research, study, and programs. Therefore, no substantial effect on library services has occurred as a result of the change in use at ES-4.

### ***Schools***

The San Francisco Unified School District (SFUSD) operates San Francisco's public schools. Please refer to Section 3.3.12, Public Services, for additional information about SFUSD.

The previous use as a residential building could have contributed to the school-aged population. Presumably the change in use to student housing (group housing for a postsecondary educational institution) would reduce the school-aged population of nearby schools, because AAU students are mainly unmarried and without children. In addition, AAU does not offer family housing.<sup>177</sup> The reduction in the school-aged population, if any, would be minimal. For the reasons stated above, no substantial effect on schools has occurred as a result of the change in use at ES-4.

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<sup>176</sup> San Francisco Planning Department, *Academy of Art University Project Draft EIR*, pp. 4.13-4 - 4.13-5, February 2015.

<sup>177</sup> Academy of Art University, Student FAQs, October 2015. Available at <http://www.academyart.edu/content/aau/en/faqs/faqs-student.html>. Accessed on October 29, 2015.

## **Biological Resources**

ES-4 is located within a built urban environment and does not contain wetlands or wildlife habitat; nor are there any adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, state, or regional habitat conservation plans applicable to the site. There are no known candidate, sensitive, or special-status species located at or near ES-4. ES-4 is not in an Urban Bird Refuge. No known landmark, significant, or street trees were removed during tenant improvements or renovations. Although birds may nest in nearby street trees or in shrubs on or near the property, no major plantings have been removed as part of improvements or renovation of the site. Therefore, no substantial effect on biological resources has occurred as a result of the change in use at ES-4.

## **Geology and Soils**

ES-4 underlain by well-sorted, fine to medium grained dune sand.<sup>178</sup> The dune sands of San Francisco once formed an extensive coastal system, underlying approximately one-third of the City. The dune sand is typically highly permeable. The thickness of the dune sand is unknown but is estimated to be up to 100 feet and is underlain by bedrock. Depth to groundwater is unknown, and groundwater flow is anticipated to be northerly.<sup>179</sup> Because building alterations undertaken by AAU were all interior or limited to minor exterior non-structural modifications, no change in topography or erosion has occurred from the change in use.

The entire Bay Area is susceptible to ground shaking from earthquakes. Ground-shaking intensity at ES-4 would be very strong during a magnitude 7.2 earthquake and strong during a 6.5 magnitude earthquake originating from the San Andrea Fault and Hayward Fault, respectively.<sup>180, 181</sup> ES-4 is not located within a liquefaction zone.<sup>182</sup> Buildings that are composed of unreinforced masonry, have a first floor or basement “soft story,” or have not undergone seismic retrofitting in compliance with San Francisco Building Code regulations, are at an increased risk of structural failure. ES-4 is composed of wood with a stucco façade and is not considered a soft story building or made of unreinforced masonry.<sup>183,184</sup> As a result, it does not have an increased risk of structural failure during an earthquake. Although the building could be vulnerable during an earthquake, the building alterations carried out after the change in use from residential to student housing (group housing for a postsecondary educational institution) would have no negative effect on the building’s performance during a ground shaking event.

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<sup>178</sup> ATC Associates, Inc., Phase I Environmental Site Assessment for 2211 Van Ness Avenue, June 2005.

<sup>179</sup> ATC Associates, Inc., Phase I Environmental Site Assessment for 2211 Van Ness Avenue, June 2005.

<sup>180</sup> San Francisco Planning Department, *General Plan* Community Safety Element, Ground Shaking Intensity Magnitude 7.2 Earthquake on the San Andreas Fault, Map 2, p. 10. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>181</sup> San Francisco Planning Department, *General Plan* Community Safety Element, Ground Shaking Intensity Magnitude 6.5 Earthquake on the Hayward Fault, Map 3, p. 11. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>182</sup> San Francisco Planning Department, *General Plan* Community Safety Element, Seismic Hazards Zone San Francisco 2012, Map 4, p. 13. Available online at [http://www.sf-planning.org/ftp/general\\_plan/community\\_safety\\_element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/community_safety_element_2012.pdf). Accessed on January 27, 2016.

<sup>183</sup> City and County of San Francisco, UMB – All Report, December 1, 2014.

<sup>184</sup> Department of Building Inspection, Soft Story Property List, April 2016. Available online at <http://sfdbi.org/soft-story-properties-list>. Accessed on April 20, 2016.

### **Hydrology and Water Quality**

The building alterations associated with the change in use at ES-4 have not substantially degraded water quality, because alterations were limited to interior and routine exterior modifications (e.g., painting signage over an existing canopy, re-roofing, and installing a security fence). Regardless, wastewater and stormwater associated with the change in use and subsequent building alterations would have flowed into the City's combined stormwater and sewer system and were treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant. If the Southeast Water Pollution Control Plant approaches capacity, wastewater from the site flows to, and is treated by, the North Point Wet-Weather Facility. Flows to the North Point Wet-Weather Facility are treated in accordance with the City's NPDES Permit. Therefore, the change in use did not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

The site is located on previously disturbed land that is covered by an existing building. Tenant improvements have not changed the amount of impervious surface or drainage patterns at the site. Therefore, there has been no substantial effect on the quality or rate of stormwater that flows into the City's combined sewer system.

ES-4 is not located within a 100-year flood zone, as delineated by the Federal Emergency Management Agency (FEMA). The site is not within an area susceptible to sea level rise forecasted by the SFPUC through the year 2100.<sup>185</sup> ES-4 is not located in an area that is vulnerable to tsunami risk.

For the reasons stated above, no substantial effect on hydrology or water quality has occurred as a result of the change in use at ES-4.

### **Hazards and Hazardous Materials**

The Phase I Environmental Site Assessment (ESA) prepared for ES-4 did not identify the presence of underground storage tanks (USTs) or significant historic use of hazardous materials, although the site was used historically for industrial and warehousing purposes.<sup>186</sup> Nevertheless, the building alterations undertaken at the site by AAU did not involve any earth movement; therefore, no buried hazardous materials could have been exposed after the change in use.

The date of the building's construction, 1876, suggests that asbestos-containing materials (ACMs), lead-based paint (LBP), and polychlorinated biphenyls (PCBs) may be present or have been present at the property. Suspected ACMs were observed during the site visit for the ESA. In addition, fluorescent lights, which may contain small quantities of PCBs if they were manufactured before 1978, were present in the building, although there is no evidence of damage or leaks. No peeling paint was detected.<sup>187</sup> Building alterations at the existing site may have disturbed or exposed ACM, LBP, PCBs, or other hazardous building materials; however, it is unknown given that tenant improvements were completed at this site with and without the required building permits. The

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<sup>185</sup> San Francisco Water Power Sewer, *Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum* and associated maps, June 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2014.0198E.

<sup>186</sup> ATC Associates, Inc., Phase I Environmental Site Assessment for 2211 Van Ness Avenue, June 2005.

<sup>187</sup> ATC Associates, Inc., Phase I Environmental Site Assessment for 2211 Van Ness Avenue, June 2005.

materials require special handling and disposal procedures that may not have been followed. As a result, it cannot be determined if an effect on human health or the environment occurred from hazardous building materials as a result of the change in use.

ES-4 is a student housing building with several kitchens and a laundry room. Hazardous materials that are used, stored, and disposed of at ES-4 include commercial household-style consumer products, such as cleaners, disinfectants, and chemical agents. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Use of these materials generates household-type hazardous waste, which do not result in substantial adverse effects.

### **Mineral and Energy Resources**

There are no known mineral resources or designated locally important mineral resource recovery sites within the City. Therefore, no effects have occurred on mineral resources or mineral recovery sites as a result of the change in use of ES-4.

Tenant improvements at ES-4 associated with the conversion of residential and commercial space to AAU use did not require large amounts of energy, fuel, or water, nor were they atypical for normal renovation projects within San Francisco. AAU's compliance with the City's GHG Compliance Checklist is discussed in Greenhouse Gas Emissions, p. 4-120 – 4-121. The GHG Compliance Checklist includes the City's Residential Water Conservation Ordinance, which avoids both water and energy waste. In addition, AAU's compliance with the City's Commuter Benefits Ordinance, Emergency Ride Home Program, Energy Performance Ordinance, Light Pollution Reduction Ordinance, and other requirements ensures reductions in fuel and energy consumption associated with AAU's change in use.<sup>188</sup> With the implementation of applicable requirements listed in the GHG Compliance Checklist for ES-4, no excessive or wasteful consumption of fuel, water, or energy resources has or would occur from the change in use.

As discussed in Transportation and Traffic, AAU provides shuttle service at adjacent 2209 Van Ness Avenue (ES-5). This reduces the number of trips by private car that could occur and, consequently, the amount of fuel that could be consumed.

For all of these reasons, the change in use at ES-4 has not resulted in the use of large amounts of energy, fuel, or water, or in the use of these resources in a wasteful manner.

Therefore, the change in use at ES-4 has not had a substantial effect on mineral or energy resources.

### **Agricultural and Forest Resources**

ES-4 is designated "Urban and Built-up Land" by the California Department of Conservation's Farmland Mapping and Monitoring Program.<sup>189</sup> The site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance, nor are there areas under

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<sup>188</sup> San Francisco Planning Department, Compliance Checklist Table for Greenhouse Gas Analysis, 2211 Van Ness Avenue, March 4, 2016.

<sup>189</sup> California Department of Conservation, Regional Urbanized Maps, San Francisco Bay Area Important Farmland, 2012. Available online at: <http://www.conservation.ca.gov/dlrp/fmmp/trends>. Accessed on April 20, 2016.

Williamson Act contract. No forest land occurs on the site and the site is not zoned for agricultural or forest land use. Therefore, the change in use at ES-4 has had no substantial effects on agriculture or forest resources.

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**FINAL ENVIRONMENTAL IMPACT REPORT  
CERTIFICATION**

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 19704

HEARING DATE: July 28, 2016

*Case No.:* 2008.0586E  
*Project Address:* Academy of Art University (AAU) Project  
*Zoning:* various  
Various  
*Block/Lot:* various  
*Project Sponsor:* Gordon North, Academy of Art University  
(415) 618-3671  
[deir@academyart.edu](mailto:deir@academyart.edu)  
*Staff Contact:* Chelsea Fordham- (415)575-9071  
[Chelsea.Fordham@sfgov.org](mailto:Chelsea.Fordham@sfgov.org)

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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT CONSISTING OF FOUR GENERAL COMPONENTS: STUDY AREA GROWTH, PROJECT SITE GROWTH, LEGALIZATION OF PRIOR UNAUTHORIZED CHANGES, AND SHUTTLE SERVICE EXPANSION. STUDY AREA GROWTH CONSISTS OF APPROXIMATELY 110,000 NET SQUARE FEET (SF) OF ADDITIONAL RESIDENTIAL USES (TO HOUSE APPROXIMATELY 400 STUDENTS, EQUIVALENT TO ABOUT 220 ROOMS) AND 669,670 SF OF ADDITIONAL INSTITUTIONAL SPACE IN 12 GEOGRAPHIC AREAS (STUDY AREAS) WHERE AAU COULD OCCUPY BUILDINGS TO ACCOMMODATE FUTURE GROWTH. THE STUDY AREAS GENERALLY INCLUDE THE FOLLOWING AREAS: STUDY AREA 1 (SA-1), LOMBARD STREET/DIVISADERO STREET; SA-2, LOMBARD STREET/VAN NESS AVENUE; SA-3, MID VAN NESS AVENUE; SA-4, SUTTER STREET/MASON STREET; SA-5, MID MARKET STREET; SA-6, FOURTH STREET/HOWARD STREET; SA-7, RINCON HILL EAST; SA-8, THIRD STREET/BRYANT STREET; SA-9, SECOND STREET/BRANNAN STREET; SA-10, FIFTH STREET/BRANNAN STREET; SA-11, SIXTH STREET/FOLSOM STREET; AND SA-12, NINTH STREET/FOLSOM STREET. PROJECT SITE GROWTH CONSISTS OF SIX ADDITIONAL SITES THAT HAVE BEEN OCCUPIED, IDENTIFIED, OR OTHERWISE CHANGED BY AAU SINCE PUBLICATION OF THE SEPTEMBER 2010 NOTICE OF PREPARATION (NOP) FOR THIS EIR. THE SIX PROJECT SITES WOULD INCLUDE A TOTAL OF 411,070 SF OF INSTITUTIONAL, BUS STORAGE, AND COMMUNITY FACILITY USES. THE PROJECT SITES INCLUDE THE FOLLOWING ADDRESSES: 2801 LEAVENWORTH STREET (THE CANNERY) (ASSESSOR'S BLOCK/LOT:0010/001); 700 MONTGOMERY STREET (ASSESSOR'S BLOCK/LOT:0196/028); 625 POLK STREET (ASSESSOR'S BLOCK/LOT:0742/002); 150 HAYES STREET (ASSESSOR'S BLOCK/LOT:0811/022); 121 WISCONSIN STREET (ASSESSOR'S BLOCK/LOT:3953/004); AND 2225 JERROLD AVENUE (ASSESSOR'S BLOCK/LOT:5286A/020). THE PROPOSED PROJECT ALSO INCLUDES EXTENSION OF AAU'S SHUTTLE SERVICE TO SERVE GROWTH IN THE STUDY AREAS AND AT THE PROJECT SITES. THE PROPOSED PROJECT INCLUDES LEGALIZATION OF CHANGES IN USE AND/OR APPEARANCE UNDERTAKEN WITHOUT BENEFIT OF PERMITS PRIOR TO ISSUANCE OF THE NOP AT 28 OF AAU'S 34 EXISTING SITES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0586E, Academy of Art University Project (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 29, 2010.
  - B. On February 25, 2015, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
  - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on February 25, 2015.
  - D. On February 25, 2015, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on February 25, 2015.
  - F. Revised Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on April 8, 2015 to address a specific site in Study Area 2 (Lombard/Van Ness Avenue) at 2550 Van Ness Avenue (Assessor's Block/Lot: 0526/021).
2. The Commission held a duly advertised public hearing on said DEIR on April 16, 2015 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on April 27, 2015.
3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Responses to Comments document, published on June 30, 2016, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
6. On July 28, 2016, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
7. The Planning Commission hereby does find that the FEIR concerning File No. 2008.0586E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR:
  - A. Will have a significant project-specific effect on the environment from housing demand as a result of population growth; and
  - B. Will have a significant cumulative effect on the environment from housing demand as a result of population growth and a substantial increase in local transit demand that could not be accommodated by adjacent MUNI transit capacity on the Kearny/Stockton and Geary corridors under 2035 cumulative plus project conditions.
9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of July 28, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Johnson, Fong, Moore, Richards and Wu  
NOES: None  
ABSENT: Hillis  
ADOPTED: July 28, 2016

# **EXHIBIT C**

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# **EXHIBIT D:**

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Academy of Art University (AAU) Facilities Transportation Management Plan (TMP)

1650 Mission St.  
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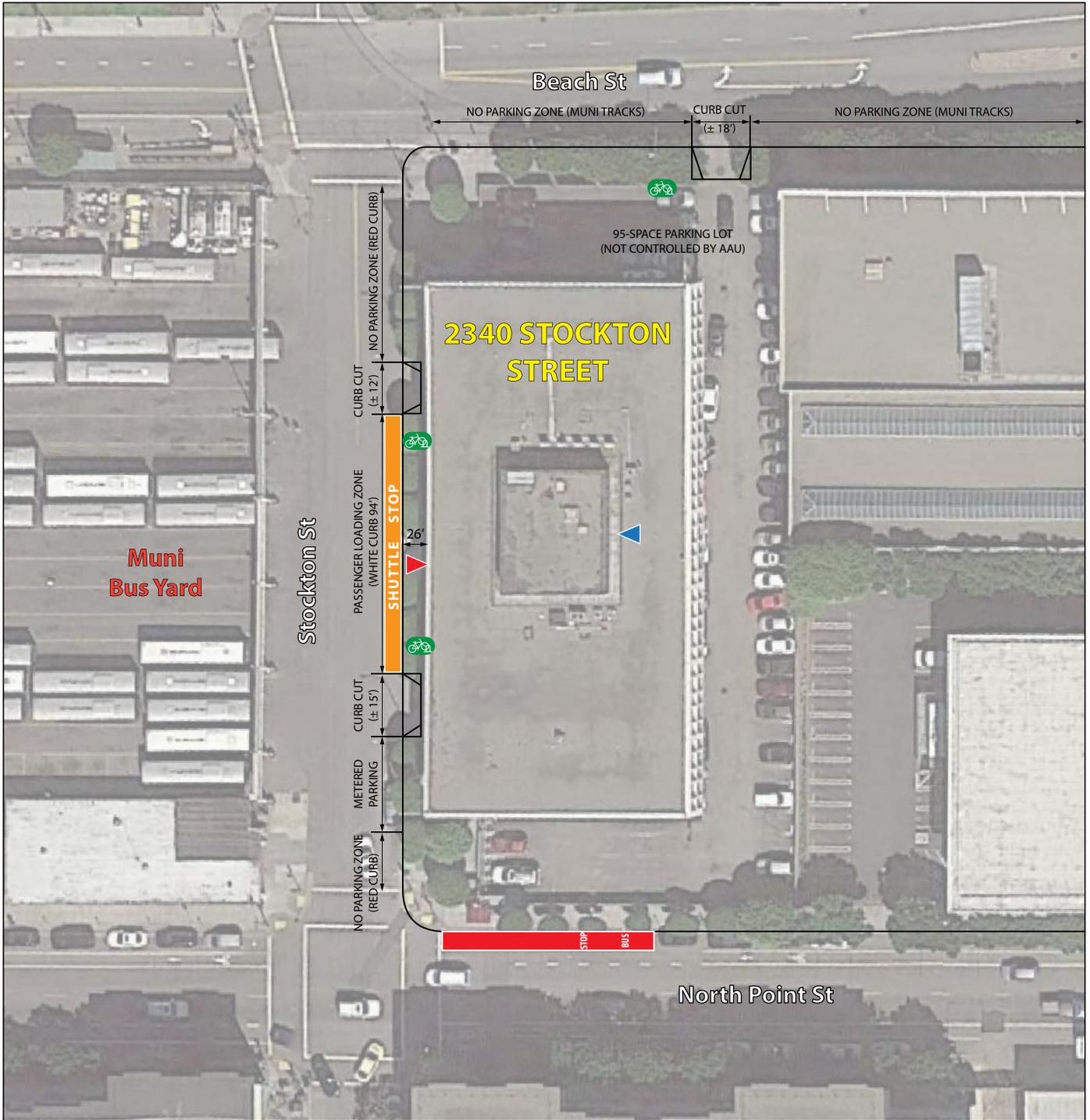
Planning  
Information:  
**415.558.6377**

### 1. Introduction

The Academy of Art University (AAU) Transportation Management Plan (TMP) is a management and operating plan designed to provide multimodal access to existing and future AAU sites. The purpose of the plan is to ensure safe and efficient access by promoting and facilitating the use of AAU's shuttle service, nearby public transit services and pedestrian and bicycle infrastructure for travel to and from AAU facilities, thereby reducing transportation impacts on the surrounding neighborhoods. The plan's primary goal is to facilitate multi-modal access to/from the AAU facilities for all faculty, staff and students. The purpose of the TMP is to outline strategies to optimize access to and from AAU facilities within the constraints of the existing transportation network. Its main goal is to ensure safe and efficient access for all modes with a particular focus on promoting pedestrian, bicycle, and transit access to all AAU facilities and adjacent mix of uses, thereby reducing impacts on the transportation network.

### 2. AAU Existing Sites

The following figures represent the existing transportation conditions for the 23 AAU sites that were required to obtain a change of use permit and were studied within the Existing Site Technical Memorandum (ESTM). This memorandum provides the individual, site-specific discussions of environmental effects associated with the unauthorized changes in use for the 23 existing sites requiring approval of legislative amendments, CU authorizations, and/or building permits. The following AAU site figures provide existing shuttle stop locations and bus lines, commercial loading passenger loading zones, bicycle parking location, and building pedestrian access.



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 32 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D (30 min), E (30 min)</p>
----------------------------------------------------------------------	--------------------------------------------------------------	----------------------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 14 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>Shuttle Service Discontinued as of April 18, 2016</p>
----------------------------------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at Beach Street/ Jones Street)

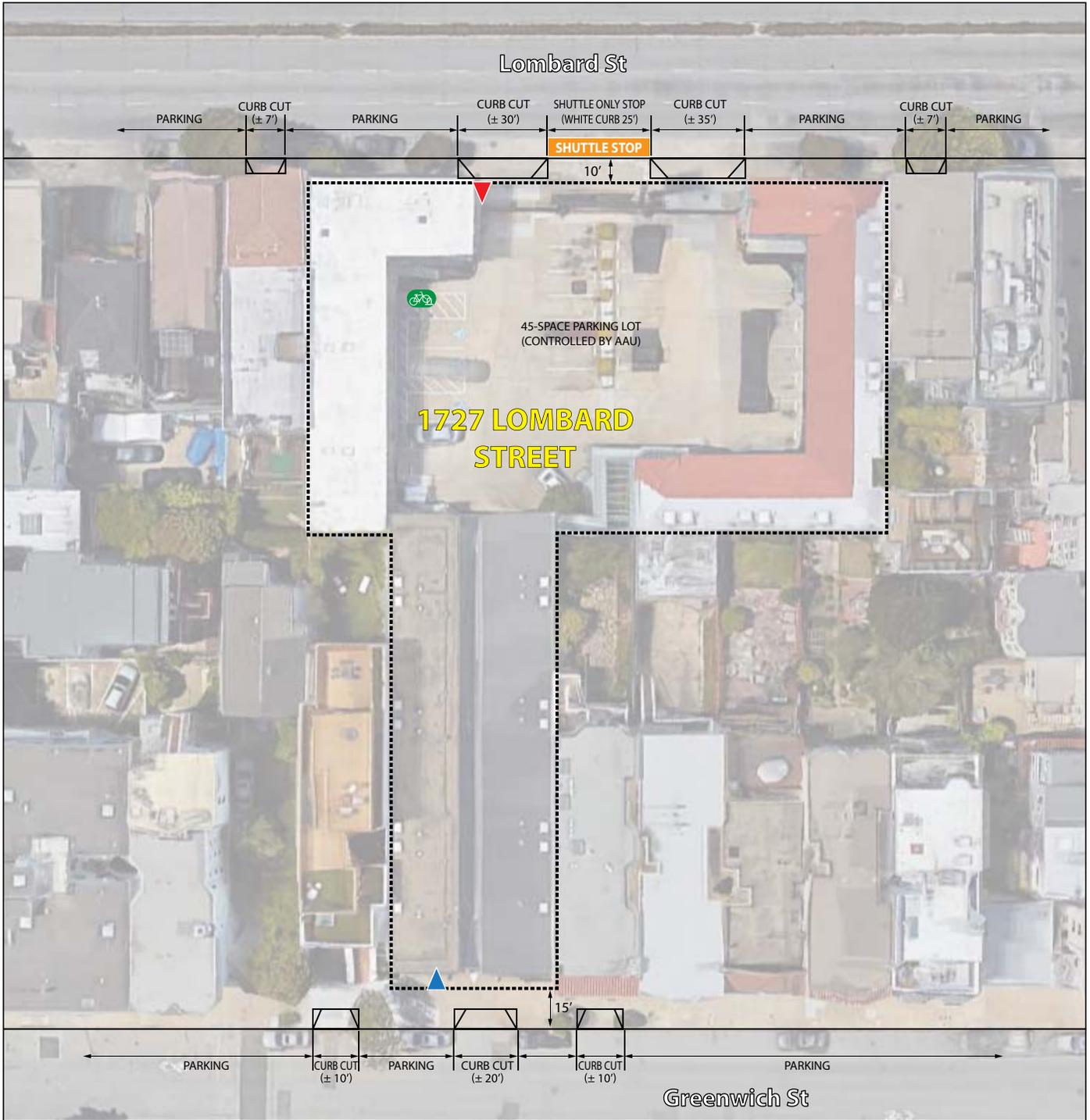
\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 2 - ES-2: 2295 TAYLOR ST SITE DIAGRAM  
 EXISTING CONDITION**

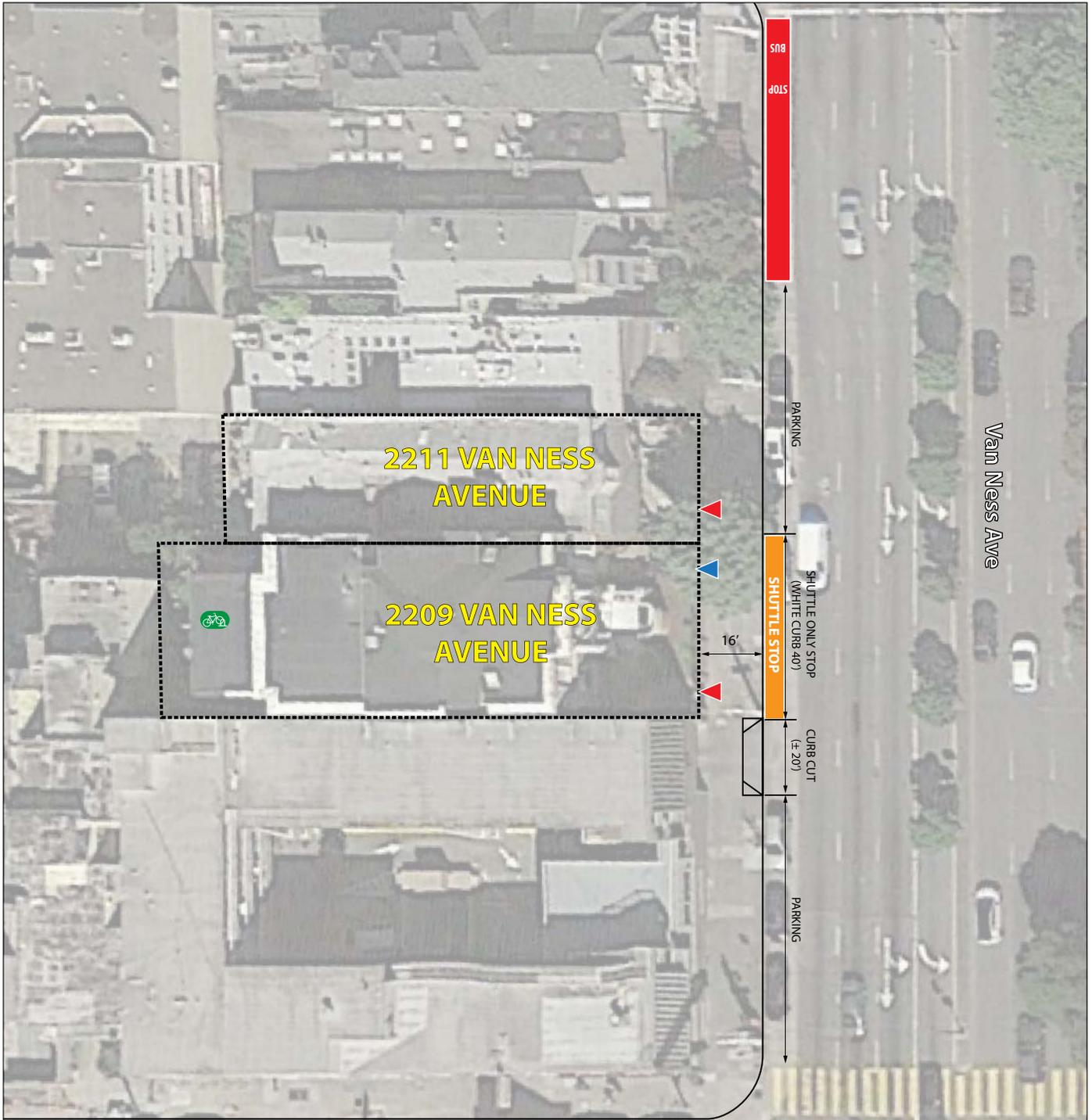


Bicycle Parking Planning Code Requirement Class I: 20 Class II: 3	Bicycle Parking Supply AAU: 16 Class II Spaces	Shuttle Bus Service (PM Peak Hour Headways) M (20 min)
----------------------------------------------------------------------	---------------------------------------------------	-----------------------------------------------------------

Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

Not to Scale



<b>Bicycle Parking Planning Code Requirement</b> 2211 Van Ness Ave - Class I: 5 Class II: 3 2209 Van Ness Ave - Class I: 14 Class II: 3	<b>Bicycle Parking Supply</b> 2209 Van Ness Ave: 9 Class II Spaces	<b>Shuttle Bus Service (PM Peak Hour Headways)</b> M (20 min)
-----------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------	------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

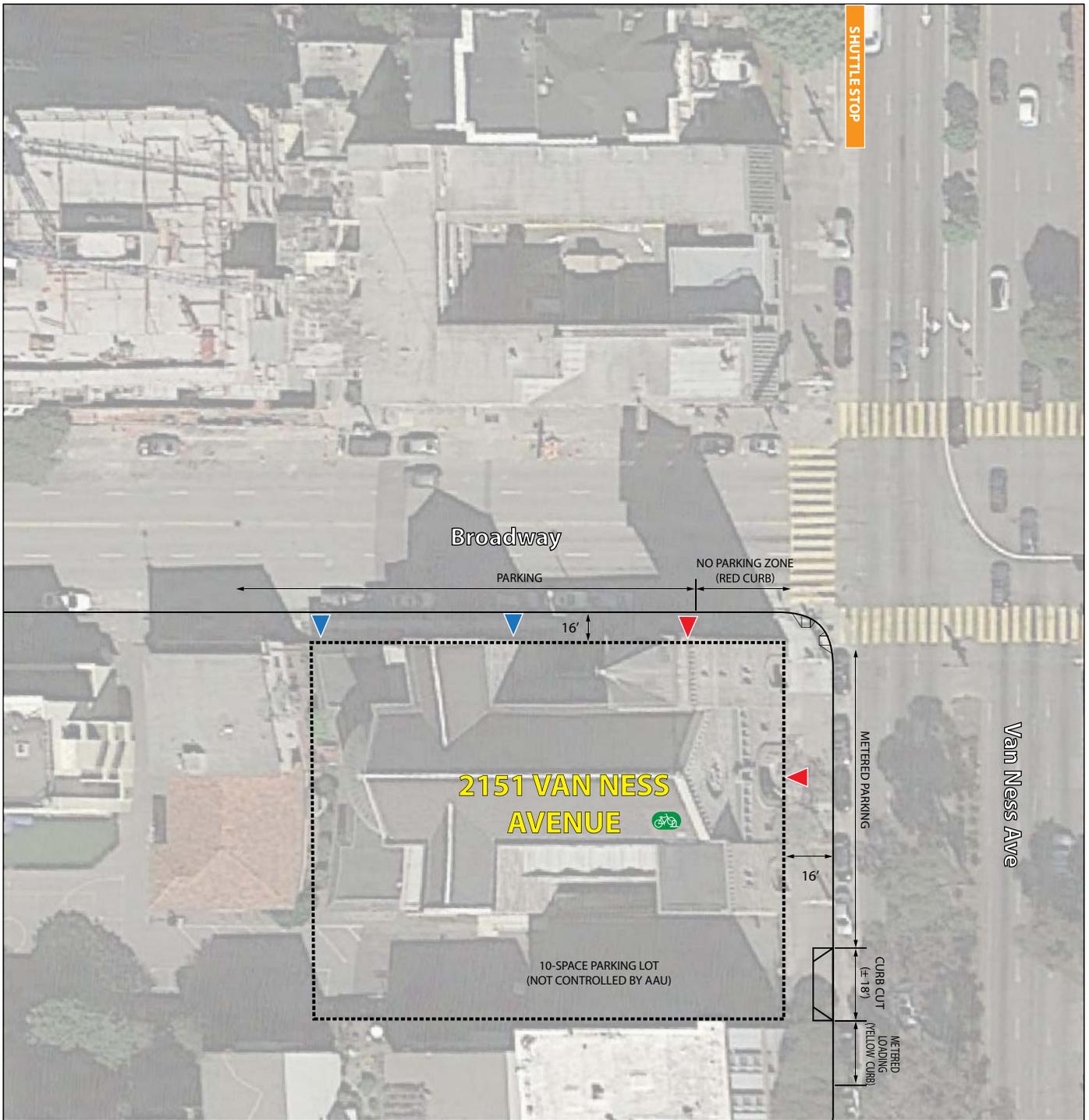
\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016. ACADEMY OF ART UNIVERSITY ESTM



Not to Scale

**FIGURE 4 - ES-4 & 5: 2211 AND 2209 VAN NESS AVE EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 8 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M (20 min)</p>
----------------------------------------------------------------------	-------------------------------------------------------------	----------------------------------------------------------------------

-  Class II AAU Bicycle Parking (1 Rack with 8 Spaces)
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 2209 Van Ness Avenue)

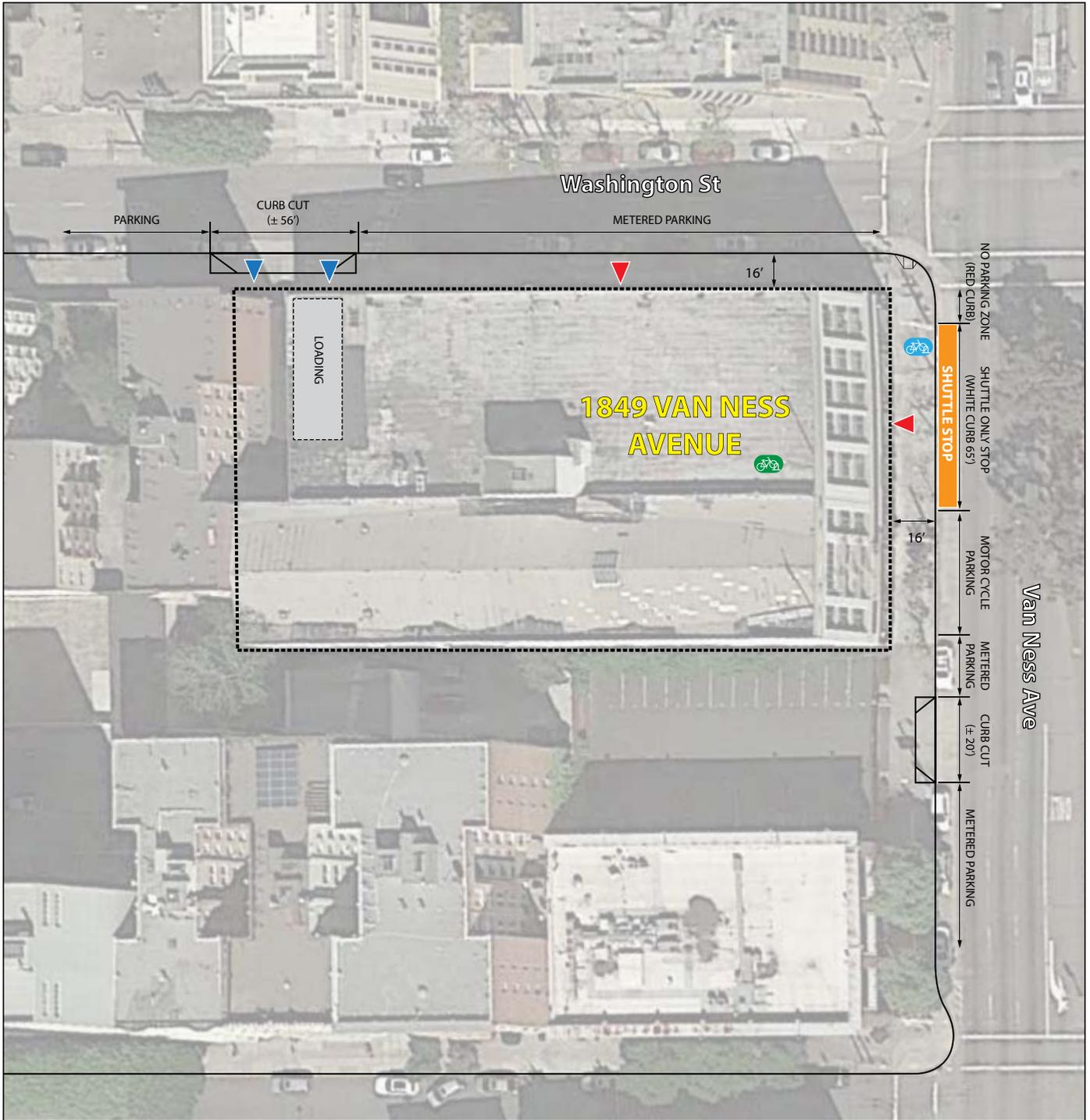
\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 5 - ES-6: 2151 VAN NESS AVE  
 EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>AAU: 30 Class II Spaces Public: 2 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M ( 20 min)</p>
----------------------------------------------------------------------	--------------------------------------------------------------------------------------------	-----------------------------------------------------------------------

-  Class II Public Bicycle Parking (1 Rack with 2 Spaces)
  -  Class II AAU Bicycle Parking (6 Racks with 28 Spaces)
  -  Primary Pedestrian Access
  -  Secondary Pedestrian Access
  -  Shuttle Stop Location
- \* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 6 - ES-8: 1849 VAN NESS AVE  
EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 5    Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>AAU: 6 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>M (20 min)</p>
-----------------------------------------------------------------------------------	-------------------------------------------------------------	----------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 7 - ES-9: 1916 OCTAVIA ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Not Required</p>	<p>Bicycle Parking Supply</p> <p>None</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D ( 30 min), E (30 min), Sutter Express (25 min)</p>
----------------------------------------------------------------------	-------------------------------------------	------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location (Nearest Stop at 625 Polk Street)



Not to Scale

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 8 - ES-10: 950 VAN NESS AVE EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 9    Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>AAU: 8 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>
-----------------------------------------------------------------------------------	-------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 860 Sutter Street)

\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.



ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 9 - ES-11: 1153 BUSH ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 29 Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>None</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G ( 30 min); H, I, M (20 min); Sutter Express (25 min)</p>
---------------------------------------------------------------------------------	-------------------------------------------	------------------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location (Nearest Stop at 860 Sutter Street)



Not to Scale

\* Dimensions are Approximate.  
SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 10 - ES-12: 1080 BUSH ST  
EXISTING CONDITION**



<b>Bicycle Parking Planning Code Requirement</b> 860 Sutter St - Class I: 42 Class II: 3 817-831 Sutter St - Class I: 49 Class II: 3	<b>Bicycle Parking Supply</b>  None	<b>Shuttle Bus Service (PM Peak Hour Headways)</b>  D, E, G ( 30 min); H, I, M (20 min); Sutter Express (25 min)
--------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------	------------------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.



Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 11 - ES-13 AND 14: 860 AND 817-831 SUTTER ST EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 36 Class II: 3</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 8 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>Sutter Express (25 min)</p>
----------------------------------------------------------------------------------------	--------------------------------------------------------------------	------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location

\* Dimensions are Approximate. ACADEMY OF ART UNIVERSITY ESTM

SOURCE: CHS Consulting Group, 2016. ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 12 - ES-16 AND 17: 1069 AND 1055 PINE ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 31 Class II: 3</p>	<p>Bicycle Parking Supply</p> <p>None</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G (30 min); H, I (20 min); Sutter Express (25 min)</p>
---------------------------------------------------------------------------------	-------------------------------------------	--------------------------------------------------------------------------------------------------------------------

- ▲ Primary Pedestrian Access
- ▲ Secondary Pedestrian Access
- Shuttle Stop Location

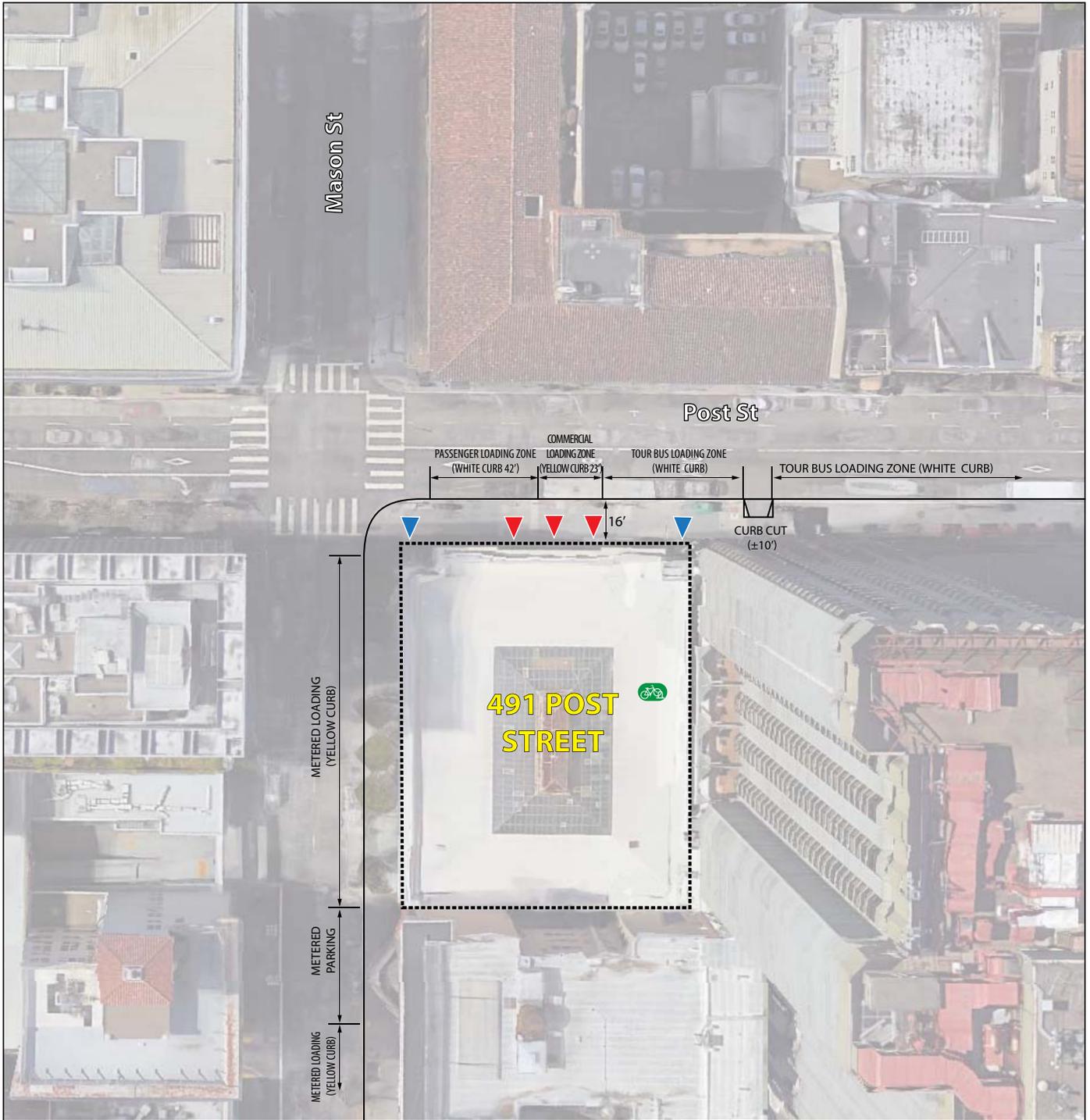


Not to Scale

\* Dimensions are Approximate.  
 SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 13 - ES-20: 620 SUTTER ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 2    Class II: 4</p>	<p>Bicycle Parking Supply</p> <p>AAU: 20 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>D, E, G ( 30 min); H, I (20 min); Sutter Express (25 min)</p>
-----------------------------------------------------------------------------------	--------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------

-  Class II AAU Bicycle Parking Location
-  Primary Pedestrian Access
-  Secondary Pedestrian Access
-  Shuttle Stop Location (Nearest Stop at 620 Sutter Street)

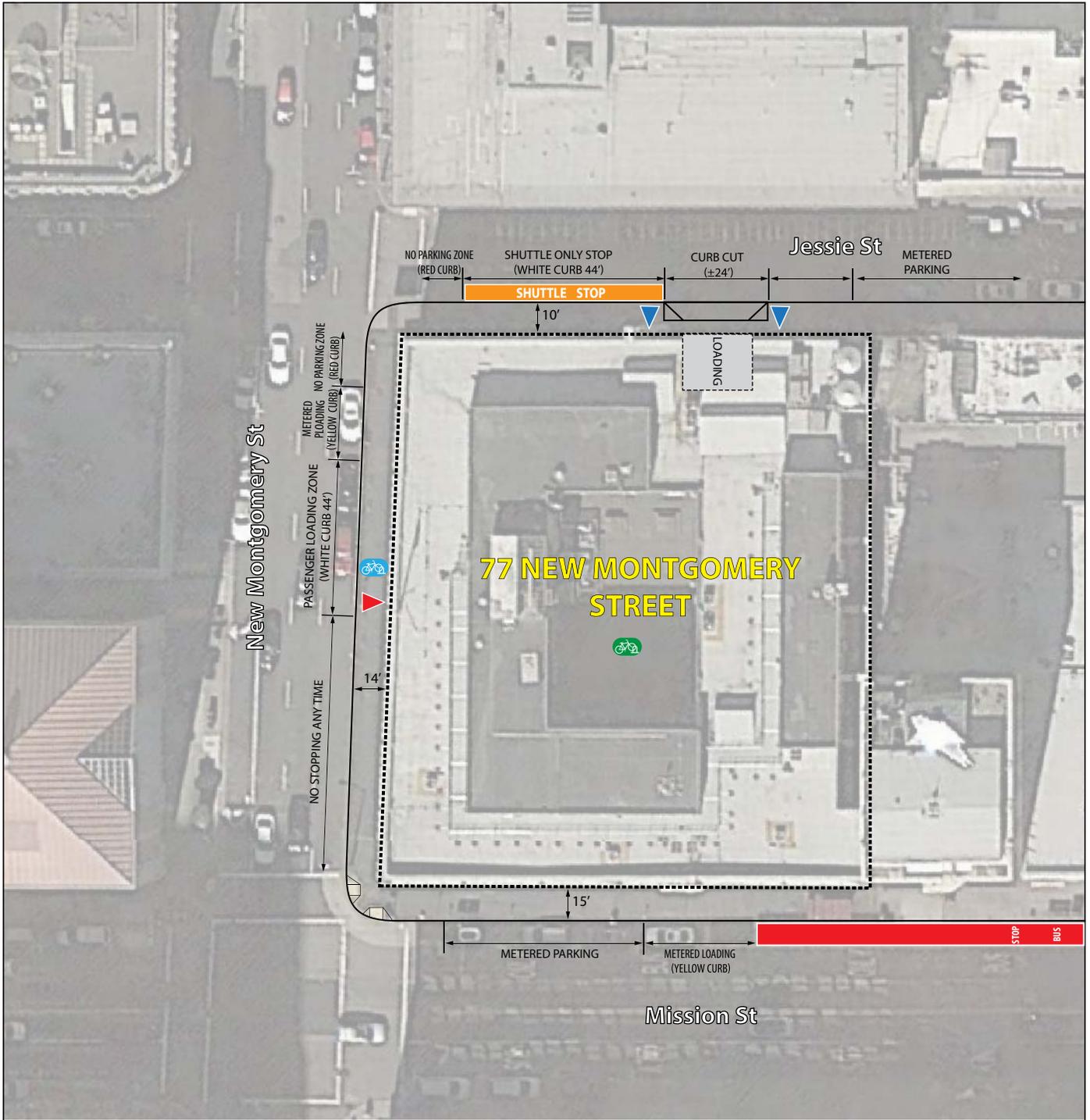


Not to Scale

\* Dimensions are Approximate.  
SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 14 - ES-23: 491 POST ST  
EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 7    Class II: 15</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 8 Class II Spaces Public: 8 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>G ( 30 min), Hayes Express (30 min)</p>
<ul style="list-style-type: none"> <li> Class II Public Bicycle Parking Location</li> <li> Class II AAU Bicycle Parking Location</li> <li> Primary Pedestrian Access</li> <li> Secondary Pedestrian Access</li> <li> Shuttle Stop Location</li> </ul> <p>* Dimensions are Approximate.</p>		

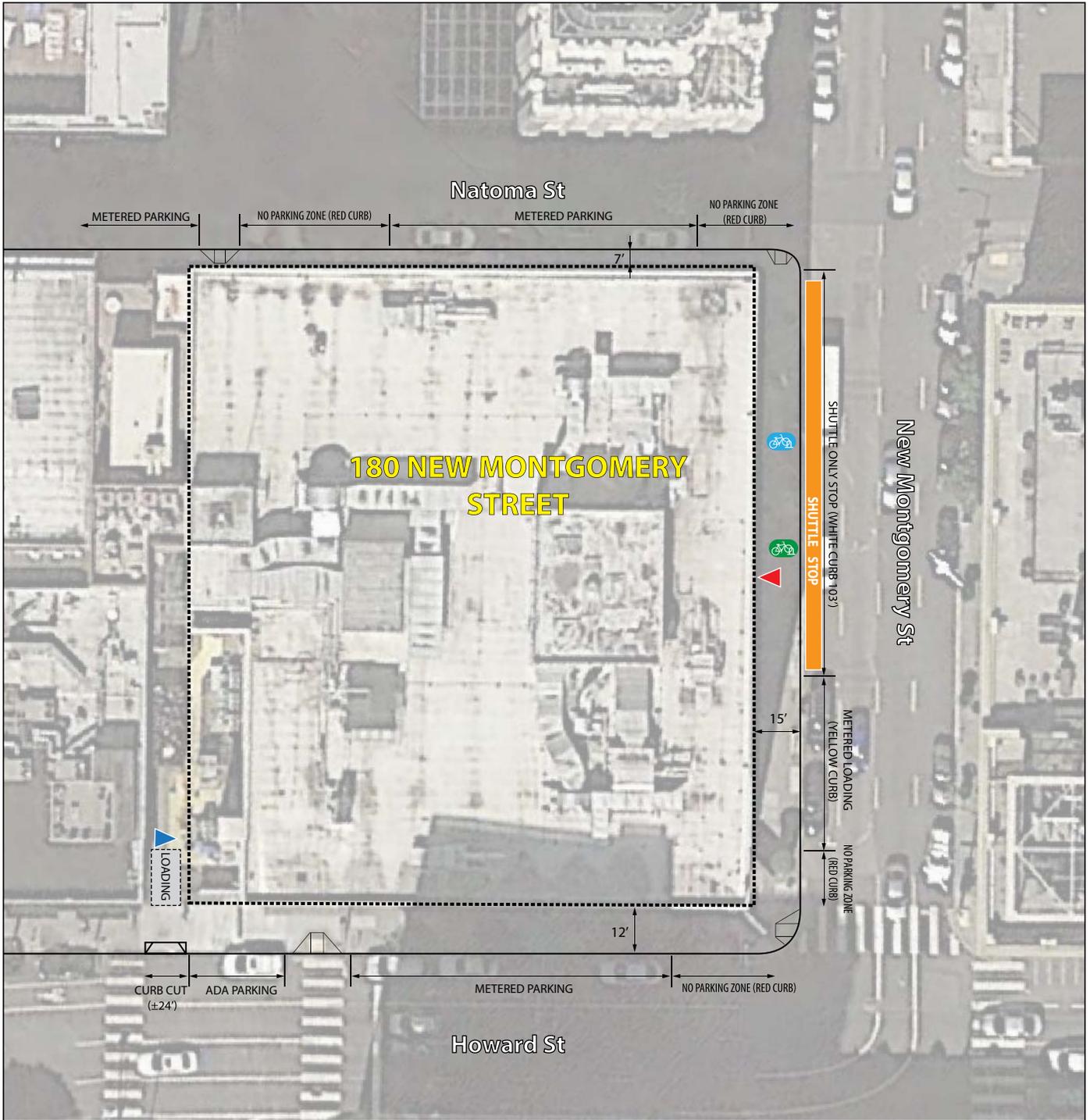


Not to Scale

SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 15 - ES-27: 77 NEW MONTGOMERY ST  
EXISTING CONDITION**



<p><b>Bicycle Parking Planning Code Requirement</b></p> <p>Class I: 10 Class II: 19</p>	<p><b>Bicycle Parking Supply</b></p> <p>AAU: 16 Class II Spaces Public: 12 Class II Spaces</p>	<p><b>Shuttle Bus Service (PM Peak Hour Headways)</b></p> <p>D, E, G (30 min); H, I (20 min)</p>
-----------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

- Class II Public Bicycle Parking Location
  - Class II AAU Bicycle Parking Location
  - Primary Pedestrian Access
  - Secondary Pedestrian Access
  - Shuttle Stop Location
- \* Dimensions are Approximate.



Not to Scale

SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 16 - ES-28: 180 NEW MONTGOMERY ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 5    Class II: 10</p>	<p>Bicycle Parking Supply</p> <p>AAU: 36 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>G (30 min)</p>
------------------------------------------------------------------------------------	--------------------------------------------------------------	----------------------------------------------------------------------

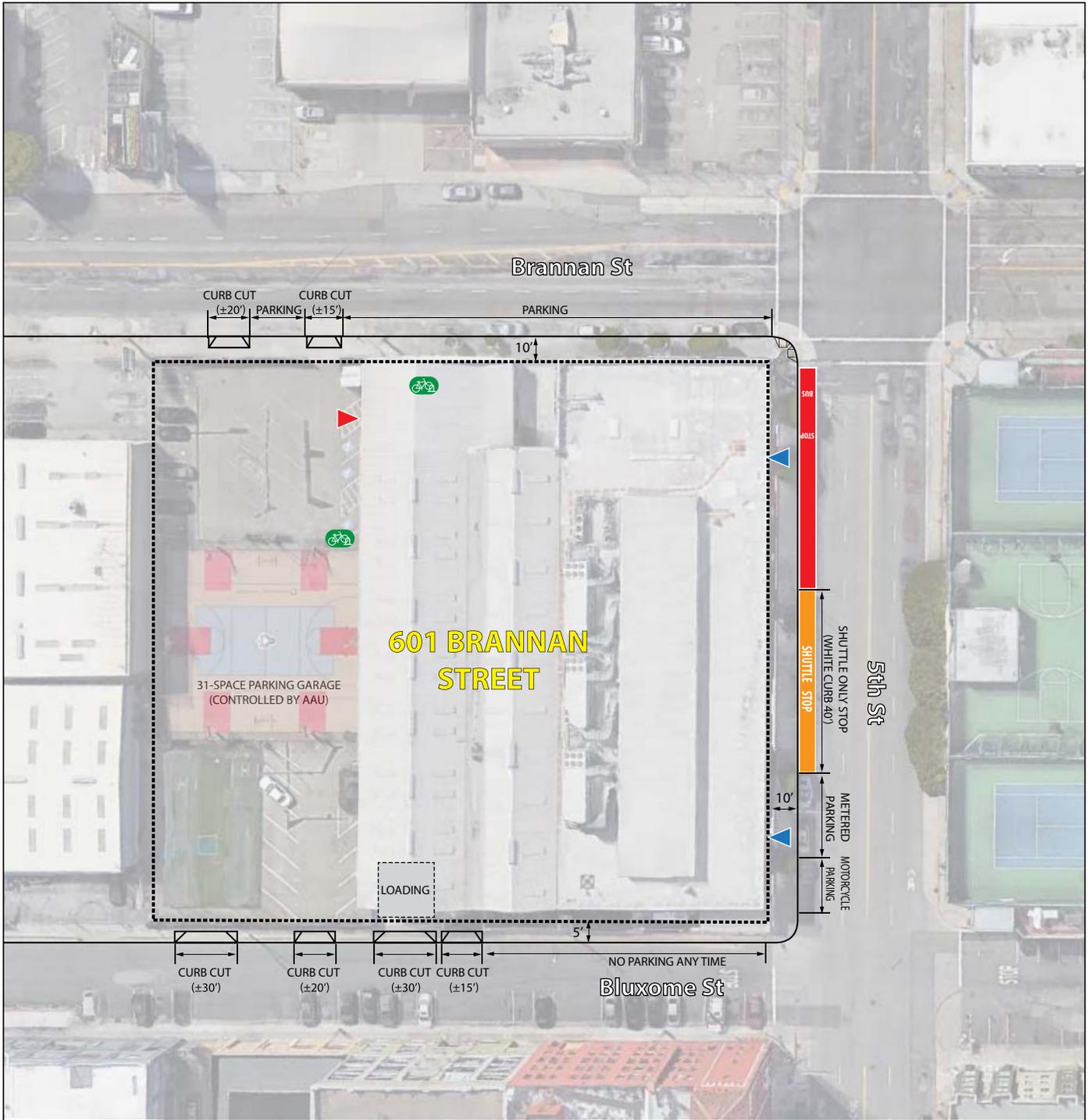
 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale

SOURCE: CHS Consulting Group, 2016. ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 17 - ES-30: 58-60 FEDERAL ST EXISTING CONDITION**



<p>Bicycle Parking Planning Code Requirement</p> <p>Class I: 4    Class II: 7</p>	<p>Bicycle Parking Supply</p> <p>AAU: 60 Class II Spaces</p>	<p>Shuttle Bus Service (PM Peak Hour Headways)</p> <p>G (30 min); H, I (20 min)</p>
-----------------------------------------------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------------------------------------

 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

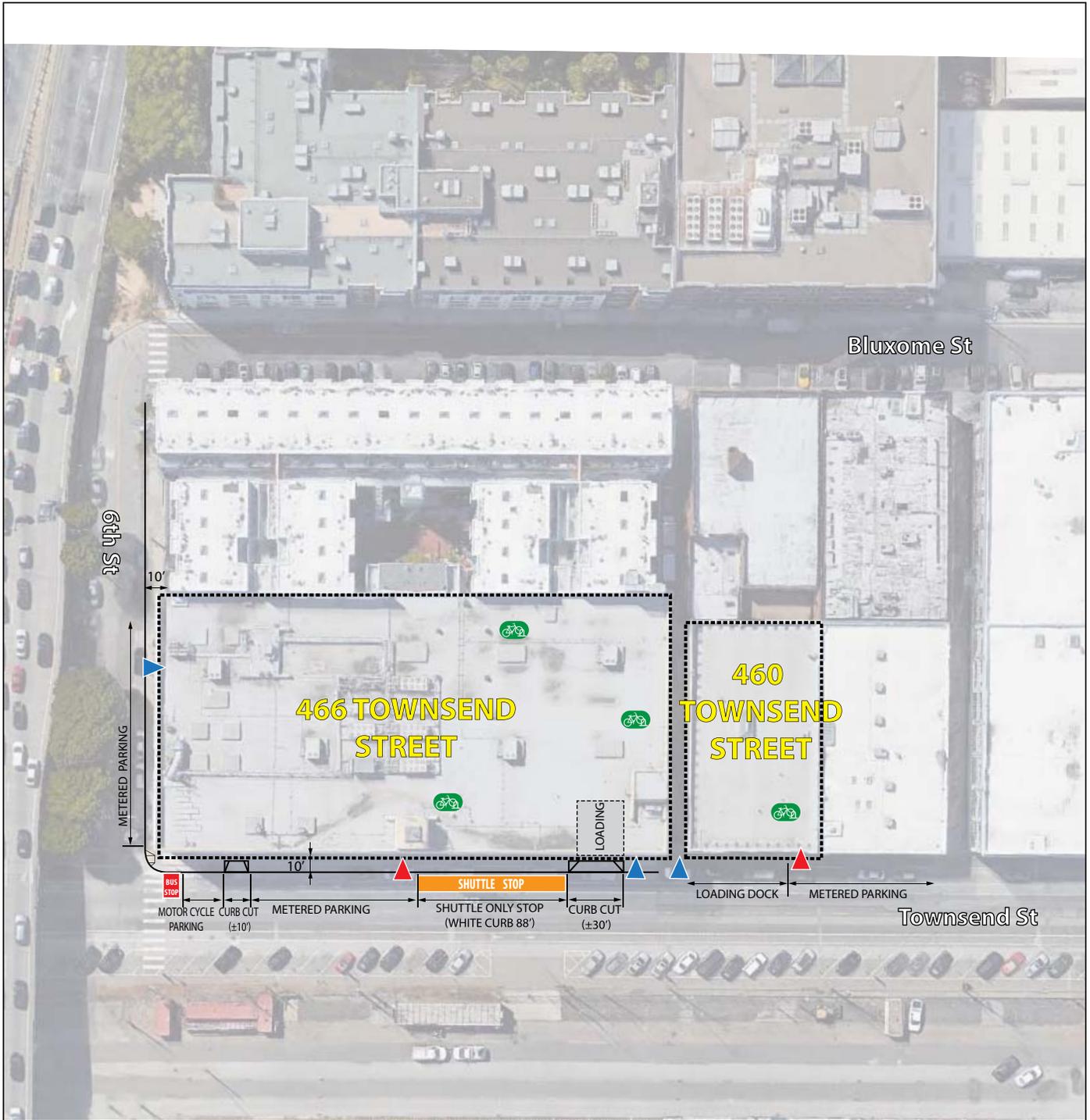
\* Dimensions are Approximate.

SOURCE: CHS Consulting Group, 2016.

  
 Not to Scale

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 18 - ES-31: 601 BRANNAN ST  
EXISTING CONDITION**



<b>Bicycle Parking Planning Code Requirement</b> 460 Townsend St - Class I: 1 Class II: 3 466 Townsend St - Class I: 6 Class II: 11	<b>Bicycle Parking Supply</b> 460 Townsend St - 5 Class II Spaces 466 Townsend St - 20 Class II Spaces	<b>Shuttle Bus Service (PM Peak Hour Headways)</b>  G ( 30 min); H, I ( 20 min)
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 Class II AAU Bicycle Parking Location  
 Primary Pedestrian Access  
 Secondary Pedestrian Access  
 Shuttle Stop Location

\* Dimensions are Approximate.

  
 Not to Scale

SOURCE: CHS Consulting Group, 2016.

ACADEMY OF ART UNIVERSITY ESTM

**FIGURE 19 - ES-31 AND 34: 460 AND 466 TOWNSEND ST EXISTING CONDITION**

### 3. Transportation Policies for Existing and Future AAU Facilities

These policies represent staff recommendations of Conditions of Approval for the existing and future AAU sites in order to provide safe and efficient multi-modal transportation access for all users.

#### 3.1 Traffic

**Condition of Approval (EIR Improvement Measure I-TR-1): Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips.** AAU shall implement a Transportation Demand Management (TDM) Program that seeks to minimize the number of single-occupancy vehicle trips (SOV) generated by the Proposed Project for the lifetime of the project. The TDM Program targets a reduction in SOV trips by encouraging persons to select other modes of transportation, including walking, bicycling, transit, car-share, carpooling, and/or other modes.

1. Identify TDM Coordinator: The project sponsor should identify a TDM coordinator for all of the project sites. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco, TMA SF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from Project occupants and City staff. The TDM Coordinator should provide TDM training to other Project staff about the transportation amenities and options available at the project sites and nearby.
2. Provide Transportation and Trip Planning Information to Building Occupants:
  - a. Move-in packet: Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant or, in the case of the Project Sites, to all current building occupants prior to building permit issuance. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.
  - b. New-hire packet: Provide a transportation insert in the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., Next Muni phone app). This new-hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

### 3.2 Transit

**Condition of Approval: Transportation Sustainability Fee (TSF).** For all existing and future properties, AAU shall pay a fee in the amount of the applicable Transportation Sustainability Fee (TSF). The TSF applies to non-residential developments and larger market-rate residential developments citywide. The TSF consolidates a number of non-residential land use categories (except for Hospitals and Health Services), consistent with other Planning Code impact fees. Rates are as follows:

**Transportation Sustainability Fee (TSF) Fee Schedule**

Land Use Categories	Fee (\$/GSF)
Residential, 21-99 units	\$ 7.74 for all GSF of Residential use in the first 99 dwelling units
Residential, all units above 99 units	\$ 8.74 for all GSF of Residential use in all dwelling units at and above the 100 <sup>th</sup> unit
Non-Residential, except Hospitals and Health Services, 800-99,999 GSF	\$ 18.04 for all GSF of Non-Residential uses less than 100,000 GSF.
Non-Residential, except Hospitals and Health Services, all GSF above 99,999 GSF	\$19. 04 for all GSF of Non-Residential use greater than 99,999 GSF.
Hospitals	\$18.74 per calculation method in Sec. 411A.4(d).
Health Services, all GSF above 12,000 GSF	\$11.00 for all GSF above 12,000 GSF
Production, Distribution and Repair (PDR)	\$ 7.61

### 3.3 AAU Shuttle Bus Service Policy

AAU provides two types of shuttle bus services: fixed-route and on-demand. Fixed-route shuttle buses transport students and staff among Academy of Art academic buildings and residence halls free of charge during building hours: before and after classes, workshops, lab hours, meals and studio times. Access to AAU fixed-route shuttle bus services is restricted to students, faculty, and staff of Academy of Art University. ID badges are required to board vehicles. Riders without ID are not permitted unless accompanied by students or staff with ID.

AAU’s fleet of buses and vans also provides on-demand shuttle service for class field trips, student activities, athletics, faculty & staff transportation needs, and regular voluntary and charitable donations of transportation for local community needs. On-demand shuttle service is limited to thirty trips per day, and must be requested in advance by departmental administrative staff via web-based scheduling software.

#### Fixed Route Structure

Routing needs are determined by location of facilities, clustered proximity of these buildings to one another, student population density within these clustered locations, daily opening and closing times of these buildings, and class start/end times. Clusters of academic buildings within a radius of up to two city blocks are served by a single designated shuttle stop. Shuttle stops are added to support new university locations when these locations lie outside the two-block radius of any pre-existing shuttle stops, but only if per-day ridership necessitates such an addition on an ongoing basis.

There are three types of fixed-route services: Regular loop routes, Express routes, and Limited-Direct routes.

Regular loop routes are designed to connect more than two buildings within a specific area of campus, and to connect to shuttle bus hubs, from which students can transfer to other routes thereby reaching other areas of campus.

Express routes are continuous regular loop routes with only two stops.

Limited/Direct routes supplement the regular looping shuttle service, and are only provided during peak periods. These routes allow students to travel directly between classes from far sides of the campus more quickly because they eliminate hub-transfer.

Shuttle buses are routed to travel the most direct and least congested path among locations, with the following controls:

- No streets and areas restricted by SFMTA
- No streets or areas where residential complaints have been resolved with an agreement to keep buses away.

### **Bus Stops**

There are three types of bus stops:

- Regular Stop
- Hub Stop
- Flag Stop

**Regular Stops:** Wherever possible, AAU will apply for white passenger loading zones for shuttle bus loading along the frontage of the AAU buildings, pending SFMTA approval. If a zone is desired in an area where no AAU building frontage exists, AAU will seek a letter of concurrence from the owner of the property adjoining the desired curb space. Length of passenger loading zones requested depends on the length and frequency of the vehicles serving the location. Typical lengths are 20- to 25-foot zones for small and medium length buses, and 40- to 103-foot zones for the frequent loading of larger transit buses.

**Hub Stops:** Bus hubs are shuttle stops shared by all routes in the system, designed to allow students, faculty, and staff to transfer from one route to another in cases where direct service via the continuously looping routes is unavailable. No breaks or layovers are conducted at the designated hub locations. Route schedules are designed without lag times that would allow for idling or layovers at hubs or other stops. Change of drivers does occur at hub locations and takes less than five minutes. Hub stops are located in areas where sufficient passenger loading zones are available to accommodate the need for bus loading. Curb usage is monitored via surveillance cameras by the Transportation Department to ensure that sufficient number of spaces are available. The majority of fixed-route shuttles are scheduled with relief drivers taking over at hub stops to maintain looping service on routes while regular drivers are on break. In cases where ridership demand does not support continuous looping service, shuttles are designated to return to the bus yard during breaks.

Bus layover is required at times. When scheduled breaks do not permit buses to return to the bus yard without excessive carbon footprint, shuttles are directed to use legal parking spaces as available in the vicinity. Parking meter cards are issued to these drivers as needed.

**Flag Stops:**<sup>1</sup> Flag stops may be established if average ridership per day is less than 20 passengers. In such cases these locations are not assigned stop times, but are indicated along routes as places where drivers stop and board passengers only if someone is waiting at the curb and signals to the bus that they wish to board.

### **Operating Policy**

Diesel buses are equipped with auto-shutoff anti-idling regulators which activate after five minutes. Gasoline buses are not equipped in this way, as the idling of gas buses is not regulated by California's commercial vehicle idling laws. Field Supervisors are tasked with daily surveillance of hub locations to ensure that vehicles are not stacking up, and are not laying over.

Frequency of service is monitored and adjusted prior to the start of each semester, and is subject to adjustment mid-semester as well. Ridership data (on-boarding) is gathered by bus drivers, and routes are continually monitored for hour-by-hour ridership statistics. The following threshold criteria are applied for peak and off-peak-hour frequencies when making adjustments.

During peak hours, shuttle frequencies increase as needed. Frequencies are evaluated and adjusted based on comparison of data about shuttle loads received from drivers' passenger count sheets, student feedback, and driver reports about overloading. If shuttles are filled to maximum capacity, standing room is utilized, and auxiliary shuttles are required. Backup routes are scheduled as limited regular service to supplement during peak periods only.

When average ridership per day on a given loop at a certain off-peak time of day indicates low usage of that loop in per-hour periods of two or more consecutive hours, the loop will be considered for removal if total average daily ridership indicates fewer than 10 passengers on-boarding per-hour during that time period daily.

Changes in building hours necessitate the cancellation or addition of service.

### **Bus Fleet**

The size and quantity of vehicles assigned to each route are monitored and adjusted prior to the start of each semester, and are subject to adjustment throughout each semester as well. When route ridership falls below average threshold minimums, quantity of shuttles on a given route will be decreased, and/or vehicle size will be adjusted, and/or routes may go out of service entirely during the predictable periods of low ridership. Determinations about which of these measures are appropriate are made by factors such as alternative bus availability and passenger data. The following threshold criteria are applied when making adjustments:

When the on-boarding average ridership per day on a given bus indicates low usage of that bus throughout the day, the bus will be considered for removal from the route if total average daily ridership indicates fewer than 40 passengers per day.

Vehicles are replaced or retrofitted to comply with California Air Resource Board low emission requirements. Fleet is maintained as predominantly gas-fueled vehicles. Vehicle replacement policy is to progressively minimize quantity of diesel vehicles in fleet.

### **Management, Coordination, and Communication**

AAU is committed to provide students, faculty, and staff with convenient and easily accessible data on shuttle bus routes and schedules. AAU provides shuttle routes and schedules on the AAU website and

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<sup>1</sup> The Planning Department is recommending the elimination of any existing or future Flag Stops as they lead to safety concerns.

includes the data in the kiosks in the lobbies of academic buildings. AAU also provides a mobile app which gives students, faculty, and staff access to GPS data, allowing them to locate shuttles en route.

AAU is committed to ongoing communication, problem solving, and cooperation to alleviate and eliminate complaints and concerns received from the public, adjacent neighbors, and city agencies. In addition, AAU transportation managers participate in SFMTA coordination meetings regarding bus stop policies and programs.

The Campus Safety Communication Center at 180 New Montgomery shares two-way radio access with drivers, dispatchers, supervisors and managers in the Transportation Department. This allows for quick response times in emergency situations.

### **AAU Shuttle Route Controls**

When considering new, expanded, or relocated shuttle routes, routes shall avoid all residential streets where feasible. If it is infeasible to avoid residential streets due to the location of the AAU building, AAU's shuttle routing will take into account factors such as stop locations, schedules, and the minimum size of shuttle vehicle needed to meet demand.

Drivers on established shuttle routes shall generally adhere to those routes. In cases of congestion, shuttle drivers shall avoid diverting to residential streets.

As routes change, AAU will document changes/selection of routes and make the documentation available to the City and the public promptly on the AAU website, annually directly to the Planning Department and SFMTA, and upon request directly to members of the public.

AAU will conduct routine (Fall, Spring and Summer term) analysis of shuttle ridership demand and routes to make necessary adjustments. This analysis shall include goals of reducing routes/buses with low capacity utilization and methods to address any community concerns.

For more efficient routing and perhaps the reduction of shuttles, AAU will identify the shuttle vehicles that can accommodate standing riders and calculate shuttle capacity based on both seated and standing passengers, similar to how public transit capacity is determined. Use this capacity information in the triannual optimization analysis of shuttle ridership demand, routes, and adjustments.

AAU will provide a contact for shuttle bus traffic/routing to the public and for the City. This contact information will be posted clearly on AAU's website. AAU will log, and make available to the City upon request, all complaints and resulting resolutions of complaints related to shuttle routing and/or service.

### **AAU Shuttle Stop Controls**

No use of Muni or regional transit stops by AAU shuttles unless previously approved by SFMTA.

Establish shuttle routes and stops to minimize the risk of double-parking. Inform shuttle drivers not to double-park or otherwise block vehicle travel lanes to load or unload shuttle passengers unless both a) the shuttle driver cannot stop at an AAU white zone or other AAU stop because it is blocked by an unauthorized vehicle; and b) the driver promptly notifies the Department of Parking and Traffic of the unauthorized blockage. When AAU double parking or blocking of vehicle lanes that is not caused by such third-party activity is documented to occur, AAU shall take measures to correct this traffic violation (such as through the provision of a white zone, or relocation of a shuttle stop).

Shuttles shall not idle at stops when not actively loading or unloading passengers, particularly at hub stops.

Similar to route controls, AAU will provide a contact person for AAU shuttle stop concerns from the public, which will be clearly posted on AAU's website, and will keep a log of any complaints received, with resolutions to be made available to the City upon request.

As changes are made or flag stops established, make these changes available to the City.<sup>2</sup>

Provide direct contact for MTA of "two-way radio access" operator, i.e. the AAU Communications Center and Transportation Dispatcher, to resolve any day-to-day concerns from Muni drivers as they arise.

### **Shuttle Zones Addressed in the Draft EIR**

The Draft EIR included analysis of three AAU shuttle stop locations that were not covered in the 23 AAU site diagrams. Diagrams and site characteristic descriptions were included in the Draft EIR. These shuttle stop locations include:

1. Jones and Beach Street stop - The proposed project would use an existing 80-foot white zone located near 2700 Jones Street between North Point and Beach Streets as a shuttle stop for the shuttle routes serving this site.
2. 150 Hayes Street stop – The proposed project would use a portion of the existing garage as a shuttle stop for the shuttle routes serving this site.
3. 625 Polk Street stop - The proposed project would use an existing white zone located on Turk Street just west of Polk Street as a shuttle stop for the shuttle routes serving this site.

### **AAU Shuttle Management Plan**

**Condition of Approval (EIR Mitigation Measure M-TR-3.1): Shuttle Demand, Service Monitoring, and Capacity Utilization Performance Standard.** AAU shall develop, implement, and provide to the City a shuttle management plan to address meeting the peak hour shuttle demand needs of its growth. The shuttle management plan shall address the monitoring, analysis, and potential correction such that unmet shuttle demand would not impact the City's transit and transportation system. Analysis of shuttle bus demand and capacity utilization shall occur at least on an annual basis, or as needed to address shuttle demand. Specifically, analysis and adjustments shall be made on any AAU shuttle routes to reduce shuttle peak hour capacity utilization when the performance standard of 100 percent capacity utilization is regularly observed to be exceeded on any of the AAU shuttle routes. Additionally, the shuttle management plan shall address how shuttle demand at the six project sites<sup>3</sup> will be provided. As additional project sites are added the shuttle management plan would be adjusted to reflect up-to-date shuttle routes, stops and services, as well as a capacity utilization analysis, as needed to, indicate that the proposed demand for shuttle services could be met and avoid potential mode shifts to other travel modes. AAU shall report annually to the City on capacity utilization and alter its schedules and/or capacity, as necessary to avoid regular exceedances of the capacity utilization standard.

**Condition of Approval (EIR Improvement Measure I-TR-2): AAU Shuttle Activities Monitoring.** As a standard condition of approval, the project sponsor, AAU shall develop and monitor a shuttle bus operation program or group of policies, such as the AAU Shuttle Bus Policy, to ensure shuttle activities do not on a recurring basis substantially impede or interfere with traffic, adjacent land use, transit,

<sup>2</sup> The Planning Department is recommending the elimination of any existing or future Flag Stops as they lead to safety concerns.

<sup>3</sup> The six sites analyzed in the Draft EIR include 2801 Leavenworth Street, 700 Montgomery Street, 625 Polk Street, 150 Hayes Street, 121 Wisconsin, and 2225 Jerrold Street

pedestrians, commercial or passenger loading, and bicycles on the public right-of-way. Such a program shall at a minimum include:

- A dedicated contact person(s) for the shuttle bus operation program
- AAU will document changes to routes and make the documentation available to the City and to the public promptly on the AAU website
- Inclusion of policies or procedures and necessary driver education and penalties to insure that shuttles avoid neighborhood residential streets where feasible
- Inclusion of policies or procedures and necessary driver education and penalties to insure shuttles do not idle at stops when vehicles are not actively loading and unloading
- In the event that a white shuttle bus zone cannot be located or approved in front of an AAU building or an existing stop cannot accommodate additional shuttle traffic, AAU shall work with SFMTA and Planning Department to analyze and propose an alternate location (white zone, nearby property driveway or garage, etc.) to accommodate the AAU peak hour shuttle trips without affecting adjacent vehicle travel lanes
- Reporting and documentation procedures to address transportation-related complaints related to shuttle activity
- Policies requiring the management of the shuttle program to be consistent with SFMTA shuttle policies,<sup>4</sup> including no use of Muni or regional stops without approval of the affected transit agency
- Policies to regularly monitor and adjust (as needed) the AAU shuttle service provided, such that underutilized routes can be adjusted or removed as needed, and heavily used route service can be adjusted to add larger shuttles, provide more frequent service, or other adjustments that result in similar increased capacity

If the Planning Director or SFMTA Director, or his or her designee, have reason to believe that a shuttle activity is creating a recurring conflict (traffic, transit, pedestrian, bicycle, or loading) or safety concern on public property, the Planning Department or SFMTA shall notify AAU in writing. If warranted, the Department(s) may also require AAU to hire a qualified transportation consultant to evaluate the conditions at the site. The consultant shall evaluate the conditions for no less than seven days. The scope of data collection shall be coordinated and reviewed with the Planning Department and/or SFMTA prior to collection. The consultant shall prepare a report summarizing the observations and conditions, and the contribution of the shuttle activity to the concern. The consultant shall provide the Department a recommendation for resolution. If the Department determines that a recurring conflict or safety concern related to shuttle activities exists and could be improved upon, AAU shall have 90 days from the date of the written determination to resolve the matter as recommended or present an alternative solution.

**AAU Shuttle Bus Service Policy, Management Plan Monitoring, and Enforcement Fee:** To monitor compliance with the AAU Shuttle Bus Policy and Management Plan, AAU shall submit annual compliance reports to the Planning Department, as required by the AAU conditions of approvals, including Condition of Approval - AAU Shuttle Activities Monitoring and Condition of Approval - Shuttle Demand, Service, Monitoring, and Capacity Utilization Performance Standard. The annual monitoring fee shall be \$1,271 (or revised as reflected in a subsequently updated Planning Department fee

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<sup>4</sup> <https://www.sfmta.com/projects-planning/projects/commuter-shuttle-program-2016-2017>

schedule) for monitoring conditions of approval as the fee for active monitoring as set forth in Planning Code Sec. 351 (d) and Administrative Code 31.22(a)(12) (plus time and materials as set forth in *Planning Code* Section 350(c)). The fee shall fund the costs of administering and monitoring AAU's compliance with the AAU Shuttle Policy and Management Plan, including but not limited to, reporting on capacity utilization, changes to shuttle route schedules, and recorded complaints. The monitoring fee is an important element of the AAU Shuttle Policy and Management Plan to ensure shuttle activities do not substantially impede or interfere with traffic, adjacent land uses, transit, pedestrians, commercial or passenger loading, and bicycle on the public right-of-way. Violation of these Planning Department conditions of approval shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1 Non-compliance with these reporting requirements is subject to penalties according to Planning Code Section 176 (Enforcement Against Violations) of \$250 per day that can be assessed to the responsible party for each day of compliance continues unabated, excluding the period of time the Notice of Violation and Penalty has been pending before the Zoning Administrator.

### 3.4 Bicycle Parking

**Condition of Approval: Bicycle Parking.** To improve bicycle parking and conditions for bicyclists at future project sites, AAU shall add on- or off-street (or some combination thereof) bicycle parking facilities at project sites. Although additional bicycle parking may not be required under the Planning Code, AAU shall strive to reach the bicycle parking levels consistent with Planning Code and/or based on bicycle parking demand<sup>5</sup>, whichever is more, for such use categories as for student housing, offices, and postsecondary educational institutions, or consistent with other college campuses for similar types of use (such as classrooms, public areas/showrooms/event facilities, administrative office, student housing, and other student services). AAU can substitute the bicycle parking spaces by providing space or paying for a Bike Share hub in consultation with SFMTA. Bicycle parking should be placed in a safe, easily accessed location and in sufficient amounts to meet demand.

**Class I:** AAU shall design, locate and configure all bicycle parking spaces in compliance with Planning Code Section 155. Class I bicycle parking should be consistent with San Francisco Planning Department guidance, including being conveniently located and easily accessed from the ground floor (at grade level).

**Class II:** AAU shall design, locate and configure all bicycle parking spaces in compliance with Planning Code Section 155. Placement of Class II bicycle parking spaces on public sidewalks should be coordinated and reviewed by SFMTA.

### 3.5 Pedestrian Facilities

**Condition of Approval: Pedestrian Traffic.** Since pedestrian flows on adjacent sidewalks could be intermittently heavy, an improvement to monitor pedestrian volumes at future sites, particularly student volumes during the peak periods, is recommended. AAU should conduct peak semester, peak weekday, 7:30 a.m. to 7:30 p.m. observation/count of shuttle passengers waiting for shuttles to determine if adjacent pedestrian facilities are being blocked at certain times of the day. If pedestrian traffic is observed to be blocked during any of these periods, then AAU should implement measures such as having students

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<sup>5</sup> Bicycle Parking Demand = Daily bicycle trips/2/turnover rate

wait inside for shuttles (providing real-time information on shuttle arrivals, similar to NextBus), reminding students not to block adjacent sidewalks, providing a gathering area inside the building, and/or other measures to reduce this activity. Other measures could include wider sidewalks, pedestrian bulb outs, signalized pedestrian crossing, and adding benches to encourage passengers to wait closer to the building rather than at the curb. Measures outside the building would be subject to San Francisco Department of Public Works review and approval.

**Condition of Approval: Curb Cut Removal.** AAU should remove unnecessary curb cuts at existing and future sites, as determined by the Planning Department and SFMTA. Curb cut removal also improves pedestrian conditions, and potentially increases the amount of on-street parking and/or commercial parking adjacent to future AAU facilities.

### 3.6 Commercial and Construction Loading

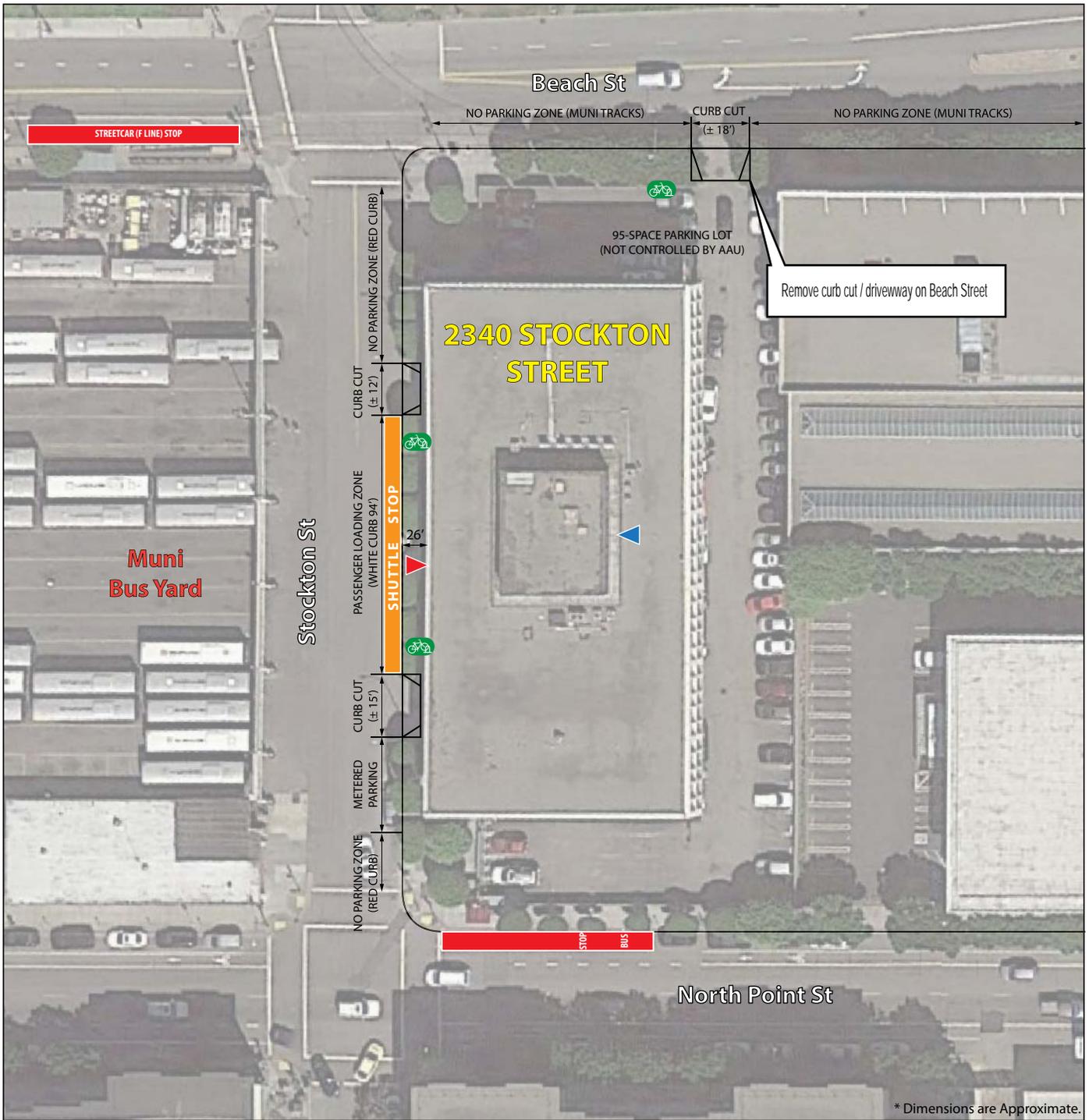
Although AAU is not a centralized campus, most deliveries, except food and some program or residential deliveries, are delivered to the centralized receiving area at the 79 New Montgomery main administrative building, and then distributed to the other buildings owned or operated by AAU. The 79 New Montgomery building has a loading dock along Jessie Street between Second Street and New Montgomery Street, and most deliveries occur at the loading dock or at other on-street loading zones (commercial or passenger) along New Montgomery Street. Based on information provided by AAU, there are approximately eight to nine daily deliveries to the 79 Montgomery Street location. Mailroom deliveries to AAU facilities occur twice daily, goods deliveries (e.g., paper, ink, computers) four to five times per day, and bulk printed materials once per semester. Food service deliveries are made to multiple existing AAU facilities, such as 620 Sutter Street and 1055 Pine Street, twice weekly.

**Condition of Approval (EIR Improvement Measure I-TR-5): Commercial Loading.** AAU would further improve conditions in study areas with high existing commercial loading demand, where AAU would monitor and efficiently manage their commercial loading activities over time and as needed, adjusting times of deliveries or applying for additional on-street commercial loading spaces from SFMTA. Since AAU has a centralized delivery system, commercial deliveries could be combined and managed to occur when higher amounts of on-street commercial loading spaces are available. This would improve potential AAU commercial loading activities in the study areas.

**Condition of Approval: Construction Loading.** Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would improve general traffic flow on adjacent streets during the AM and PM peak periods.

## 4. Recommended Conditions of Approval

The following figures include transportation-related recommended conditions of approval for AAU's institutional and residential existing sites. The AAU site figures provide recommendations for shuttle stop locations and bus lines, commercial loading passenger loading zones, bicycle parking location, and building pedestrian access. These recommendations will ensure safe and efficient access for all modes with a particular focus on promoting pedestrian, bicycle, and transit access to all AAU facilities and adjacent mix of uses, thereby reducing impacts on the transportation network.



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D (30 min), E (30 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">           Not to Scale       </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>32</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">9</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	32	Parking Demand:	9		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Remove curb cut/driveway on Beach Street and use curb cuts on Stockton Street for accessing leased parking lot</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	32														
Parking Demand:	9															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 1 - ES-1: 2340 STOCKTON ST (INSTITUTIONAL SITE)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

**SHUTTLE BUS SERVICE**  
 Shuttle Service Discontinued as of April 18, 2016  
 Nearest Stop at Beach St / Jones St



AAU Bicycle Parking Location

▲ Primary Pedestrian Access

▲ Secondary Pedestrian Access



Not to Scale

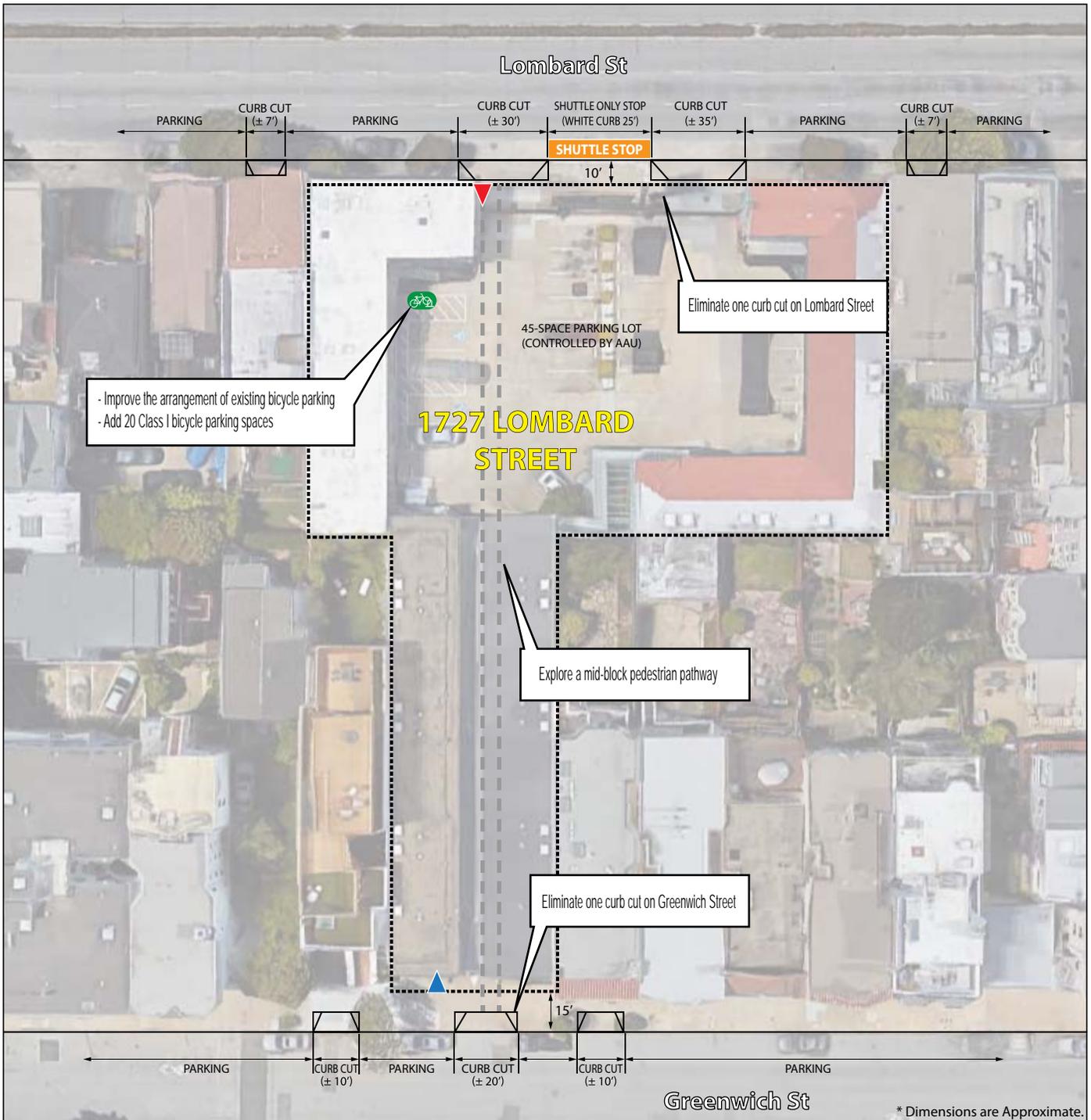
<b>BICYCLE PARKING</b>		
	Class I	Class II
Code Required:	0	0
Existing Supply:	0	14
Parking Demand:	4	
Recommended:	0	0

**RECOMMENDED CONDITIONS OF APPROVAL**

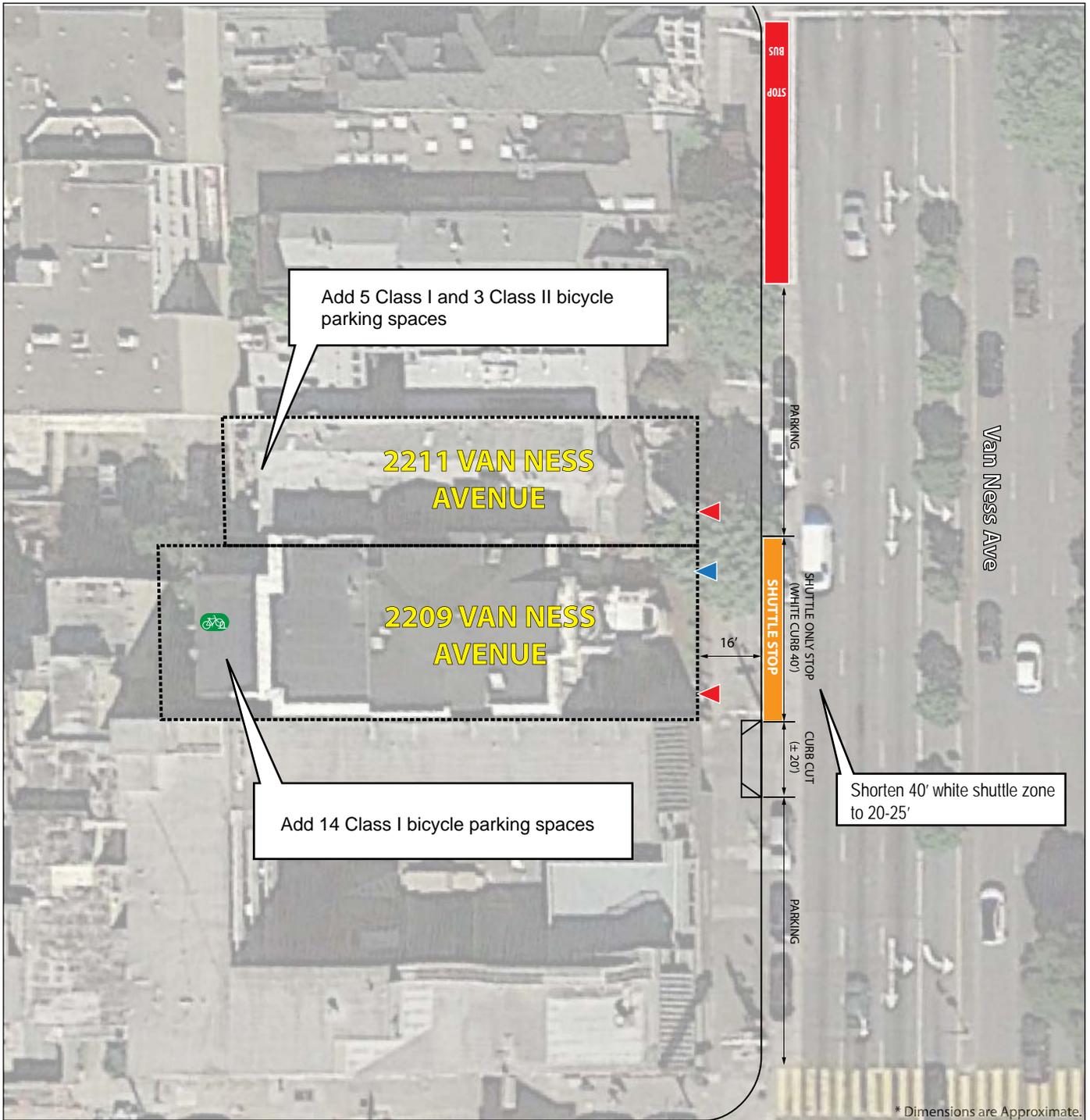
None

ACADEMY OF ART UNIVERSITY ESTM  
 SOURCE: CHS Consulting Group, 2016.

**FIGURE 2 - ES-2: 2295 TAYLOR ST (INSTITUTIONAL SITE)  
 RECOMMENDED CONDITIONS OF APPROVAL**

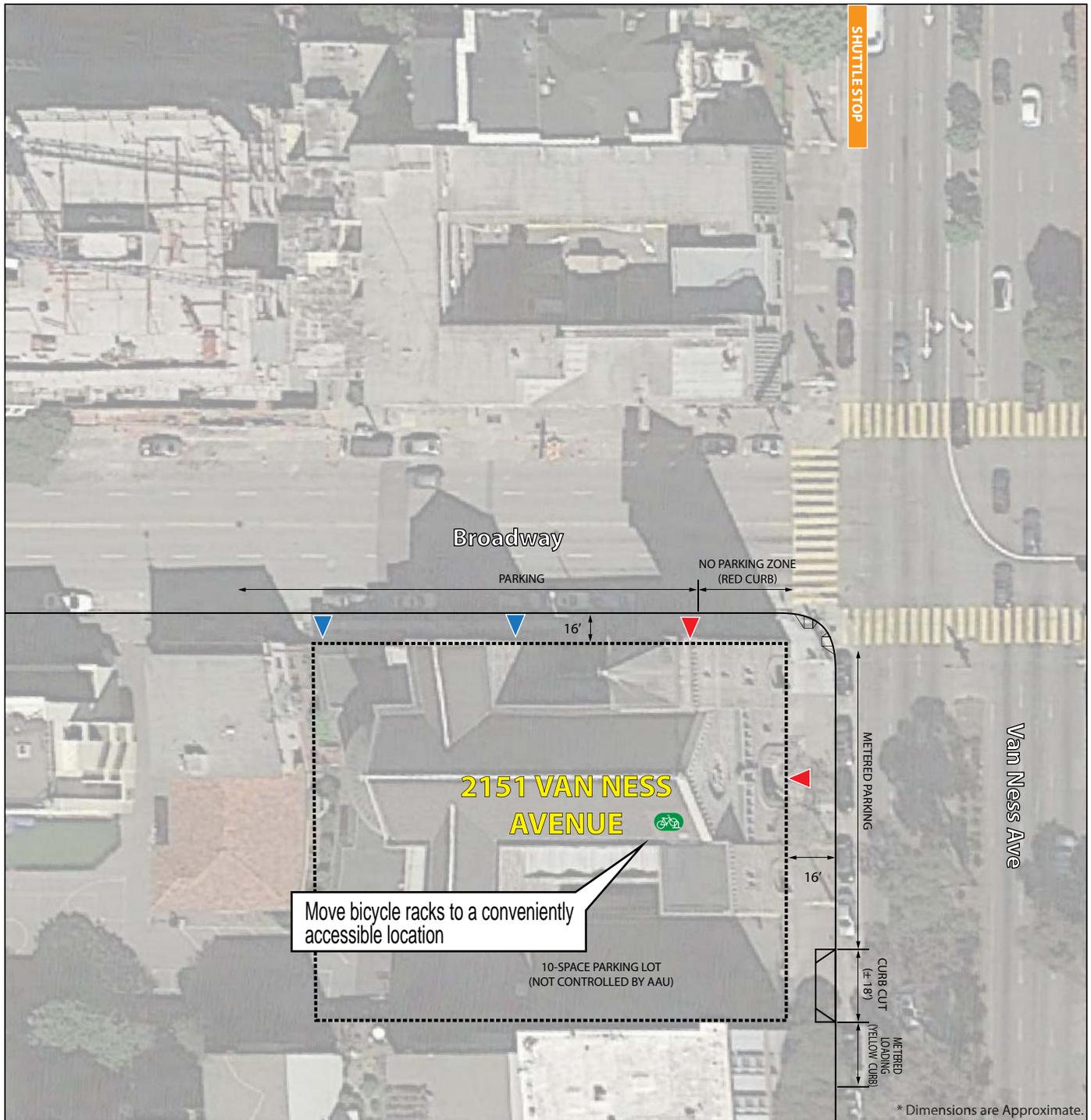


<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>20</td> <td>3</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>16</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">6</td> </tr> <tr> <td>Recommended:</td> <td>20</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	20	3	Existing Supply:	0	16	Parking Demand:	6		Recommended:	20	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Eliminate the existing curb cuts (one on Lombard St and one on Greenwich St) and replace with 2 parking spaces</p> <p>TR-3 Explore a mid-block location to replace the driveway extending through the site to Greenwich St</p> <p>TR-4 Improve the arrangement of bicycle parking and add 20 Class I bicycle parking spaces</p>
	Class I	Class II														
Code Required:	20	3														
Existing Supply:	0	16														
Parking Demand:	6															
Recommended:	20	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 3 - ES-3: 1727 LOMBARD ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															

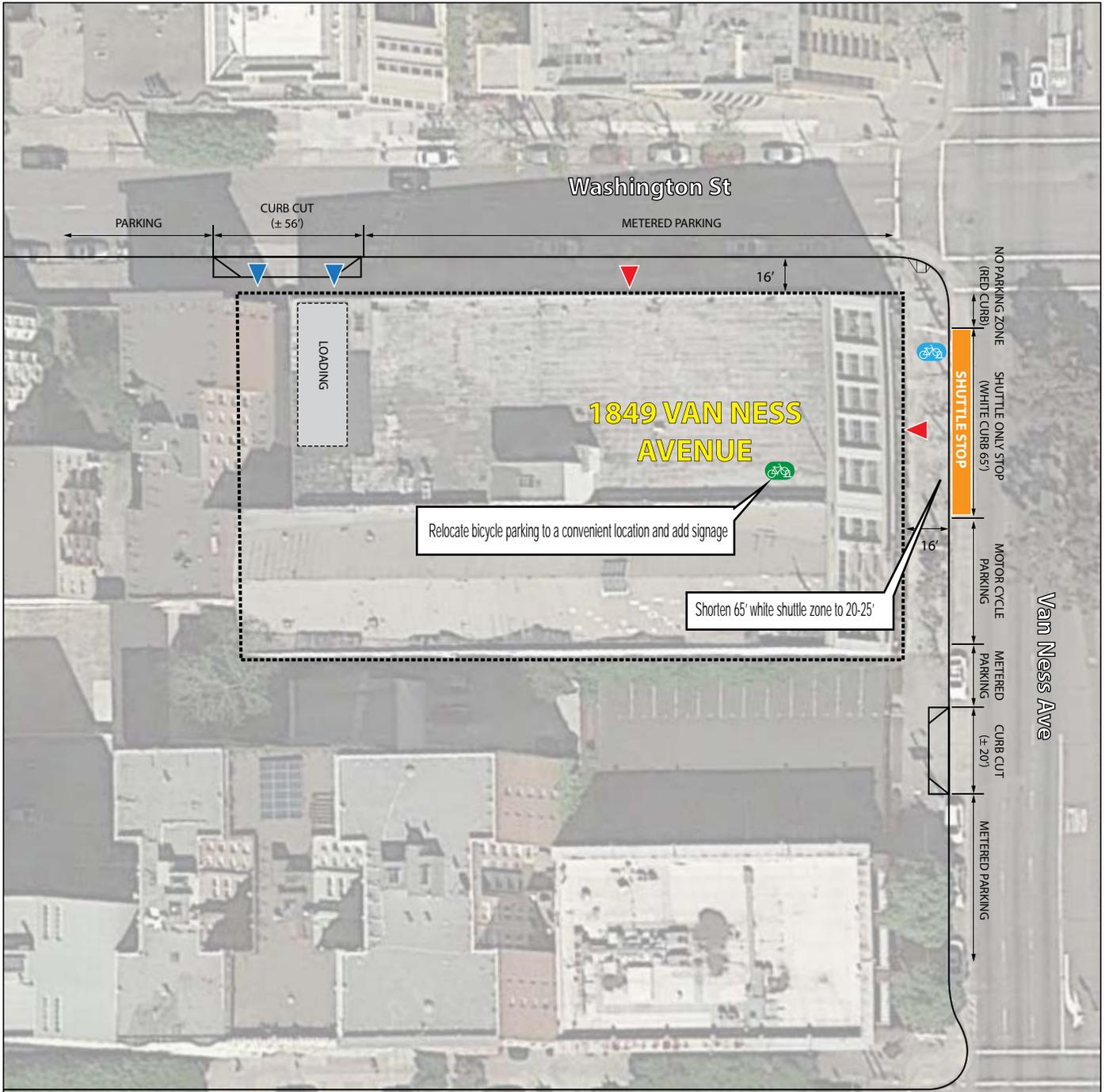


\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<p><b>BICYCLE PARKING (2211 VN/2209 VN)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">5 / 14</td> <td style="text-align: center;">3 / 3</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0 / 0</td> <td style="text-align: center;">0 / 9</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">3 / 3</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">5 / 14</td> <td style="text-align: center;">3 / 0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	5 / 14	3 / 3	Existing Supply:	0 / 0	0 / 9	Parking Demand:	3 / 3		Recommended:	5 / 14	3 / 0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p><b>2211 Van Ness Avenue</b>            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Add 5 Class I bicycle parking spaces            TR-3 Add 3 Class II bicycle parking spaces</p> <p><b>2209 Van Ness Avenue</b>            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Shorten 40' white shuttle zone to 20-25'            TR-3 Add 14 Class I bicycle parking spaces</p>
	Class I	Class II														
Code Required:	5 / 14	3 / 3														
Existing Supply:	0 / 0	0 / 9														
Parking Demand:	3 / 3															
Recommended:	5 / 14	3 / 0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 4 - ES-4 &amp; 5: 2211 &amp; 2209 VAN NESS AVE (RESIDENTIAL SITES) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>																		
<table border="1"> <thead> <tr> <th colspan="3">BICYCLE PARKING</th> </tr> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>TBD</td> <td>TBD</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>8</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">1</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	BICYCLE PARKING				Class I	Class II	Code Required:	TBD	TBD	Existing Supply:	0	8	Parking Demand:	1		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Move bicycle racks to a conveniently accessible location</p>
BICYCLE PARKING																			
	Class I	Class II																	
Code Required:	TBD	TBD																	
Existing Supply:	0	8																	
Parking Demand:	1																		
Recommended:	0	0																	
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 5 - ES-6: 2151 VAN NESS AVE (INSTITUTIONAL SITE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<ul style="list-style-type: none"> <li> AAU Bicycle Parking Location</li> <li> Public Bicycle Parking Location</li> <li> Shuttle Stop Location</li> </ul>	<ul style="list-style-type: none"> <li> Primary Pedestrian Access</li> <li> Secondary Pedestrian Access</li> </ul>	 Not to Scale															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">32</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">21</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	32	Parking Demand:	21		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Shorten 65' white shuttle zone to 20-25' and return to public parking or commercial loading spaces</p> <p>TR-3 Relocate bicycle parking to a more convenient location and add signage</p>		
	Class I	Class II																
Code Required:	0	0																
Existing Supply:	0	32																
Parking Demand:	21																	
Recommended:	0	0																
ACADEMY OF ART UNIVERSITY ESTM  SOURCE: CHS Consulting Group, 2016.		<p><b>FIGURE 6 - ES-8: 1849 VAN NESS AVE (INSTITUTIONAL SITE)</b>  <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																



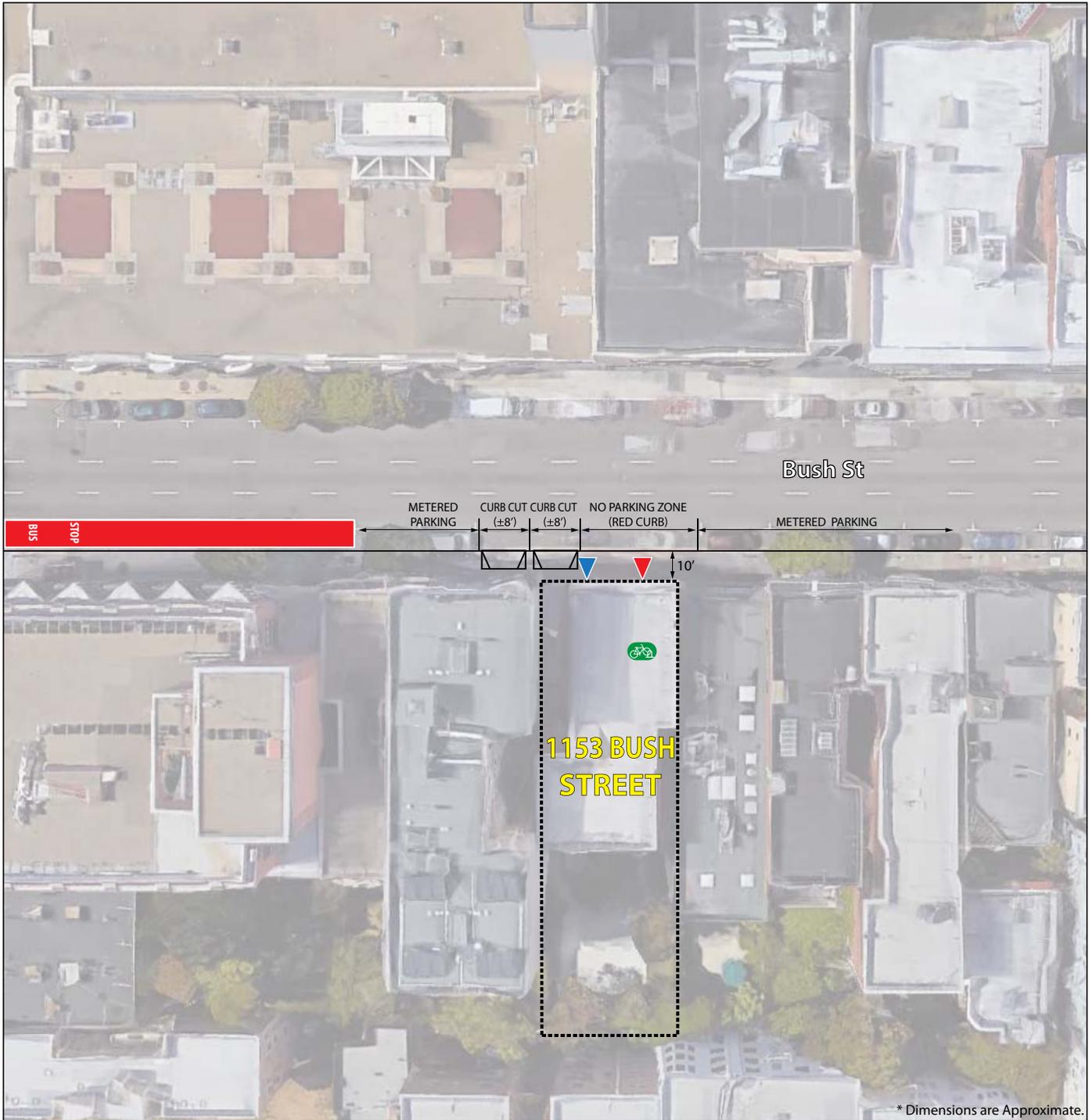
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> M (20 min)</p>	<p>  AAU Bicycle Parking Location      ▲ Primary Pedestrian Access   Shuttle Stop Location      ▲ Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>6</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">3</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	6	Parking Demand:	3		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Coordinate with SFMTA to create a white zone            TR-3 Rearrange bicycle parking to allow for sufficient clearance of parked bicycles</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	6														
Parking Demand:	3															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 7 - ES-9: 1916 OCTAVIA ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b>  D (30 min), E (30 min), Sutter Express (25 min)  Nearest Stop at 620 Sutter Street</p>	<p>▲ Primary Pedestrian Access</p> <div style="text-align: right;">   Not to Scale </div>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">0</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	0	Parking Demand:	0		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Remove unnecessary curb cuts along O'Farrell Street and Van Ness Avenue</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	0														
Parking Demand:	0															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 8 - ES-10: 950 VAN NESS AVE (VEHICLE STORAGE)  RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



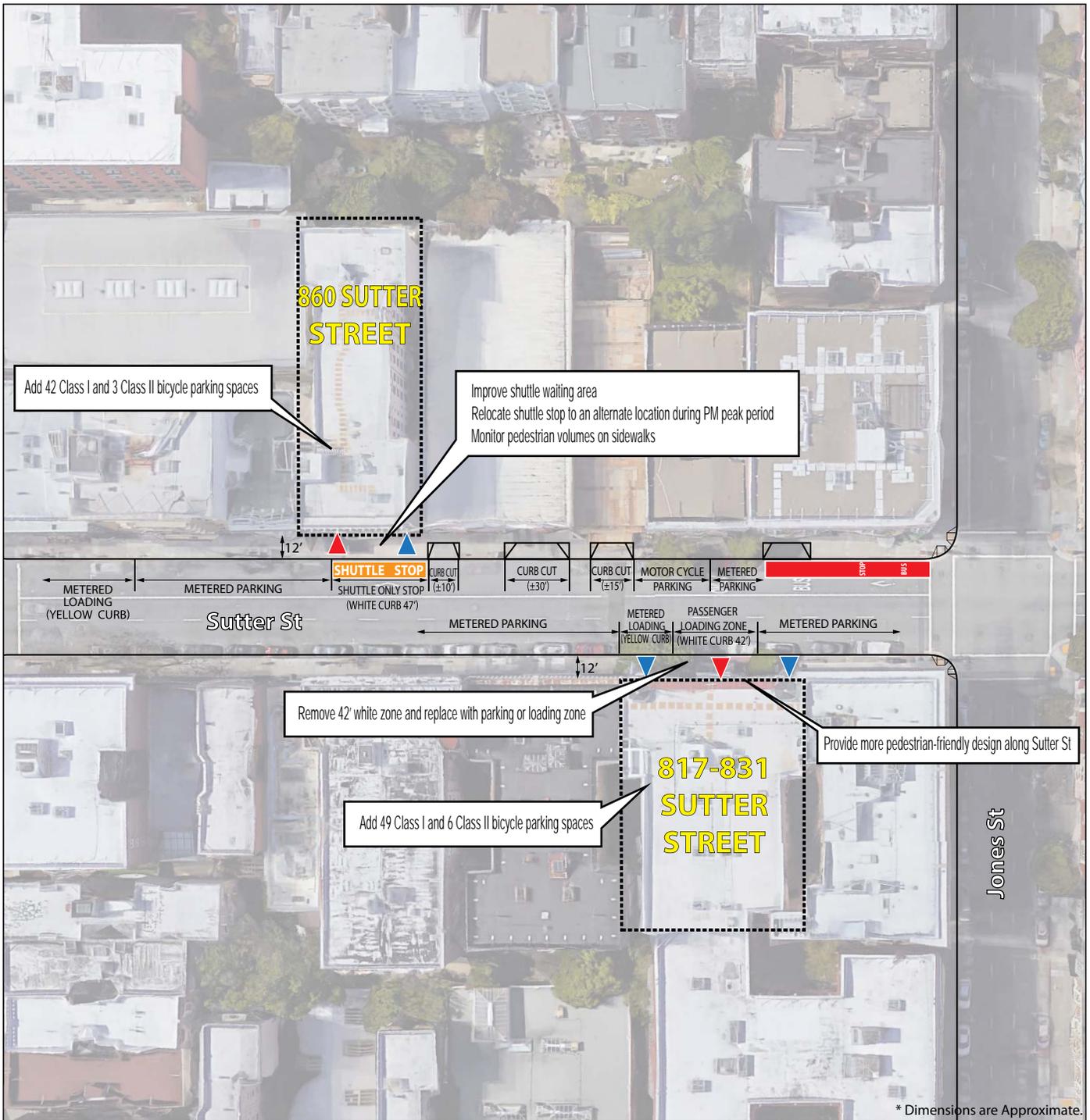
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min), Sutter Express (25 min) Nearest Stop at 860 Sutter Street</p>	<p> AAU Bicycle Parking Location       Primary Pedestrian Access  Secondary Pedestrian Access</p> <p> Not to Scale</p>																		
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BICYCLE PARKING																			
	Class I	Class II																	
Code Required:	0	0																	
Existing Supply:	0	8																	
Parking Demand:	3																		
Recommended:	0	0																	
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p align="center"><b>FIGURE 9 - ES-11: 1153 BUSH ST RECOMMENDED CONDITIONS OF APPROVAL</b></p>																		



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min) Nearest Stop at 860 Sutter Street</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">           Not to Scale       </p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">9</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">9</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	0	Parking Demand:	9		Recommended:	9	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Add 9 Class I bicycle parking spaces, unless work with SFMTA to provide 9 Class II bicycle parking spaces along Bush Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	0														
Parking Demand:	9															
Recommended:	9	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 10 - ES-12: 1080 BUSH ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



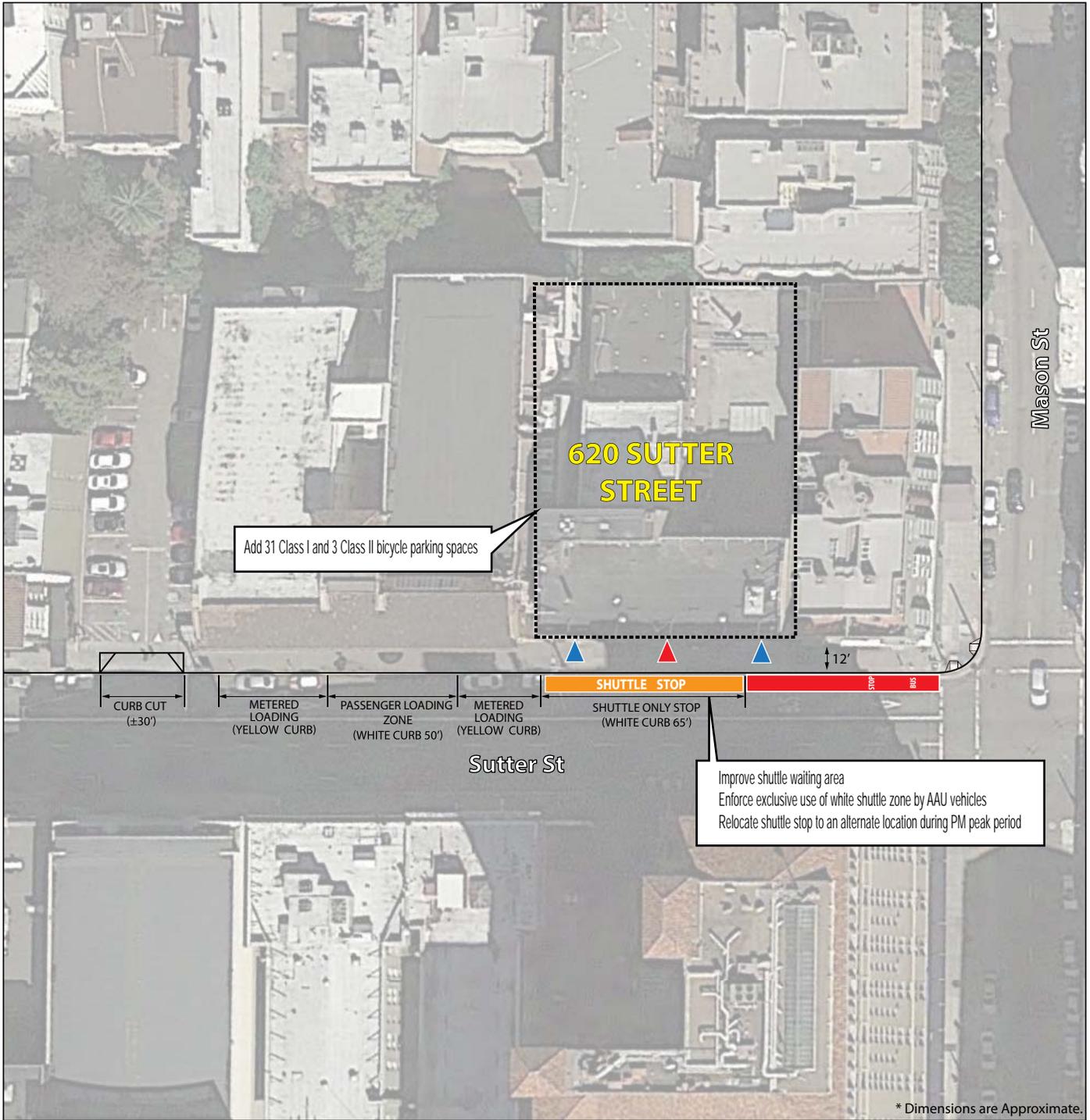
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p> <p style="text-align: right;"> Not to Scale</p>																													
<p><b>BICYCLE PARKING (860 / 817 Sutter)</b></p> <table border="1" data-bbox="155 1675 602 1885"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>42 / 49</td> <td>3 / 6</td> </tr> <tr> <td>Existing Supply:</td> <td>0 / 0</td> <td>0 / 0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">12 / 14</td> </tr> <tr> <td>Recommended:</td> <td>42 / 49</td> <td>3 / 6</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	42 / 49	3 / 6	Existing Supply:	0 / 0	0 / 0	Parking Demand:	12 / 14		Recommended:	42 / 49	3 / 6	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <table border="0" data-bbox="651 1675 1495 1908"> <tr> <td>860 Sutter Street</td> <td>817-831 Sutter Street</td> </tr> <tr> <td>TR-1 Assess, adjust and monitor shuttle bus capacity</td> <td>TR-1 Remove 42' white zone and replace with parking or loading zone</td> </tr> <tr> <td>TR-2 Improve shuttle waiting area and monitor pedestrian volumes</td> <td>TR-2 Provide more pedestrian-friendly design along Sutter Street</td> </tr> <tr> <td>TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak hour</td> <td>TR-3 Add 49 Class I bicycle parking spaces</td> </tr> <tr> <td>TR-4 Monitor shuttle frequency to avoid double parking</td> <td>TR-4 Add 6 Class II bicycle parking spaces</td> </tr> <tr> <td>TR-5 Add 42 Class I bicycle parking spaces</td> <td></td> </tr> <tr> <td>TR-6 Add 3 Class II bicycle parking spaces</td> <td></td> </tr> </table>		860 Sutter Street	817-831 Sutter Street	TR-1 Assess, adjust and monitor shuttle bus capacity	TR-1 Remove 42' white zone and replace with parking or loading zone	TR-2 Improve shuttle waiting area and monitor pedestrian volumes	TR-2 Provide more pedestrian-friendly design along Sutter Street	TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak hour	TR-3 Add 49 Class I bicycle parking spaces	TR-4 Monitor shuttle frequency to avoid double parking	TR-4 Add 6 Class II bicycle parking spaces	TR-5 Add 42 Class I bicycle parking spaces		TR-6 Add 3 Class II bicycle parking spaces	
	Class I	Class II																													
Code Required:	42 / 49	3 / 6																													
Existing Supply:	0 / 0	0 / 0																													
Parking Demand:	12 / 14																														
Recommended:	42 / 49	3 / 6																													
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<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 11 - ES-13 &amp; 14: 860 &amp; 817-831 SUTTER ST (RESIDENTIAL SITES)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>																														



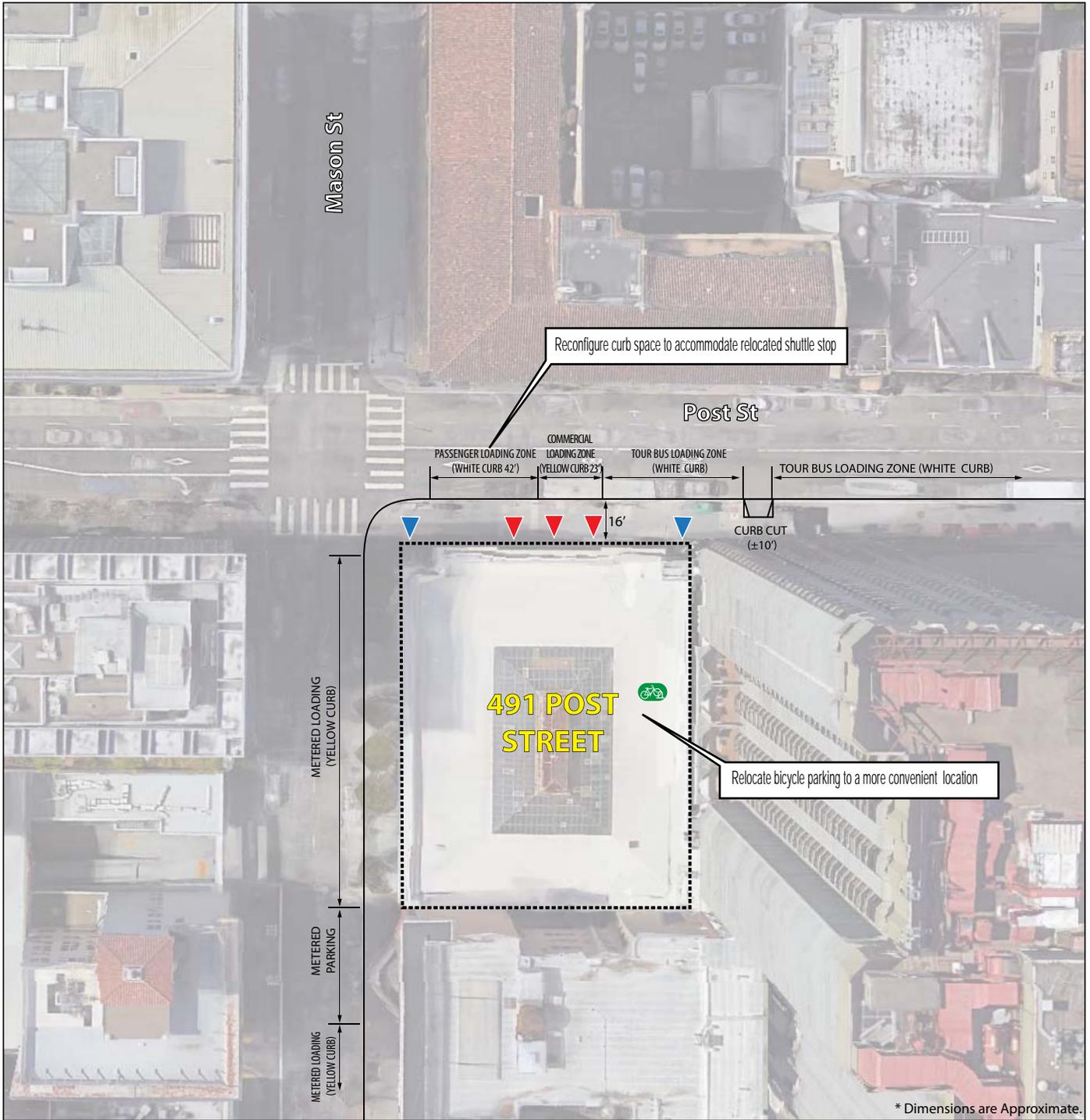
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> Sutter Express (25 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">           Not to Scale       </p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0 / 0</td> <td style="text-align: center;">0 / 0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0 / 0</td> <td style="text-align: center;">0 / 8</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">0 / 12</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">0 / 4</td> <td style="text-align: center;">0 / 0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0 / 0	0 / 0	Existing Supply:	0 / 0	0 / 8	Parking Demand:	0 / 12		Recommended:	0 / 4	0 / 0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>1069 Pine Street TR-1 Allow commercial deliveries to use the driveway and parking areas</p> <p>1055 Pine Street TR-1 Add 4 Class I bicycle parking spaces, unless work with SFMTA to provide 4 Class II bicycle parking spaces along Pine Street TR-2 Allow commercial deliveries to use the driveway and parking areas</p>
	Class I	Class II														
Code Required:	0 / 0	0 / 0														
Existing Supply:	0 / 0	0 / 8														
Parking Demand:	0 / 12															
Recommended:	0 / 4	0 / 0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 12 - ES-16 &amp; 17: 1069 (RECREATIONAL SITE) &amp; 1055 PINE ST (RESIDENTIAL SITE)</b> <b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



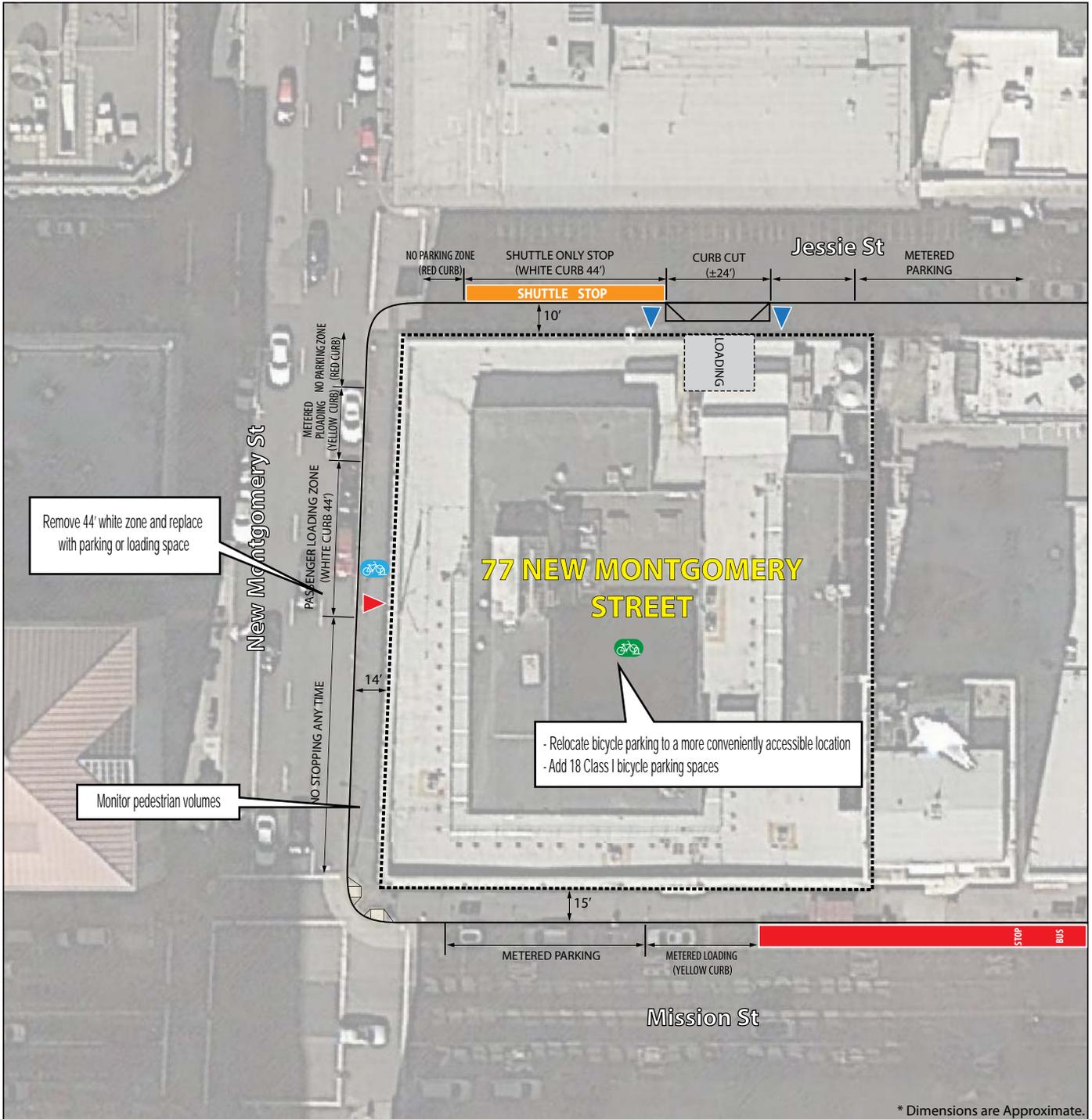
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min)</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p>	<p> Not to Scale</p>																		
<table border="1"> <thead> <tr> <th colspan="3">BICYCLE PARKING</th> </tr> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>31</td> <td>3</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">9</td> </tr> <tr> <td>Recommended:</td> <td>31</td> <td>3</td> </tr> </tbody> </table>	BICYCLE PARKING				Class I	Class II	Code Required:	31	3	Existing Supply:	0	0	Parking Demand:	9		Recommended:	31	3	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity TR-2 Monitor on-time performance of shuttles to avoid double parking TR-3 Relocate shuttle stop to 491 Post St or an alternate location during PM peak period TR-4 Enforce exclusive use of white shuttle zone by AAU vehicles TR-5 Improve shuttle waiting area TR-6 Add 31 Class I bicycle parking spaces TR-7 Add 3 Class II bicycle parking spaces</p>		
BICYCLE PARKING																					
	Class I	Class II																			
Code Required:	31	3																			
Existing Supply:	0	0																			
Parking Demand:	9																				
Recommended:	31	3																			
<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>		<p><b>FIGURE 13 - ES-20: 620 SUTTER ST (RESIDENTIAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>																			



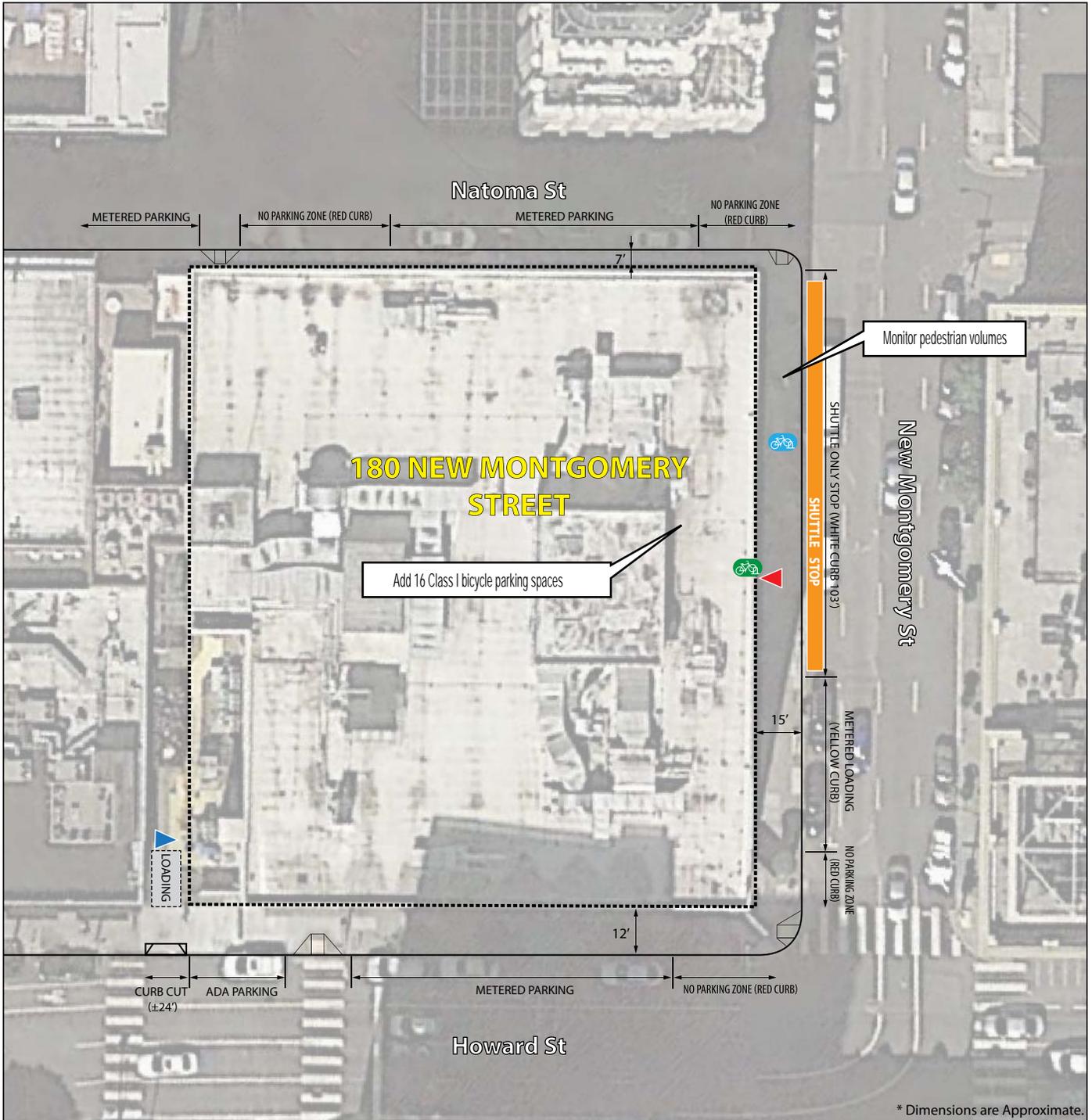
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I, M (20 min); Sutter Express (25 min) Nearest Stop at 620 Sutter Street</p>	<p> AAU Bicycle Parking Location  Shuttle Stop Location</p>	<p> Primary Pedestrian Access  Secondary Pedestrian Access</p>	<p> Not to Scale</p>															
<p><b>BICYCLE PARKING</b></p> <table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>20</td> </tr> <tr> <td>Parking Demand:</td> <td>7</td> <td></td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	20	Parking Demand:	7		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Relocate bicycle parking spaces to a more convenient location and add signage TR-2 Reconfigure curb space to accommodate relocated shuttle stop location</p>		
	Class I	Class II																
Code Required:	0	0																
Existing Supply:	0	20																
Parking Demand:	7																	
Recommended:	0	0																
<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 14 - ES-23: 491 POST ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>																	



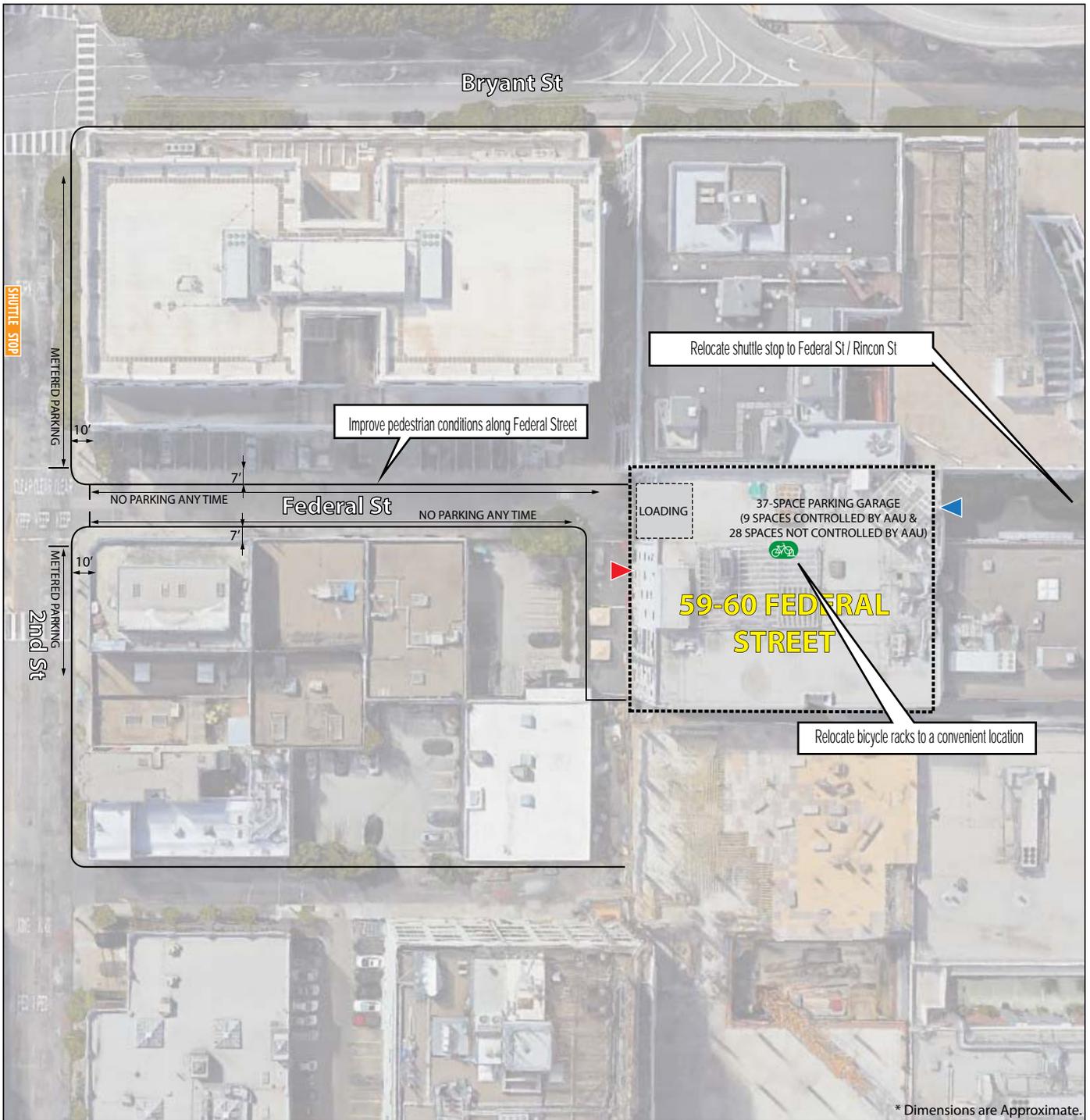
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min), Hayes Express (30 min)</p>	<table border="0"> <tr> <td></td> <td>AAU Bicycle Parking Location</td> <td></td> <td>Primary Pedestrian Access</td> </tr> <tr> <td></td> <td>Public Bicycle Parking Location</td> <td></td> <td>Secondary Pedestrian Access</td> </tr> <tr> <td></td> <td>Shuttle Stop Location</td> <td></td> <td></td> </tr> </table> <div style="text-align: right;">               Not to Scale         </div>		AAU Bicycle Parking Location		Primary Pedestrian Access		Public Bicycle Parking Location		Secondary Pedestrian Access		Shuttle Stop Location					
	AAU Bicycle Parking Location		Primary Pedestrian Access													
	Public Bicycle Parking Location		Secondary Pedestrian Access													
	Shuttle Stop Location															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>16</td> </tr> <tr> <td>Parking Demand:</td> <td>34</td> <td></td> </tr> <tr> <td>Recommended:</td> <td>18</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	16	Parking Demand:	34		Recommended:	18	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity              TR-2 Remove 44' white zone and replace with parking or commercial loading zone              TR-3 Monitor pedestrian volumes on sidewalks              TR-4 Relocate bicycle parking to a more convenient location and add signage              TR-5 Add 18 Class I bicycle parking spaces, unless work with SFMTA to provide 18 Class II bicycle parking spaces along New Montgomery Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	16														
Parking Demand:	34															
Recommended:	18	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 15 - ES-27: 77 NEW MONTGOMERY ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



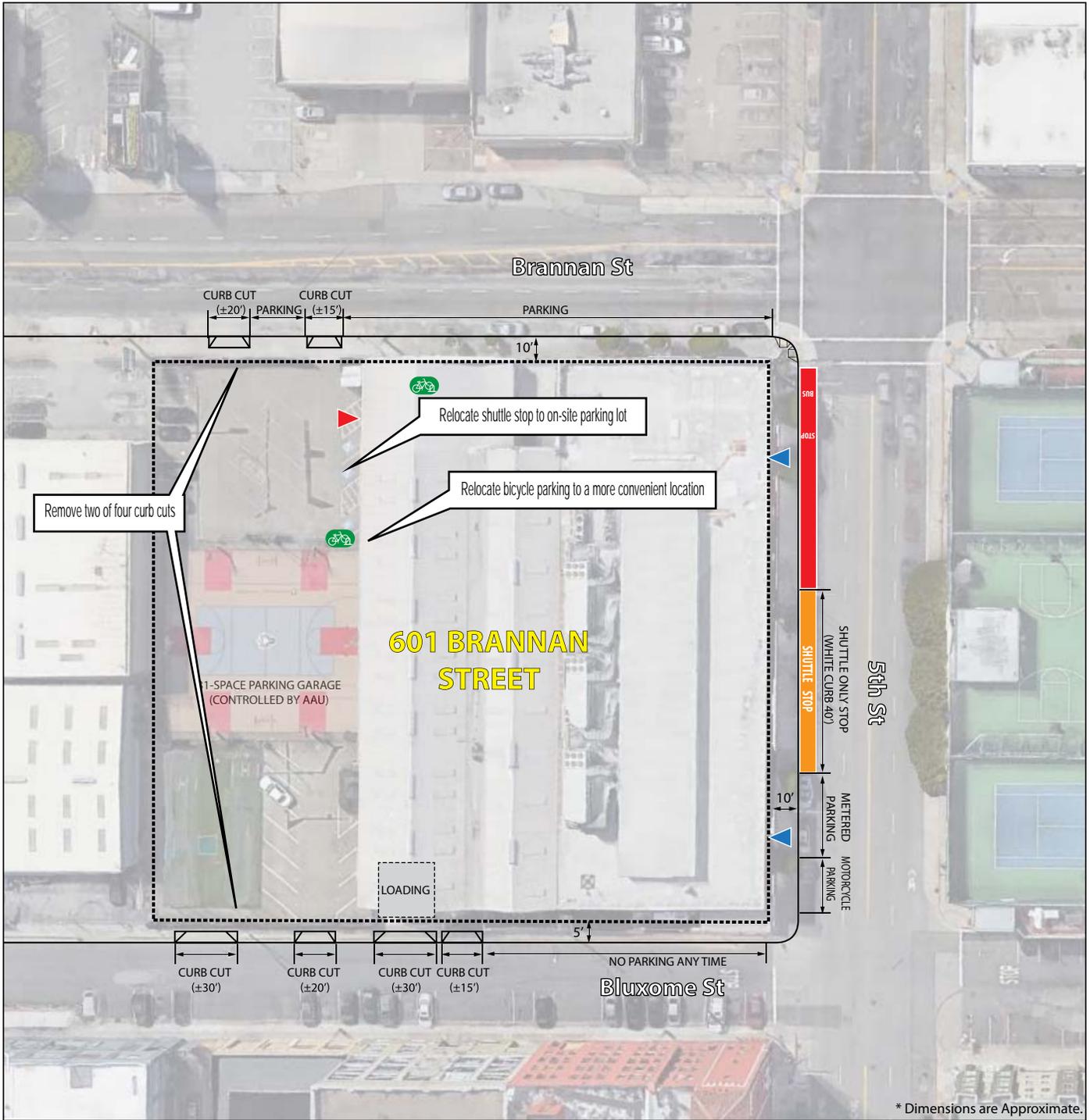
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> D, E, G (30 min); H, I (20 min)</p>	<ul style="list-style-type: none"> <li> AAU Bicycle Parking Location</li> <li> Public Bicycle Parking Location</li> <li> Shuttle Stop Location</li> <li> Primary Pedestrian Access</li> <li> Secondary Pedestrian Access</li> </ul> <div style="text-align: right;">               Not to Scale         </div>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Class I</th> <th style="text-align: center;">Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Existing Supply:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">28</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2" style="text-align: center;">44</td> </tr> <tr> <td>Recommended:</td> <td style="text-align: center;">16</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	28	Parking Demand:	44		Recommended:	16	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity              TR-2 Monitor pedestrian volumes on sidewalks              TR-3 Add 16 Class I bicycle parking spaces, unless work with SFMTA to provide 18 Class II bicycle parking spaces along New Montgomery Street</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	28														
Parking Demand:	44															
Recommended:	16	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p align="center"><b>FIGURE 16 - ES-28: 180 NEW MONTGOMERY ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



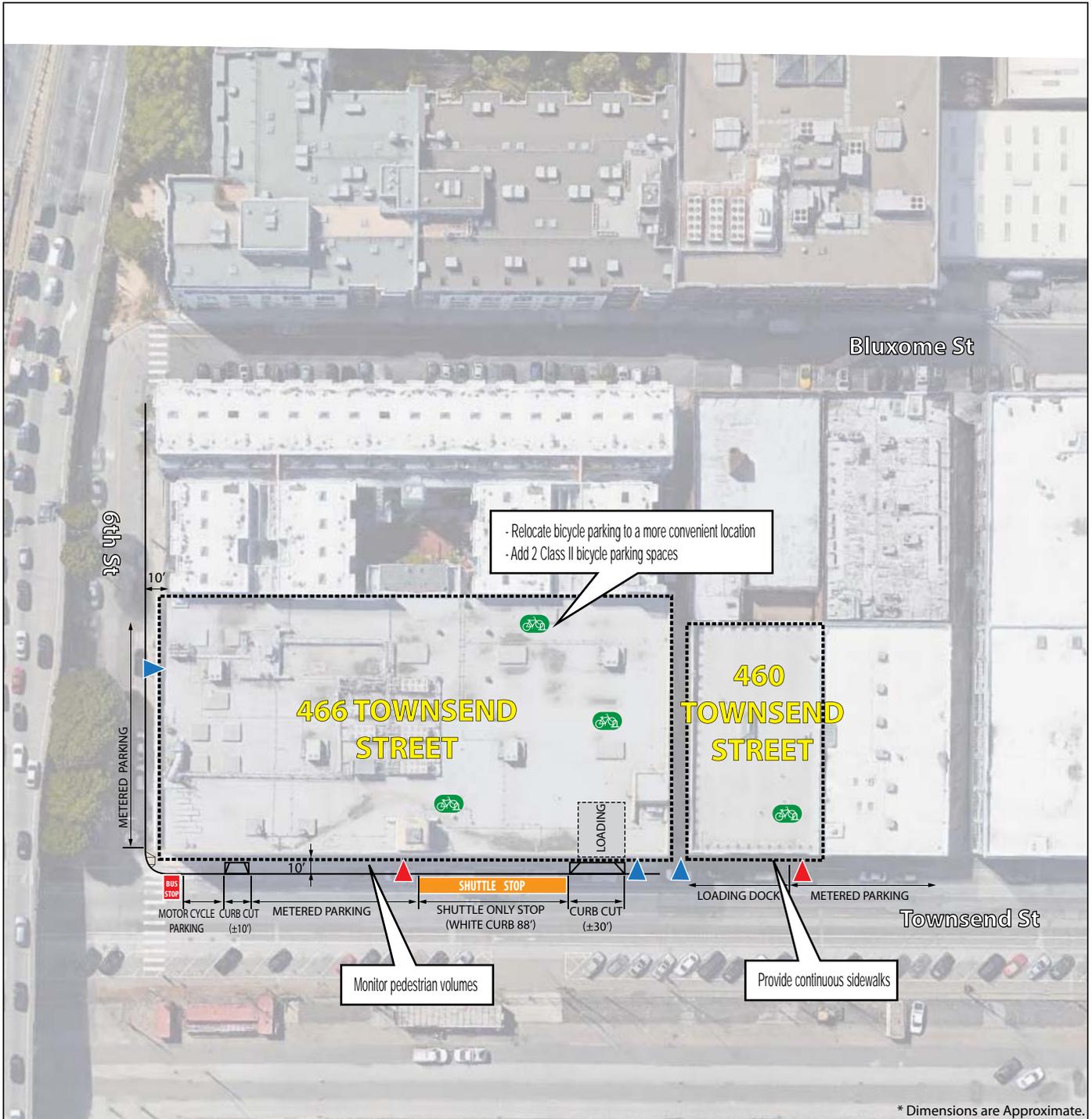
\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access   Not to Scale         </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>36</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">19</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	36	Parking Demand:	19		Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Relocate shuttle stop to the intersection of Federal St / Rincon St            TR-3 Improve pedestrian conditions along Federal Street            TR-4 Relocate bicycle parking to a more convenient location and add signage</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	36														
Parking Demand:	19															
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 17 - ES-30: 58-60 FEDERAL ST (INSTITUTIONAL SITE) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b></p> <p>G (30 min); H, I (20 min)</p>	<p> AAU Bicycle Parking Location</p> <p> Shuttle Stop Location</p> <p> Primary Pedestrian Access</p> <p> Secondary Pedestrian Access</p> <p> Not to Scale</p>															
<p><b>BICYCLE PARKING</b></p> <table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Existing Supply:</td> <td>0</td> <td>60</td> </tr> <tr> <td>Parking Demand:</td> <td></td> <td>15</td> </tr> <tr> <td>Recommended:</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0	0	Existing Supply:	0	60	Parking Demand:		15	Recommended:	0	0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>TR-1 Assess, adjust and monitor shuttle bus capacity</p> <p>TR-2 Remove two of four driveway curb cuts</p> <p>TR-3 Relocate bicycle parking to a more convenient location and add signage</p> <p>TR-4 Move shuttle stop to on-site parking lot</p>
	Class I	Class II														
Code Required:	0	0														
Existing Supply:	0	60														
Parking Demand:		15														
Recommended:	0	0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p><b>FIGURE 18 - ES-31: 601 BRANNAN ST (INSTITUTIONAL SITE)</b></p> <p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p>															



\* Dimensions are Approximate.

<p><b>SHUTTLE BUS SERVICE (PM Headway)</b> G (30 min); H, I (20 min)</p>	<p>  AAU Bicycle Parking Location   Shuttle Stop Location   Primary Pedestrian Access   Secondary Pedestrian Access         </p> <p style="text-align: right;">             Not to Scale         </p>															
<table border="1"> <thead> <tr> <th></th> <th>Class I</th> <th>Class II</th> </tr> </thead> <tbody> <tr> <td>Code Required:</td> <td>0 / 0</td> <td>0 / 0</td> </tr> <tr> <td>Existing Supply:</td> <td>0 / 0</td> <td>5 / 20</td> </tr> <tr> <td>Parking Demand:</td> <td colspan="2">4 / 22</td> </tr> <tr> <td>Recommended:</td> <td>0 / 2</td> <td>0 / 0</td> </tr> </tbody> </table>		Class I	Class II	Code Required:	0 / 0	0 / 0	Existing Supply:	0 / 0	5 / 20	Parking Demand:	4 / 22		Recommended:	0 / 2	0 / 0	<p><b>RECOMMENDED CONDITIONS OF APPROVAL</b></p> <p>460 Townsend Street            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Provide a continuous sidewalk along the frontage of 460 Townsend Street</p> <p>466 Townsend Street            TR-1 Assess, adjust and monitor shuttle bus capacity            TR-2 Monitor pedestrian volumes on sidewalks            TR-3 Relocate bicycle parking to a more convenient location            TR-4 Add 2 Class I bicycle parking spaces, unless work with SFMTA to provide 2 Class II bicycle parking spaces along Townsend Street</p>
	Class I	Class II														
Code Required:	0 / 0	0 / 0														
Existing Supply:	0 / 0	5 / 20														
Parking Demand:	4 / 22															
Recommended:	0 / 2	0 / 0														
<p>ACADEMY OF ART UNIVERSITY ESTM</p> <p>SOURCE: CHS Consulting Group, 2016.</p>	<p style="text-align: center;"><b>FIGURE 19 - ES-33 &amp; 34: 460 &amp; 466 TOWNSEND ST (INSTITUTIONAL SITES) RECOMMENDED CONDITIONS OF APPROVAL</b></p>															

**9 L < = 6 ≠ H B.**

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NOTICE OF VIOLATION

**NOTICE OF VIOLATION**  
of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION  
1660 Mission St., San Francisco, CA 94103 - 2414

ADDRESS: 2211 VAN NESS  
OCCUPANCY / USE: R-3  
CONST. TYPE: 5  
DATE: 7/9/10  
BLOCK: 0570 LOT: 005  
STORIES: 2 BASEMENT: 1

**VIOLATION DESCRIPTION:**  
WORK WITHOUT PERMIT (SFBC 103A); EXPIRED PERMIT (SFBC 106A.4.4); UNSAFE BUILDING (SFBC 102A);  
A SITE INSPECTION PERFORMED AT 2211 VAN NESS ON 07/09/10. REASON: 1) THREE KITCHENS ON SECOND FLOOR. 2) ON GROUND FLOOR AREA DESIGNATED AS DINING ROOM ON PARALLELLY APPROVED PLANS (COMMERCIAL). 3) NEW SUB-DIVISION INTO SLEEPING AREA VIOLATE CODE COMPLIANCE WITH VENTILATION REQUIREMENTS.

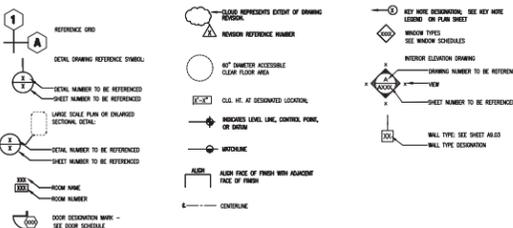
**CORRECTIVE ACTION:**  
STOP ALL WORK SFBC 104A.2.4  
FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.  
OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.  
CORRECT VIOLATIONS WITHIN 30 DAYS. NO PERMIT REQUIRED.  
YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 7/9/10. THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.  
FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

INVESTIGATION FEE OR OTHER FEE WILL APPLY. See reverse side for further explanation.  
APPROX. DATE OF WORK W/O PERMIT: 7/9/10. VALUE OF WORK PERFORMED WITHOUT PERMITS: \$0.  
BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH.	Phase
>	Greater Than	F.D.	Fire Alarm	PL	Plate
<	Less Than	FD.	Foundation	P.LAM	Plastic Laminate
~	Channel	F.E.	Fire Extinguisher	PLAS	Plaster
	Property Line	F.E.C.	Fire Extinguisher Cab.	PLYWD.	Plywood
∠	Angle	F.H.C.	Fire Hose Cabinet	PCP.	Portland Cement Plaster
⊥	Perpendicular	FL.	Finish	PT.	Point or Point
○	Centerline	FLOR.	Fluorescent	PTCLBD.	Particle Board
⊙	Diameter	F.O.C.	Face of Concrete	PTD.	Painted
⊖	At	F.O.F.	Face of Finish	PTF.	Pressure Treated Douglas Fir
⊕	Pound or Number	F.P.	Face of Stud	PTN	Partition
⊗	Coating	FRF.	Firesoft	RAD.	Radi
⊘	New	F.S.	Full Size	R.C.P.	Reflected Ceiling Plan
(R)	Remove	FT.	Foot or Feet	R.D.	Roof Drain
AG.	Along	FTL.	Foot of Foot	REF.	Reference
A.C.B.	Acoustical Board	FUT.	Future	REFR.	Refrigerator
A.C.P.	Acoustical Panel	G.A.	Gauge	REIN.	Reinforced
ACUS.	Acoustical	GALV.	Galvanized	RES.	Resilient
A.C.T.	Acoustical Tile	G.L.	Grid Line	RESIL.	Resilient
A.D.	Area Drain	G.O.	Grab Bar	R.O.	Rough Opening
ADJ.	Adjustable	G.S.	Ground	R.W.	Room
A.F.	Access Flooring	GND.	Ground	R.O.	Rough Opening
AGGR.	Aggregate	GYP.	Gypsum	RWD.	Redwood
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	R.W.L.	Rain Water Leader
APPROX.	Approximate	H.S.	Hole Slop	REFL.	Reflected
ARCL.	Architectural	H.C.	Hollow Core	REF.	Refer To
ASPH.	Asphalt	HDCP.	Handicapped	REV.	Reversed
A.F.F.	Above Finished Floor	HWID.	Hardwood	S.	South
B.D.	Board	H.M.	Hollow Metal	S.C.	See Detail Drawings
BITUM.	Bituminous	HORIZ.	Horizontal	S.C.D.	Solid Core
B.P.	Baking Plate	H.P.	High Point	SCHED.	Schedule
BLDG.	Building	HOUR.	Hour	SECT.	Section
BM.	Beam	HGT./HT.	Height	SHR.	Shower
BTM./B.O.	Bottom/Bottom of	I.D.	Inside Diameter (Dim)	SHR.	Shower
CAB.	Cabinet	I.E.	Invert elevation	SHR.	Shower
C.B.	Cold Basin	INF.	Information	S.I.	Score Joint
CEM.	Cement	INSUL.	Insulation	S.L.D.	See Landscaping Drawing
CER.	Ceramic	INT.	Interior	S.M.	Sheet Metal
C.G.	Corner Guard	INT.	Interior	S.M.D.	See Mechanical Drawings
C.I.	Cast Iron	JAN.	Janitor	SPEC.	Specification
C.J.	Control Joint	J.B.	Junction Box	S.S.	See Structural Drawings
C.L.	Ceiling	J.O.H.	Jamb Opening Height	S.S.T.	Stainless Steel
CLG.	Coaling	J.W.	Jamb Width	STD.	Standard
CLD.	Clad	JT.	Joint	STL.	Steel
C.M.U.	Concrete Masonry Unit	KIT.	Kitchen	STOR.	Storage
C.O.	Cased Opening	LAM.	Laminate	STR.	Structural
COL.	Column	LAV.	Lavatory	S.T.S.	Self Tapping Screw
CONC.	Concrete	L.F.P.	Low Point	SUSP.	Suspended
CONF.	Conference	LT.	Light	SYM.	Symmetrical
CONN.	Connection	MAX.	Maximum	TRD.	Tread
CONSTR.	Construction	M.C.	Medium Density Fiber Board	T.B.	Toel Bar
CONT.	Continuous	M.D.F.	Medium Density Fiber Board	T.C.	Top of Curb
CORR.	Corridor	M.D.O.	Medium Density Overlay	TEL.	Telephone
CPT.	Carpet	MECH.	Mechanical	T&G	Tongue and Groove
CSK.	Countersunk	MEMB.	Membrane	THK.	Thick
CNTR.	Counter	MEMB.	Membrane	T.P.	Top of Pavement
C.T.	Ceramic Tile	MTL.	Metal	T.V.	Television
CTR.	Center	MFR.	Manufacturer	T.W.	Top of Wall
DEL.	Double	MIN.	Minimum	TPP.	Typical
DEPT.	Department	MIR.	Mirror	UNF.	Unless Otherwise Noted
D.F.	Detail	MISC.	Miscellaneous	U.O.N.	Unless Otherwise Noted
DET.	Detail	M.O.	Masonry Opening	VERT.	Vertical
DL.	Diameter	M.P.	Midpoint	VEST.	Vestibule
DM.	Dimension	M.S.	Machine Screw	V.F.	Verify in Field
DEP.	Depress	MTD.	Mounted	V.I.R.	Vent through Roof
DN.	Down	MTL.	Metal	W.	West
DR.	Door	N.	North	W/	With
DWR.	Downspout	N.A.	Not Applicable	W.C.	Water Closet
D.S.P.	Dry Standpipe	N.C.	Not in Contract	WD.	Wood
DWG.	Drawing	NOM.	Nominal	W/O	Window Opening
E.	Each	N.T.S.	Not to Scale	W/O	Without
E.A.	Expansion Joint	OBS.	Obscure	WP.	Waterproof
E.I.	Elevation	O.C.	On Center	W.S.	Wood Screw
ELEC.	Electrical	O.C.D.	Overhead Ceiling Door	WT.	Weight
ELEV.	Elevator	O.C.G.	Overhead Ceiling Grille		
EMER.	Emergency	O.F.C.I.	Owner Furnished, Contractor Installed		
ENCL.	Enclosure	O.F.D.	Overflow Drain		
EQ.	Equal	OFF.	Office		
EXP.	Exposed	O.F.D.	Office		
EXP.	Expansion	O.F.D.	Office		
EXT.	Exterior	OPNG.	Opening		
		OPP.	Opposite		

ARCHITECTURAL SYMBOLS



GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO WORK BEGINNING. CLARIFICATIONS SHALL BY THE ARCHITECT SHALL BE MADE PRIOR TO COMMENCING WORK.
- THE CONTRACTOR SHALL PROVIDE ADEQUATE BARRICADES AND PROTECTIVE DEVICES TO SEPARATE CONSTRUCTION AREAS FROM PUBLIC ACCESS.
- THE CONTRACTOR SHALL PROVIDE AN APPROPRIATE NUMBER OF FIRE EXTINGUISHERS WITH A RATING OF NOT LESS THAN -4A:60BC DURING CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND SIZE OF THE OPENINGS FOR ALL TRADES AND SHALL COORDINATE ALL CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE PATCHING, CUTTING AND FINISHING NECESSARY TO RESTORE ALL EXISTING PORTIONS OF THE BUILDING TO ITS ORIGINAL CON THAT WAS DAMAGED DURING CONSTRUCTION.
- ANY FLOOR OPENINGS REQUIRED FOR PIPES, DUCTS ETC. SHALL BE SEALED WITH FOR AIR FILTRATION
- ALL DIMENSIONS ARE TO FINISH FACE OF NEW MATERIALS AND TO FINISHED FACE OF EXISTING WALLS, U. O. N.
- ABBREVIATIONS USED IN PLANS ARE THOSE IN COMMON USE.
- NECESSARY PERMITS SHALL BE ACQUIRED AND APPLICABLE FEES PAID BEFORE ANY WORK SHALL BEGIN.
- AT ANY TIME DURING CONSTRUCTION WHEN EXISTING ELEMENTS OF THE BUILDING BECOME EXPOSED THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE EXPOSED STRUCTURE FROM WEATHER.

VICINITY MAP



PROJECT DESCRIPTION

RESPONSE TO NOV 201056926 DATED 7/9/10. OBTAIN PERMIT FOR:  
CONSTRUCTION OF INTERIOR PARTITIONS AT FIRST FLOOR DINING AREA.  
CONSTRUCTION OF KITCHEN AT SECOND FLOOR UNIT 202.

BUILDING INFORMATION

PROJECT NAME/ADDRESS: 2211 VAN NESS AVE, SAN FRANCISCO, CA 94109  
ASSESSOR PARCEL NUMBER: 0570 BLOCK / 005 LOT  
PROPERTY USE: MIXED USE - COMMERCIAL & RESIDENTIAL  
ZONING DESIGNATION: RC-3: RESIDENTIAL COMMERCIAL, COMBINED MEDIUM DENSITY  
EXISTING USE AND CLASSIFICATION: B / R-2  
CONSTRUCTION TYPE: V-N  
SPRINKLERED: SPRINKLERED (NO CHANGE)  
BUILDING HEIGHT: 36'-0"  
EWBZGW: 2  
PROPOSED USE AND CLASSIFICATION: B / R-2  
CONSTRUCTION TYPE: V-N (NO CHANGE)  
SPRINKLERED: SPRINKLERED (NO CHANGE)  
BUILDING HEIGHT: 36'-0" (NO CHANGE)  
EWBZGW: 2 (NO CHANGE)  
LOT SIZE: 3,690 SF (30' x 123')  
GROSS BUILDING AREA: 5,320 SF  
FIRST FLOOR AREA: 2,675 SF  
SECOND FLOOR AREA: 2,645 SF

SHEET INDEX

General	Title Sheet
GO.01	DISABLED ACCESS CHECKLIST AND TYPICAL DETAILS
GO.02	HARDSHIP REQUEST & DISABLED ACCESS 20X RULE FORMS
GO.03	
Architectural	Building Plans and Interior Photos
A1.00	EGRESS AND ACCESSIBILITY PLANS
A2.00	BUILDING PLANS AND INTERIOR PHOTOS

APPLICABLE CODES

- APPLICABLE BUILDING CODES:  
1. 2007 CALIFORNIA BUILDING CODE  
2. 2007 CALIFORNIA FIRE CODE  
3. 2007 CALIFORNIA PLUMBING CODE  
4. 2007 CALIFORNIA ELECTRICAL CODE  
5. 2007 CALIFORNIA MECHANICAL CODE  
6. OTHER FEDERAL, STATE AND LOCAL AMENDMENTS TO THESE CODES

TOM ELIOT FISCH

201 Post Street, 7th Floor  
San Francisco CA 94108  
tel 415 3917982  
fax 415 3917300  
www.tomeliotfish.com

ANSEL ADAMS APARTMENTS  
GROUP HOUSING IN RC-3 DISTRICT

221 VAN NESS STREET  
SAN FRANCISCO, CA 94109  
ACADEMY OF ART UNIVERSITY

21025.00

Owner: Academy of Art University  
79 New Montgomery Street  
San Francisco, CA 94105  
bus. 415 618-6880  
fax 415 618-6254  
Paul Corea / Project Manager to the President

Architect: Tom Eliot Fish  
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bus. 415 333-8080  
fax 415 333-8990  
Tony Sanchez-Correa

Contractor: Hathaway Dinwiddie  
276 Battery Street, Suite 300  
San Francisco, CA 94111-3330  
bus. 415 923271  
fax 415 9955069  
Lester Mabee

FOR INFORMATION ONLY NOT FOR CONSTRUCTION

Job #	21049.00	Print Date	08/31/2010
Drawn By	GO.03	Approved By	
Scale		Notes	
Rev.	Date	Description	
1	8/31/10	PERMIT	

TITLE SHEET

G.01

D.A. CHECKLIST (p. 2 of 2):

Check all applicable boxes and specify where on the drawings the details are shown:

Note:	Existing Fully Complying	Upgrade to Full Complying	Partial Upgrade / Hardship	Equivalent Facilitation / Hardship	Hardship	None Existing & not required by Code	Access Appeals Commission	Barrier Removal / NOV	Location of detail(s) - include detail number & drawing sheet (do not leave this part blank!) Also clarification comments can be written here.
1. One accessible entrance serving the area of remodel. Note: This should be a primary entrance. Additional upgrade may be required if it is not.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A2.00 - Floor Plans See G0.02 Typical Accessibility Details.
2. An accessible route to the area of remodel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.00 - Floor Plans & Existing Interior Ramp Enlarged Plan & Detail
2a. path of travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2a) G0.02 for Typical Accessibility Details.
2b. ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2B) G0.03 for Exterior Ramp, A2.00 for Interior Ramp
2c. elevator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2a) G0.02 for Typical Accessibility Details
2d. stairs (if no elevator)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2f. other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. At least one accessible restroom for each sex serving area of remodel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A2.00 for restroom plans and photos. G0.02 for Typical Accessibility Details.
4. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
5. Accessible drinking fountains (hi-low)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
6. Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G0.02 for Typical Accessibility Details.
7. Visual Alarms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G0.02 for Typical Accessibility Details.
8. Others:									
Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Path from Parking Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Shower	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DISABLED ACCESS CHECKLIST

D.A. CHECKLIST (p. 1 of 2):

The address of the project is : 2211 Van Ness Avenue

For All tenant improvement projects in commercial use spaces, this checklist is required to be reproduced on the plan set and signed.

- The proposed use of the project is **Commercial & Residential** (e.g. Retail, Office, Restaurant, etc.)
- Describe the area of remodel, including which floor:  
**Floor 1 construct new interior partitions (Commercial Use)**  
**Floor 2 construct new kitchen (Residential Use)**
- The construction cost of this project excluding disabled access upgrades is \$5000.00 which is (check one)  more than /  less than the Accessibility Threshold amount of \$119,958.65 based on the "2008 ENR Construction Cost Index" (The cost index & threshold are updated annually).
- Is this a City project and/or does it receive public funding?  
Check one:  Yes /  No Note: If Yes, then see Step 3 on the instructions page for additional forms required.

Conditions below must be fully documented by accompanying drawings

- Read A through G below carefully and check the most applicable box (one box only):

A: All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required.?

B: All existing conditions serving the area of remodel that do not fully comply with access requirements will be fully upgraded with this project.?

C: Proposed project (check one)  is less than the threshold /  is over the threshold & falls under CBC 1134B.2.1 Ex. 2 : Partial upgrades, including Equivalent Facilitation will be provided up to 20% of the project value as itemized on Form C. Priority of upgrades are to be considered in the order listed on p. 2 of the D.A. Checklist. Fill out Hardship request form(s) for non-complying items, including for Equivalent Facilitation items. Checking box C means there are still non-complying items serving the area of remodel.

D: Access features will either fully comply or be provided with Code defined Equivalent Facilitation. Submit an Unreasonable Hardship Request (UHR) for the Equivalent Facilitation items.

E: Hardship appeal to be filed with Access Appeals Commission (AAC). Note: Plan check of items not under AAC consideration will continue while resolution of AAC decision is sought.

F: Consisting only of Barrier Removal, Notice of Accessibility Violation (NOV) Compliance or Exempted Work; Fill out Form F.

G: Minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previous approved permit application here:  
Description of revision:

**T O M  
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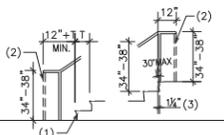
Architect  
Tom Eliot Fish  
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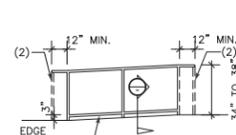
Contractor  
Hathaway Dinwiddie  
276 Battery Street, Suite 300  
San Francisco, CA 94111-3300  
bus. 415 9623271  
fax 415 9655669  
Loren Niles

NOTES:

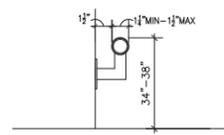
- PROVIDE 2" WIDE SOLID CONTRAST STRIPING @ TOP & BOTTOM TREADS OF INTERIOR STAIRS; AND @ ALL TREADS OF EXTERIOR STAIRS.
- HANDRAIL TO RETURN TO WALL, TYP. U.O.N. HANDRAIL RETURNS TO GROUND WHEN IT EXTENDS INTO PATH OF TRAVEL.
- FOR ALTERNATE NOSING CONFIGURATIONS SEE CBC FIGURE 11B-35



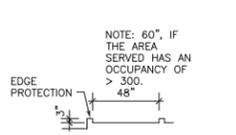
STAIR AND HANDRAILS



RAMP AND HANDRAIL



HANDRAIL SECTION



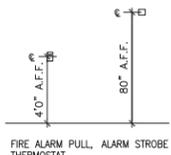
RAMP SECTION

10 STAIR, RAMPS AND HANDRAILS

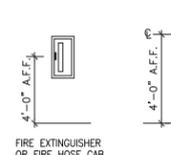
N.T.S.

NOTES:

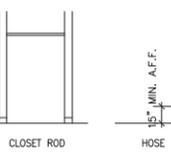
- LOAD REQ'D TO OPEN DOORS:  
- INTERIOR DOORS 5 LBS. MAX.  
- EXTERIOR DOORS 8.5 LBS. MAX.  
- RATED DOORS 15 LBS. MAX.
- HAND-ACTIVATED DOOR OPENING HARDWARE SHALL BE CENTERED BETWEEN 30" AND 44" ABOVE THE FLOOR. HARDWARE REQUIRED FOR ACCESSIBLE DOOR PASSAGE SHALL BE MOUNTED NO HIGHER THAN 48" A.F.F. CBC 3304.(c)1; ADAAG 4.13.9.
- GLAZED DOORS BOTTOM RAIL TO HAVE SMOOTH, UNINTERRUPTED, SMOOTH SURFACE.



FIRE ALARM PULL, ALARM STROBE THERMOSTAT



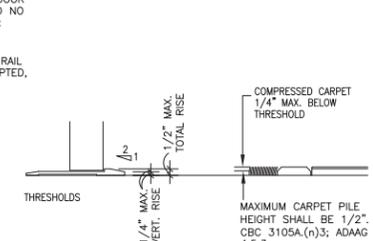
FIRE EXTINGUISHER OR FIRE HOSE CAB



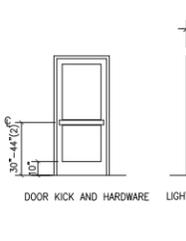
CLOSET ROD



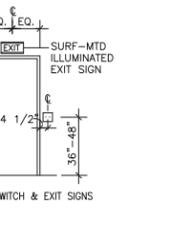
HOSE BIBB



THRESHOLDS



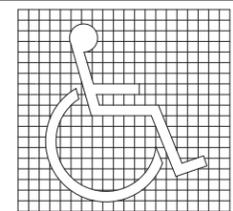
DOOR KICK AND HARDWARE



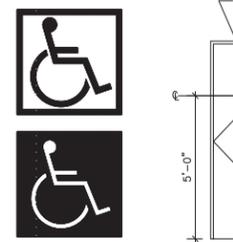
LIGHT SWITCH & EXIT SIGNS

9 DOORS, OUTLETS, SWITCHES AND SIGNS

N.T.S.



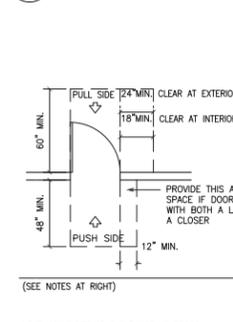
PROPORTIONS



TOILET ROOM SIGN LOCATION

6 SIGNAGE, IDENTIFICATION + INTERNATIONAL SYMBOLS OF ACCESSIBILITY

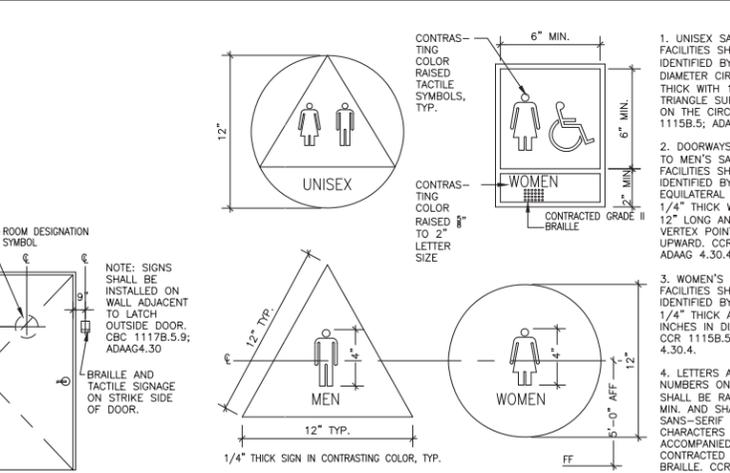
N.T.S.



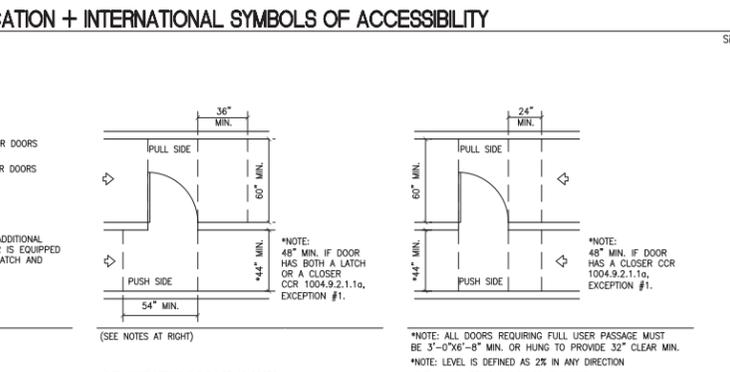
DOOR CLEARANCES

5 DOOR CLEARANCES

N.T.S.



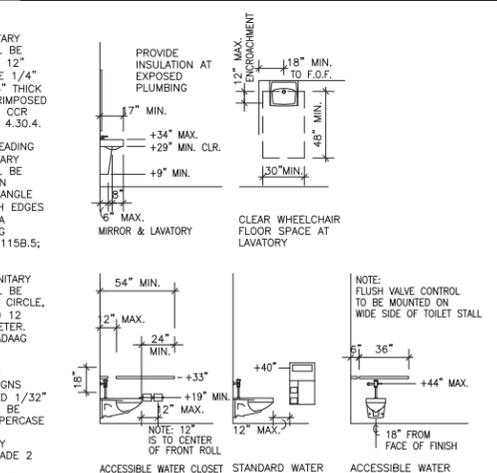
UNISEX, WOMEN'S, MEN'S SANITARY FACILITIES



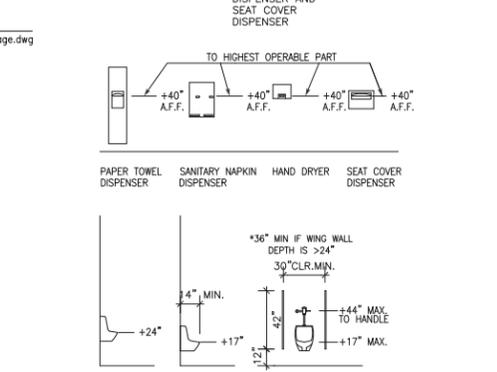
LEVEL MANEUVERING CLEARANCE AT DOORS

5 DOOR CLEARANCES

N.T.S.



TOILET ACCESSORIES



TOILET ACCESSORIES

1 TOILET ACCESSORIES

N.T.S.

FOR INFORMATION ONLY NOT FOR CONSTRUCTION

Job #	21049.00	Print Date	08/31/2010
Drawn By		Approved By	
Scale		Issue	<input type="checkbox"/> Revision
Min. Date		Description	
	8/31/10	PERMIT	

DISABLED ACCESS CHECKLIST AND TYPICAL DETAILS

G0.02

All drawings and written material appearing herein constitute original and uncalculated work of the Architect and may not be duplicated, used or disclosed without consent of Architect.

**DISABLED ACCESS 20% RULE**  
SEC 3112A(a)2 EX2

This form is only required when box "C" is checked off on the DA Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with DA Checklist and the Unreasonable Hardship Request form(s) on the plans.

Based on CBC 1134B.2.1, Exception 1, only projects with a construction cost less than the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule, where the project must provide disabled access upgrades up to 20% of the cost of construction in the required priority as listed on p. 2 of the DA Checklist. In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 1134.2.1 Exception 2 for a possible exception).

CBC 1134B.2.1 Exception 2 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 1, even if the value of the project exceeds the valuation threshold in Exception 1. Refer to the Code for the types of buildings & facilities that qualifies for the 20% disproportionality provisions when project valuation is over the threshold.

	CONTRACTOR'S ESTIMATED COST	DBI REVISED COST
A). COST OF CONSTRUCTION (Excluding accessibility upgrade)	\$ 10,000	\$
B). 20% COST OF CONSTRUCTION	\$ 2,000	\$
C). 20% UPGRADE EXPENDITURES (Detailed cost of construction)		
1.) New stair rails at exterior entry	\$ 1,500	\$
2.) Updates to guardrails at exterior	\$ 600	\$
3.) Updates at toilet rooms	\$ 200	\$
4.)	\$	\$
Total Upgrade Expenditures Greater or Equal to line (B.)	\$ 2,300	\$

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF BUILDING INSPECTION



GAVIN NEWSOM, MAYOR  
VIVIAN L. DAY, C.B.O., DIRECTOR

**UNREASONABLE HARDSHIP REQUEST**  
For Exceptions to Disabled Access Regulations, Title 24

1. Site Address: 2211 Van Ness Ave 2. Floor: 2  
 3. Permit Application No.: \_\_\_\_\_ 4. Hardship Request No.: \_\_\_\_\_  
 5. Existing Use: Commercial + Residential 6. Proposed Use: Commercial + Residential  
 7. Existing Occupancy: B/R-2 8. Proposed Occupancy: B/R-2  
 9. Description of proposed work which triggers access compliance upgrades:  
Construction of new partitions on first floor of building.

CBC 1103B.1 - Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified or enhanced by Chapter 11B. Occupancy requirements in this chapter may modify general requirements, but never to the exclusion of them. When a building or facility contains more than one use, the occupancy specific accessibility provisions for each portion of the building or facility shall apply.

We request that this project be granted an exception from the following specified requirements of Title 24 Part 2 of the California Code of Regulations because compliance would create an unreasonable hardship as defined in Section 202 of Title 24.

10. A. The access feature(s) that will not be provided is (are):  
 Primary Accessible Entrance  Other: \_\_\_\_\_  
 Path of Travel (includes path from parking)  Sanitary Facilities  Parking  
 B. The code section(s) that requires (require) the specific accessible feature(s) is (are):  
1133B.5 Ramps

11. Detailed description of the accessible feature(s) that will not be provided. What is the condition now? Note location on the plans or provide attachments if necessary.  
Access through the exterior site to the entry doors of the building exceeds allowable slope requirements for ramps. See sheet A2.00 for existing ramp information.

12. Total cost of the project excluding this (these) accessible feature(s) \$10,000  
 13. A. Cost of the accessible feature(s), which will not be provided: \$25,000  
 B. Percentage of total cost shown on Line 12 (divide line 13 by line 12): 250 %

14. Choose either "A" or "B":  
 A.  Equivalent facilitation is provided according to Code Section(s): \_\_\_\_\_  
 Description of equivalent facilitation & why full compliance cannot be achieved: \_\_\_\_\_

Hardship Form 2010

1 of 2

UNREASONABLE HARDSHIP REQUEST - Site Address: 2211 Van Ness Ave

B.  Equivalent facilitation is not provided because of the following:  
 Cost constraints  Physical constraints  Legal constraints  Other constraints \_\_\_\_\_  
 Description of constraint (Unreasonable Hardship). Provide attachments as needed.  
Construction of a new access ramp would require demolition of a large portion of the existing building front exterior, construction of retaining walls, and construction of a new switch-back ramp. 2 Options shown to demonstrate constraints.

Note: Ratification by the Access Appeals Commission is generally required for Unreasonable Hardship Requests when the work is valued over the threshold amount based on the ENR Construction Cost Index for the year 2010, \$128,410.86, and no equivalent facilitation is provided. Refer to the California Code of Regulations, Title 24 part 2, Section 109.1, Section 202 and Section 1134B.

16. Applicant's Name (Print): Doug Tom, Architect, Tom Eliot Fisch  
 Owner  Tenant  Agent

Applicant's Signature: \_\_\_\_\_  
 17. Applicant's Address: 201 Post Street, 7th floor, San Francisco, CA 94108

FOR THE DEPARTMENT OF BUILDING INSPECTION STAFF USE ONLY  
 This exception for unreasonable hardship is:  
 GRANTED FOR THIS PERMIT ONLY  DENIED\*  REQUIRES AAC RATIFICATION\*  
 Based on Section(s) \_\_\_\_\_ of the San Francisco Building Code, 2007 Edition  
 Plans reviewed by (print name): \_\_\_\_\_  
 Signature of the Plans Examiner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Denied for the following reason(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \*Signature of the Group Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_  
 (needed only when Denied or requires AAC Ratification)

If your Unreasonable Hardship Request is to be denied, the plans examiner shall inform you of the reasons for denying that request. In addition, the plans examiner's group supervisor shall provide you with a second opinion regarding the denial.

To file an appeal with the Access Appeals Commission (AAC), please pay a filing fee of \$374.00 and submit a document package consisting of eight individually bound notebooks. Please refer to the Access Appeals Commission Information Guide, available at the Customer Services desk, for more complete information. These appeal copies will be distributed by the Secretary of the AAC to each of the Commissioners. One copy is kept on file with the Secretary to the Commission for review as requested by any member of the public.

Please submit appeals in person to: Secretary, Access Appeals Commission  
 1950 Mission Street, 3rd Floor  
 San Francisco, CA 94103  
 (415) 558-6110

Hardship Form 2010

2 of 2

**T O M  
E L I O T  
F I S C H**

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www.tomeliotfisch.com

**ANSEL ADAMS  
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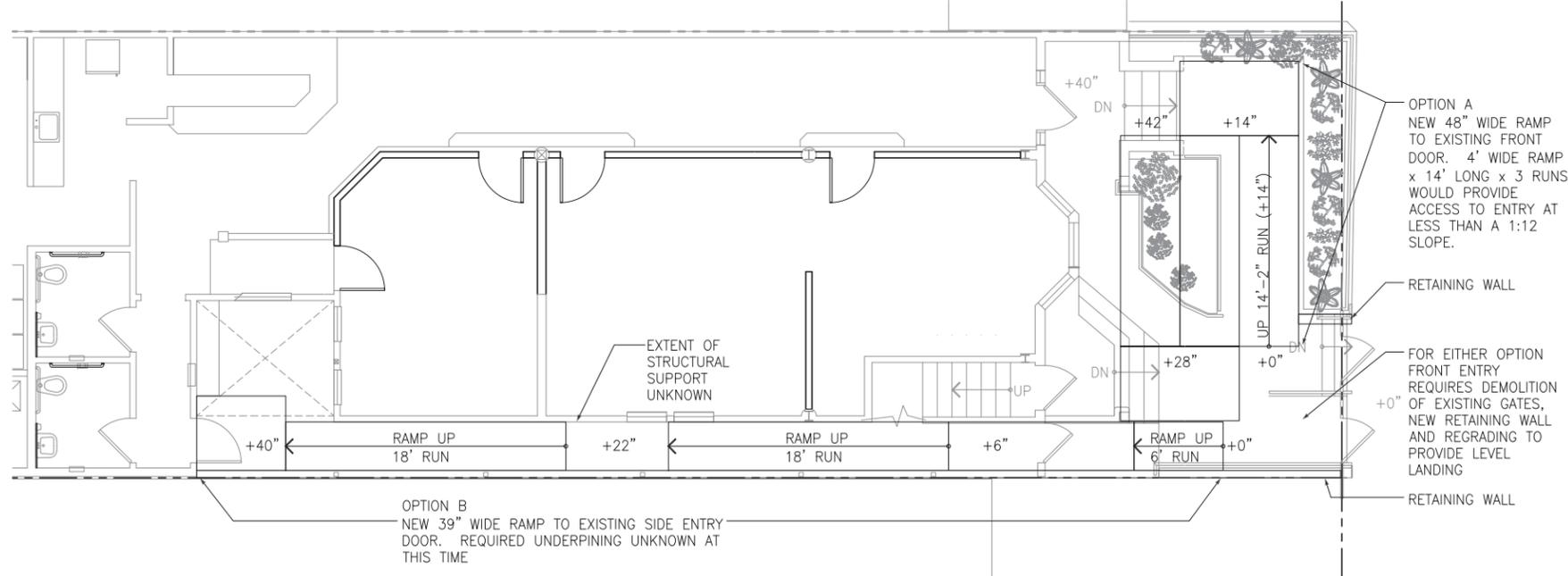
21025.00

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fax 415 9665669  
Lillian Mabee



**1 PARTIAL PLAN FIRST FLOOR - RAMP OPTIONS TO PROVIDE ACCESS FOR PRICING REVIEW ONLY**  
1/4" = 1' - 0"

**FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION**

Job #	21049.00	Print Date	08/31/2010
Drawn By		Approved By	
Scale		Notes	<input type="checkbox"/> Revision <input type="checkbox"/>

Rev.	Date	Description
1	8/31/10	PERMIT

**HARDSHIP REQUEST &  
DISABLED ACCESS  
20% RULE FORMS**

**GO.03**

plot date: 09/20/10 05:17 AM JL

201 Post Street, 7th Floor  
San Francisco CA 94108  
tel 415 3917918  
fax 415 3917309  
www.tomeliotfish.com

**ANSEL ADAMS  
APARTMENTS**  
GROUP HOUSING IN RC-3  
DISTRICT

221 VAN NESS STREET  
SAN FRANCISCO, CA 94109



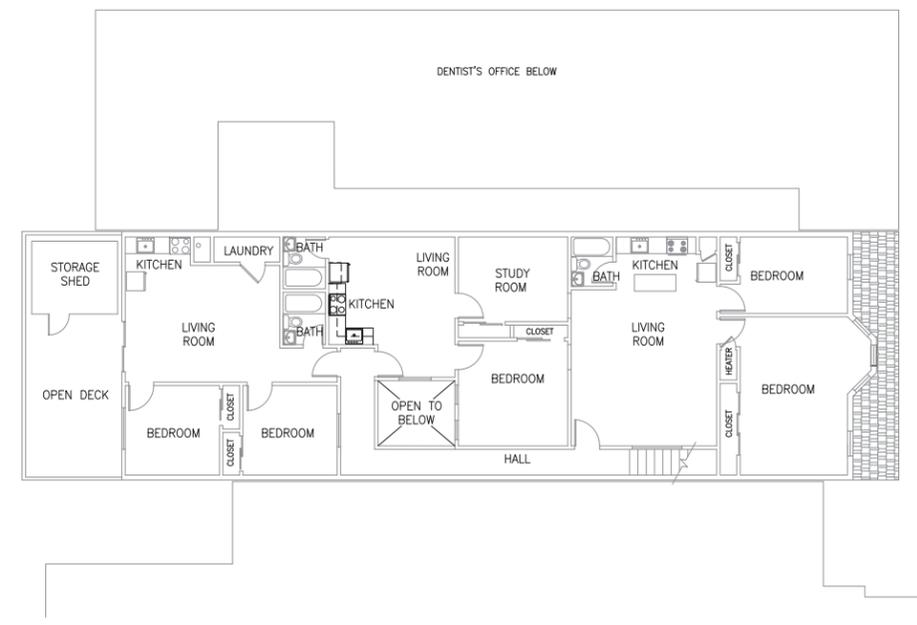
21025.00

**Owner:**  
Academy of Art University  
79 New Montgomery Street  
San Francisco, CA 94105  
tel 415 698-6500  
fax 415 698-6294  
Paul Corea / Project Manager to the President

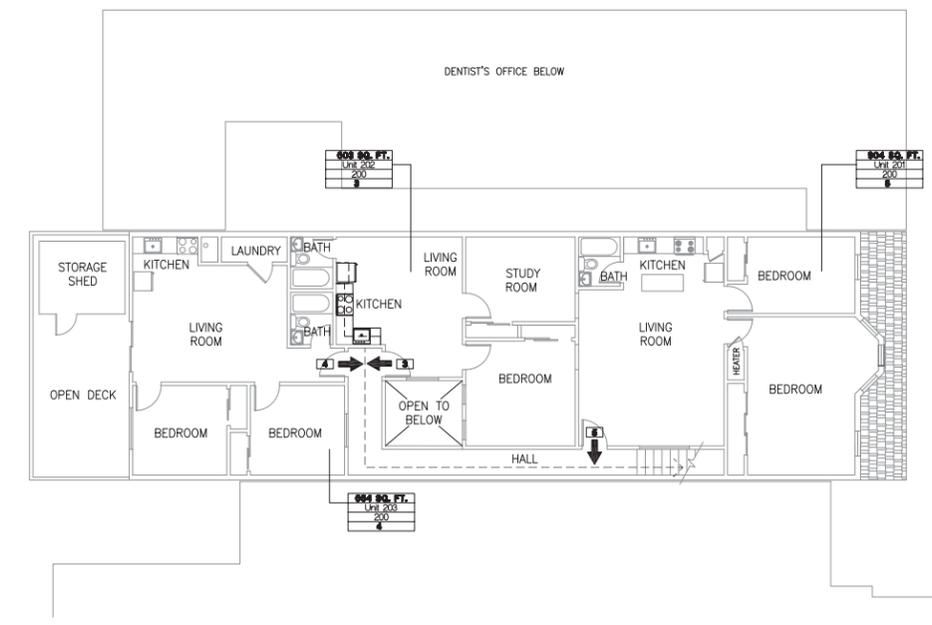
**Architect:**  
Tom Eliot Fish  
201 Post Street, 7th Floor  
San Francisco, CA 94108  
tel 415 3917918  
fax 415 3917309  
Principal: Doug Tom

**Code Consulting & Permit Coordination:**  
A. R. Sanchez-Corea & Associates, Inc.  
301 Junipero Serra Boulevard, Suite 270  
San Francisco, CA 94127  
tel 415 333-8080  
fax 415 333-8900  
Tony Sanchez-Corea

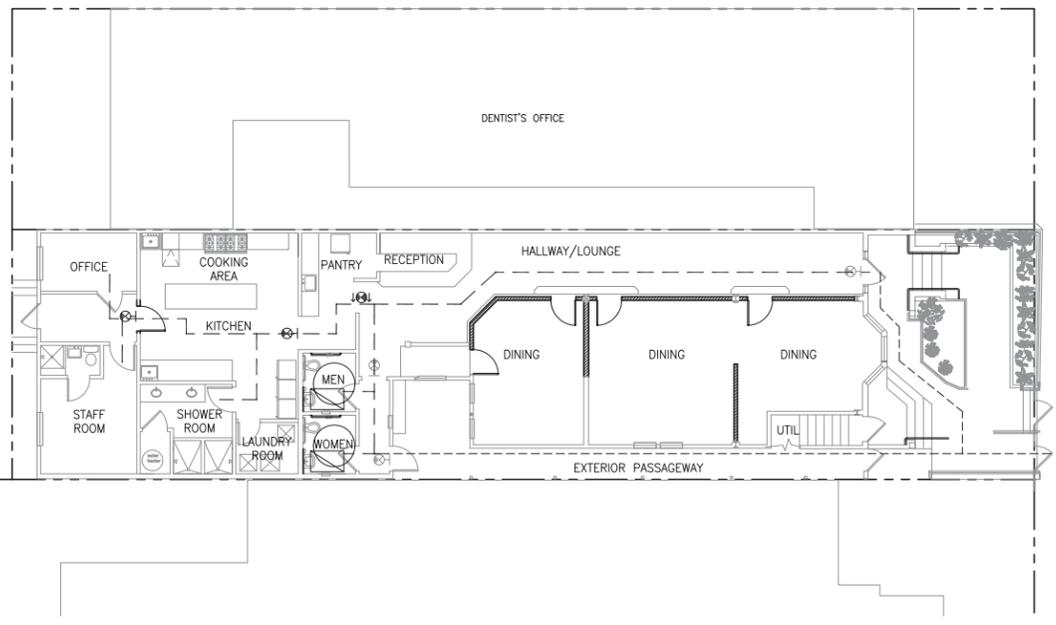
**Contractor:**  
Hilbray Dinwiddie  
275 Battery Street, Suite 300  
San Francisco, CA 94111-3300  
tel 415 923-2711  
fax 415 956-5669  
Lelan Mota



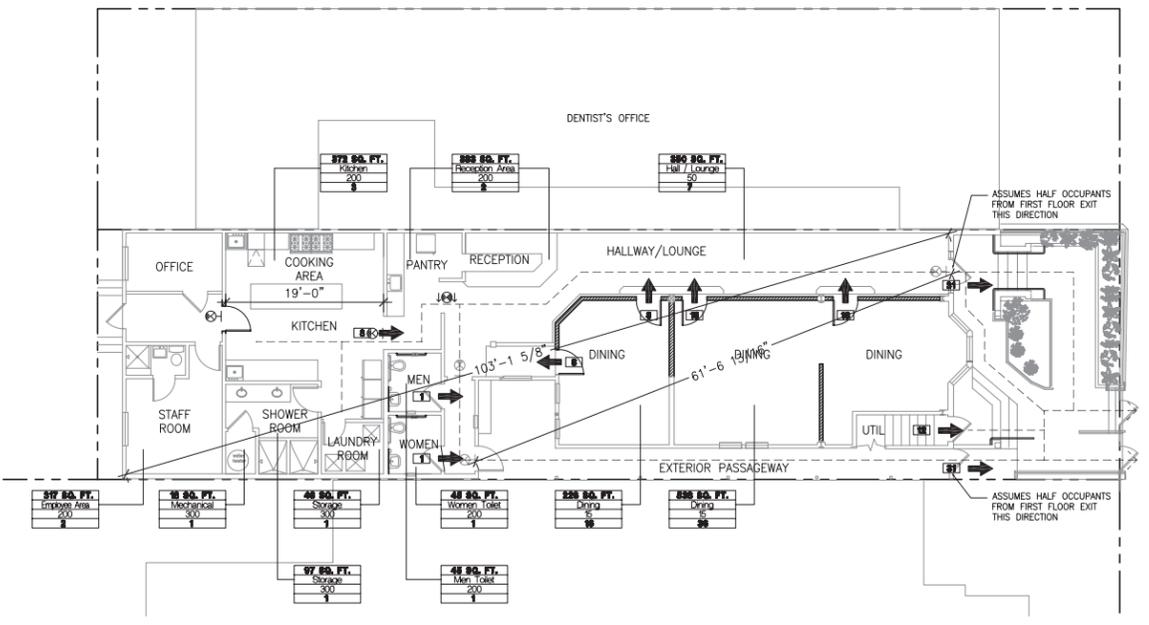
**4 SECOND FLOOR ACCESSIBILITY PLAN**  
1/8" = 1' - 0"



**2 SECOND FLOOR EGRESS PLAN**  
1/8" = 1' - 0"



**3 FIRST FLOOR ACCESSIBILITY PLAN**  
1/8" = 1' - 0"



**1 FIRST FLOOR EGRESS PLAN**  
1/8" = 1' - 0"

**ACCESSIBILITY PLAN LEGEND**

- ACCESSIBLE PATH OF TRAVEL 3'-0" WIDE LEVEL PATH THAT CONSISTING OF WALKS, SIDEWALKS, CURB RAMP, LOBBIES, CORRIDORS AND ELEVATORS (AS REQD) THAT PROVIDES FREE, UNOBSTRUCTED ACCESS TO AND EGRESS FROM A PARTICULAR AREA FOR PEDESTRIANS AND/OR WHEELCHAIR USERS.
- EXISTING SITE ACCESS SLOPE EXCEEDS THAT ALLOWED FOR WHEEL CHAIR ACCESSIBLE ACCESS.
- 30 INCH X 48 INCH CLEAR AREA
- 5 FOOT DIAMETER TURNING CLEAR AREA
- EXISTING CONSTRUCTION
- (N) WALL
- (N) DOOR
- NEW CONSTRUCTION
- Ⓜ ILLUMINATED EXIT SIGNS
- Ⓜ NEW
- Ⓜ EXISTING

**EMERGENCY EGRESS PLAN LEGEND**

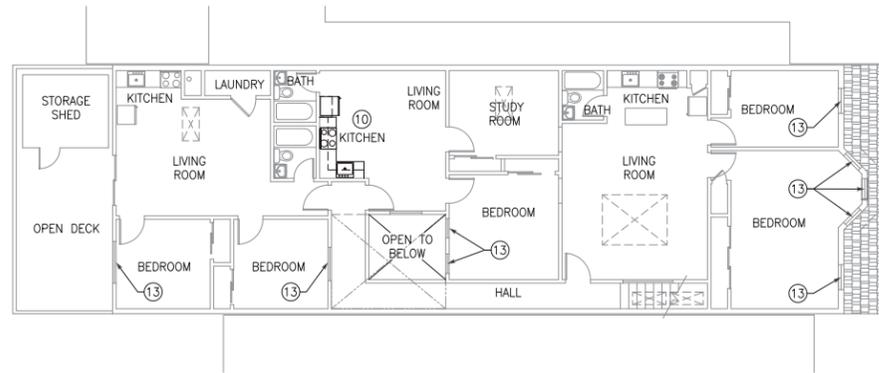
- EXISTING FIRE EGRESS EXIT PATH
- Ⓜ AREA OF ROOM
- Ⓜ FLUNION OF ROOM
- Ⓜ LOAD FACTOR
- Ⓜ OCCUPANCY
- ← OCCUPANTS EXITING
- EXISTING CONSTRUCTION
- (N) WALL
- (N) DOOR
- NEW CONSTRUCTION
- Ⓜ ILLUMINATED EXIT SIGNS
- Ⓜ NEW
- Ⓜ EXISTING

**FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION**

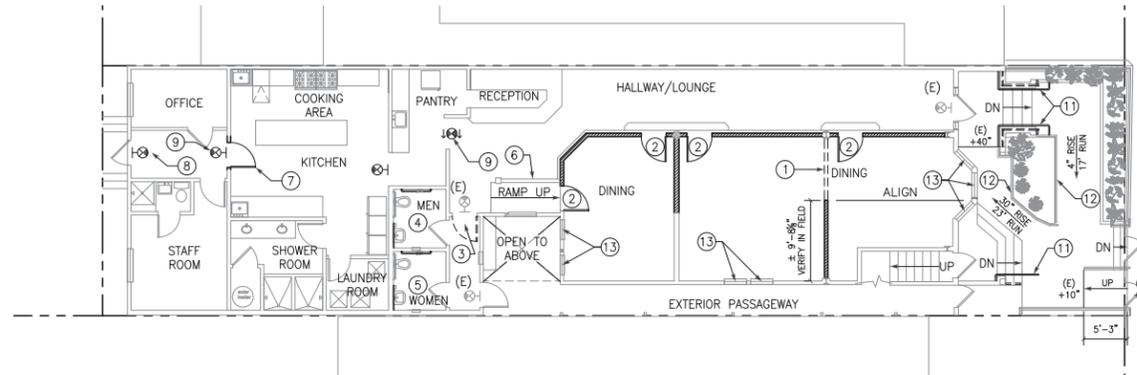
Job #	21049.00	Plot Date	08/31/2010
Drawn By		Approved By	
Scale		Issue	Permit
Rev.	Date	Description	
1	8/31/10	PERMIT	

**EGRESS AND  
ACCESSIBILITY  
PLANS**

All drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without consent of Architect. If this drawing is not 30"x42", then the drawing has been revised from its original size. Nested scales must be adjusted. This line should be equal to one inch.



**15 SECOND FLOOR PLAN**  
1/8" = 1' - 0"



**14 FIRST FLOOR PLAN**  
1/8" = 1' - 0"

**FLOOR PLAN LEGEND**

- EXISTING CONSTRUCTION
- - - REMOVE DOOR
- ==== DEMOLISH EXISTING (FOR CONTRACTOR - EXISTING WALL)
- (N) WALL (FOR CONTRACTOR - EXISTING WALL)
- (N) DOOR (FOR CONTRACTOR - EXISTING DOOR)
- (D) DOOR
- NEW CONSTRUCTION
- ILLUMINATED EXIT SIGNS
- NEW
- (E) EXISTING
- DEMOLISHED

**FLOOR PLAN KEY NOTES**

- 1 REMOVE EXISTING WALL TO PROVIDE ACCESS TO EXTERIOR WINDOW.
- 2 36" X 80" DOOR
- 3 REMOVE EXISTING DOOR. 3' WIDE CASSED OPENING TO REMAIN.
- 4 FOR ENLARGED MEN'S TOILET ROOM PLAN SEE 6/-.
- 5 FOR ENLARGED WOMEN'S TOILET ROOM PLAN SEE 5/-.
- 6 FOR ENLARGED RAMP PLAN SEE 12/-.
- 7 NEW 3'-0" X 6'-8" DOOR
- 8 REMOVE EXISTING EXIT SIGN.
- 9 NEW EXIT SIGN.
- 10 FOR KITCHEN ELEVATION SEE 10/- (FOR CONTRACTOR - EXISTING).
- 11 REMOVE EXISTING NON-COMPLIANT HANDRAILS AND INSTALL NEW STAIR HANDRAILS AND STRIPING PER 10/GO.02.
- 12 ADD BOTTOM PROTECTION RAIL AT EXISTING GUARDRAIL PER 10/GO.02.
- 13 EXISTING WINDOWS

**T O M  
E L I O T  
F I S C H**

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**ANSEL ADAMS  
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ACADEMY OF ART UNIVERSITY

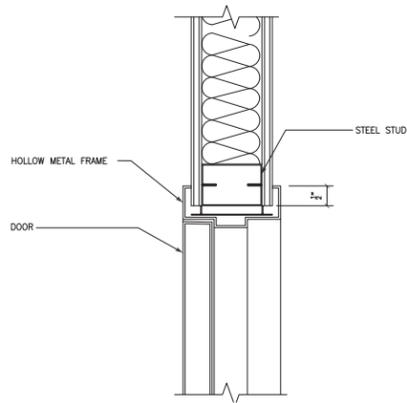
21025.00

**Owner**  
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tel 415 618-6580  
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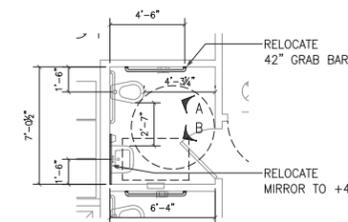
**Contractor**  
Halfway Driveway  
275 Battery Street, Suite 300  
San Francisco, CA 94111-3330  
tel 415 923-2711  
fax 415 956-5669  
Liliana Mize



**17 H.M. DOOR JAMB/HEADER**  
3/4" = 1' - 0"



**10 KITCHEN AT UNIT 202**  
NO SCALE



**6 EXISTING MEN'S TOILET ROOM**  
1/4" = 1' - 0"



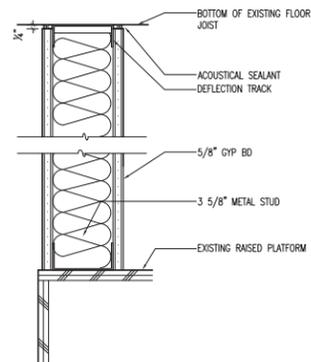
B EXISTING SINK:  
SINK HT: 33 1/2"  
SINK CLEARANCE: 29 1/2"  
MIRROR HT: 48"  
PAPER TOWEL DISPENSER HT: 38"  
SOAP DISPENSER HT: 36"

RELOCATE MIRROR

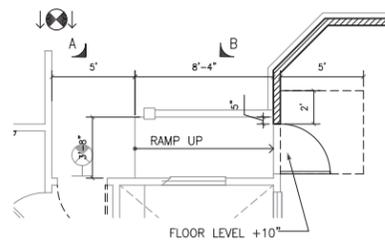


A EXISTING TOILET:  
SEAT HT: 18"  
GRAB BAR CL: 33"  
TOILET ROLL HT: 40"  
TOILET ROLL DIST: 12"

RELOCATE GRAB BAR



**16 WALL AT EXISTING RAISED PLATFORM**  
3/4" = 1' - 0"



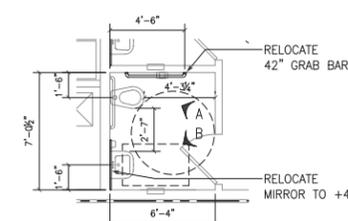
**12 EXISTING INTERIOR RAMP**  
1/4" = 1' - 0"



A EXISTING RAMP



B EXISTING RAMP -  
VIEW TO BOTTOM LANDING AREA



**5 EXISTING WOMEN'S TOILET ROOM**  
1/4" = 1' - 0"



B EXISTING SINK:  
SINK HT: 33 1/2"  
SINK CLEARANCE: 29 1/2"  
MIRROR HT: 48"  
PAPER TOWEL DISPENSER HT: 38"  
SOAP DISPENSER HT: 36"

RELOCATE MIRROR



A EXISTING TOILET:  
SEAT HT: 19"  
GRAB BAR CL: 33"  
TOILET ROLL HT: 40"  
TOILET ROLL DIST: 11"

RELOCATE GRAB BAR

**FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION**

Job # 21049.00 Print Date 08/31/2010  
Drawn By Approved By  
Scale Date Revision

Rev	Date	Description
1	8/31/10	PERMIT

**BUILDING PLANS AND  
INTERIOR PHOTOS**

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**1916 OCTAVIA STREET**

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# #17 I055 PINE STREET

Not Permitted by Code; Requires Planning Code Text Amendment



1055 Pine Street between Jones and Taylor Streets

### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e))
- Requires CUA for group housing in RM-4 (1 room / 70 sf)
- Requires Building Permit

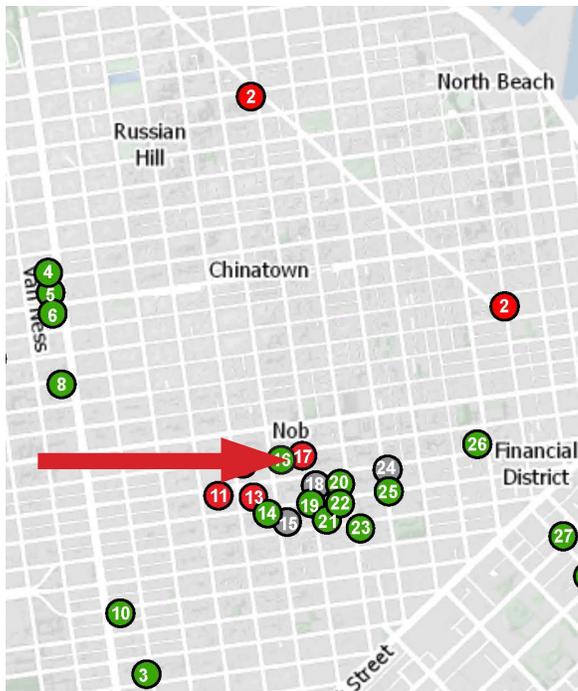
**Zoning:** RM-4, Nob Hill SUD

**Construction Date:** 1910

**Architect/Builder/Designer (if known):** W.L. Schmolle

**Preservation:** Category A

**AAU Acquisition Date:** 2000



### Staff Recommendation:

**Inclined to recommend disapproval.** The Planning Department is inclined to be un-supportive of conversions that detract from the stated Citywide goal to protect the affordability of San Francisco’s housing stock and require institutions to meet the housing demand generated by the institution with new housing.

EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	1055 Pine Street*	0275/009	RM-4 Nob Hill SUD	NE (Nob Hill)	Student Housing (81 rooms (155 beds))	Student Housing (81 rooms (155 beds))	Residential Hotel (59 rooms) (36,213 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* 2007.1073C  
*Project Address:* 1916 Octavia Street  
*Zoning:* RH-2 (Residential-House, Two Family)  
40-X Height and Bulk District  
*Block/Lot:* 0640/011  
*Project Sponsor:* Gordon North  
Academy of Art University  
79 New Montgomery Street  
San Francisco, CA 94105  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[Cathleen.campbell@sfgov.org](mailto:Cathleen.campbell@sfgov.org)  
*Recommendation:* **Disapproval**

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 sponsor proposes to convert 20 Residential Hotel rooms to 22 Student-Housing rooms at its present location at 1916 Octavia Street.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the eastern side of Octavia Street, Block 011, Lot 0640. The property is located within the RH-2 (Residential-House, Two-Family) District with 40-X height and bulk district. The subject property is L-shaped in plan with a side yard and paved driveway. The property is developed in an existing 4-story, +/- 13,231 square-foot, single family structure on a +/-9,750 square foot lot. AAU refers to this property as the "Coco Chanel Women's Dormitory", and common areas include a recreation room, 26 student group-housing rooms which include a converted garage.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Pacific Heights neighborhood. The Western Addition neighborhood is located to the south of the site, on the southern side of California. Between Sacramento and California

Streets, Octavia Street is primarily characterized by multi-family apartments. The predominant land use near the site is Residential. The zoning on the eastern side of Octavia Street is RH-2 (Residential, House, Two-Family), and RM-2 (Residential, Moderate Density) on the western side of Octavia Street and fronting Sacramento Street between Laguna and Gough streets. Building heights on the subject block range from three to six stories.

## ENVIRONMENTAL REVIEW

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	23 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	20 days	September 2, 2016	September 2, 2016	20 days

The proposal requires a Section 311-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## PUBLIC COMMENT/COMMUNITY OUTREACH

To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

## ISSUES AND OTHER CONSIDERATIONS

- The project is not compliant with the Planning Code. Academy of Art University is seeking a legislative amendment to Planning Code Section 317 to allow the conversion of residential uses to student housing (2016-000559PCA).
- The project is associated with a Planning Code Amendment proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units Student Housing. The Planning Department is unsupportive of the AAU proposed Planning Code Amendment and has proposed a different Planning Code Amendment that would only enable the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
    - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
    - AAU initiated their proposed Planning Code Amendment by virtue of their application.
  - **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September

22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, a legislative amendment to Planning Code Section 317 would be required to permit the conversion of Residential Units to Student Housing. The Commission must also grant Conditional Use authorization to permit Student Housing (Group Housing for a Postsecondary Educational Institution) on-site, pursuant to Planning Code Sections 209.1 and 303.

## **BASIS FOR RECOMMENDATION**

- The change in use of the site from Residential to Student Housing does not comply with the Planning Code.
- AAU's proposed legislative amendment is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid the conversion of such affordable housing uses.<sup>1</sup>
- The Existing Sites Technical Memorandum found that the change in use is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid conversion of such affordable housing uses.<sup>2</sup>
- The project does not meet all applicable requirements of the Planning Code.
- The project is not desirable for, and compatible with the surrounding neighborhood

<b>RECOMMENDATION:</b> <b>Disapproval</b>
-------------------------------------------

### **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photograph  
Project Information Sheet  
Plans

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-223

<sup>2</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-223

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 type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                                                          |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report                                                         |
|                                                         | <input type="checkbox"/> Community Meeting Notice                                          |
|                                                         | <input type="checkbox"/> Housing Documents                                                 |
|                                                         | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

\_\_\_\_\_ CC \_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

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Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1073C**  
*Project Address:* **1916 Octavia Street**  
*Zoning:* RH-2 (Residential-House, Two Family)  
 40-X Height and Bulk District  
*Block/Lot:* 0640/011  
*Project Sponsor:* Gordon North  
 Academy of Art University  
 79 New Montgomery Street  
 San Francisco, CA 94105  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
[Cathleen.campbell@sfgov.org](mailto:Cathleen.campbell@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1, 303 AND 317 OF THE PLANNING CODE TO LEGALIZE THE CONVERSION OF 20 RESIDENTIAL HOTEL ROOMS TO STUDENT HOUSING WITHIN THE RH-2 (RESIDENTIAL-HOUSE, HIGH DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In 2006, the Department’s Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU’s IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter “Department”), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installations of signage, health and safety violations, and operation of those properties

without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department informed AAU that the City would require an Environmental Impact Report (EIR), including a Transportation Study, to process any permits to legalize unauthorized changes of use. On May 19, 2008, AAU submitted an EIR application, and on August 13, 2008, AAU submitted a Transportation Study Application (Case No. 2008.0586E!). The Department allowed existing violations to be placed "on hold" pending completion of the EIR and Transportation Study. The Department informed AAU that it could not acquire and convert or otherwise use any new properties in San Francisco until after the Department completed the EIR, including the Transportation Study, the Commission accepted AAU's IMP and the City processed necessary entitlements to legalize existing facilities based on the final certified EIR.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising his enforcement discretion, the Zoning Administrator also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision. In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that

AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

**Timeline of Investigation for the Subject Property:**

On September 14, 2007, the AAU filed a CU (Case No. 2007.1073C) to seek authorization to establish the Group Housing use under then-Section 209.2(c).

On June 22, 2010, the Planning Department performed a site visit to the subject property and found that the approximately 11,544 sq. ft. building was fully occupied as a Group Housing use operated by AAU. The last known legal use of the building was a residential hotel use and no permits were found on file to authorize the change of use.

On April 28, 2011, the Department issued a notice regarding the unauthorized installation of a canopy with a painted AAU sign copy on the property and that permits were required to legalize both. On May 9, 2011, permits (BP No. 201105095670 & 201105095664) were submitted to legalize both the canopy and painted sign copy permit. However, the permits were incomplete as no plans detailing the dimensions of the canopy or sign copy were submitted.

On November 4, 2011, the Department issued an Enforcement Notice (EN) detailing the violations listed above with details on how to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that a Conditional Use Application (CU) (Case No. 2007.1073C) was filed by AAU to legalize the Group Housing use. AAU's IMP states on Page 95 that the building has a "communal kitchen".

City records indicate that the property contains 20 residential hotel rooms. In 2007, the Department of Building Inspection's Housing Inspection Services listed 1916 Octavia Street under "Active Residential Hotels" with 20 residential rooms.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay (see above) that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1073C.

The Project was reviewed under the Academy of Art University's Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

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 does not authorize the Conditional Use requested in Application No. 2007.1073C, 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 east side of Octavia Street, between Sacramento and California streets, Lot 011 in Assessor's Block 0640. The property is located within the RH-2 (Residential-House, Two-Family) District with 40-X height and bulk district. It occupies a slightly sloped, rectangular lot, with side elevation facing Octavia Street. The property is developed with an existing 4-story, +/- 13,231 square-foot, single family structure on a +/-9,750 square foot lot. The existing building was originally constructed as a single-family dwelling unit and converted to a residential hotel in 1949. The property's last legal use was a Residential Hotel as depicted by the Certificate of Use issued by the Department of Building Inspection April 26<sup>th</sup> 1991. AAU refers to this property as the "The Coco Chanel Women's Dormitory" and common areas include a recreation room, a manager's office, and a laundry room.<sup>1</sup>
3. **Surrounding Properties and Neighborhood.** The project site is located in the Pacific Heights neighborhood. The Western Addition neighborhood is located to the south of the site, on the southern side of California. Between Sacramento and California Streets, Octavia Street is primarily characterized by multi-family apartments. The predominant land use near the site is Residential. The zoning on the eastern side of Octavia Street is RH-2 (Residential, House, Two-Family), and RM-2 (Residential, Moderate Density) on the western side of Octavia Street and

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<sup>1</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-221-245

fronting Sacramento Street between Laguna and Gough streets. Building heights on the subject block range from three to six stories.

4. **Project Description.** The applicant proposes to legalize the change of use from a Residential (20 rooms) to Student Housing (Group Housing for a Postsecondary Educational Institution). The project does not propose any alterations or expansion of the building envelope.
5. **Public Comment.** To date, the Department has not received any public comment on the proposed legalization of the change of use to Student Housing at the subject property.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Conversion to Student Housing.** Planning Code Section 317(e) states that the conversion of Residential Units to Student Housing is prohibited.

*The project sponsor is seeking to convert 20 Residential Hotel rooms to Student Housing. The proposed conversion would not be permitted by the Planning Code. The project sponsor is seeking a legislative amendment to modify Section 317 in conjunction with this Conditional Use Application. However, the Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

- B. **Student Housing.** Planning Code Section 209.3 states that group housing rooms that are associated with post-secondary educational institutions require Conditional Use Authorization.

*Student Housing is considered Group Housing that is operated by a Post-Secondary Educational Institution. Group Housing at a density of one unit per 600 square feet of lot area is principally permitted in the RH-2 Zoning District, however, Conditional Use Authorization is required if the Group Housing is affiliated with an Institutional Educational use. The project sponsor is seeking to legalize the conversion of 20 Residential Hotel rooms to Student Housing, and to provide 26 total Student Housing rooms. The applicant is seeking Conditional Use Authorization for the use of the group housing at the subject property by a post-secondary institution. The Planning Department is not supportive of conversions that detract from the state citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.<sup>2</sup>*

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<sup>2</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-225

7. **Planning Code Section 303** establishes criteria for the Planning 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, which would convert Residential Units to Student Housing, has not been found to be necessary or desirable for the neighborhood or community. The unwarranted conversion detracts from the stated Citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new, authorized housing. Furthermore, there is a high concentration of AAU buildings within the neighborhood, which could be detrimental to neighborhood character by introducing new patterns of use on the site (i.e. student populations would replace hotel guests and/or longer-term residents.*

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 existing building will remain the same as project does not propose to changes to the building envelope. However, the addition of awnings and signage, industrial in nature, disrupt the fairly uniform facades of the neighborhood buildings, and were found to be inappropriate for the neighborhood.*

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 proposed use was not found to generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The proposed use does not provide the adequate amount of bicycle parking as required by the Planning Code Sections 155.1-155.4.*

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

*The change of use to Student Housing would not have exceeded the standards established by the City for noise effects on sensitive receptors. AAU occupation of the subject property has not resulted in increased health risks related to air quality, and would not create dust or debris, as there is no construction proposed.*

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

*The proposed project is incompliant with signage, canopy, awning, bicycle parking, fences, and gates, as required by the Planning Code Sections 606 (b), 136-136.1, 155.1-155.4*

- 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 does not comply with all applicable requirements and standards of the Planning Code or General Plan policies.*

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

*The project site is located within the Residential, House, Two-Family (RH-2) Zoning District, which is characterized by a mixture of high-density dwellings with supporting commercial spaces. Although the conversion from residential uses to student housing would maintain the physical group housing units, the project would result in a loss of 20 dwelling units from the general housing stock for unauthorized use by a private institution. The project would result in a loss of high-density Residential Uses; the unauthorized conversion of these uses does not comply with Planning Code requirements outlined for the RH-2 District.*

- 8. **General Plan Compliance.** The Project is inconsistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.9:**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*Academy of Art University is seeking to legalize the conversion of existing Residential Hotel rooms to Student Housing. AAU has not proposed to construct any new housing, nor has the University proposed alternatives to meet the housing demand created by their students. By illegally converting Residential, AAU has removed affordable units from the housing stock and that are in short supply from the market. Therefore, the project is not consistent with Policy 1.9 of the Housing Element.*

**OBJECTIVE 3:**

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

**Policy 3.1:**

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**Policy 3.5:**

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

*AAU seeks to legalize the conversion of 50 rent-controlled Group Housing rooms to Student Housing, which would remove these rooms from the existing housing stock. The project is not consistent with Objective 3 of the Housing Element of the General Plan*

9. **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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses*

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

*The proposed conversion would not protect neighborhood character nor would it preserve cultural and economic diversity of the Pacific Heights neighborhood. Further, as indicated in the Existing Sites Technical Memorandum, the change in use is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid conversion of such affordable housing uses.<sup>3</sup>*

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

*The proposed change of use at 1916 Octavia Street would convert 20 Group Housing rooms to student housing, thereby removing affordable units from the housing stock. The project is not consistent with this priority-planning policy as it does not enhance or preserve affordable housing.<sup>4</sup>*

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-225

<sup>4</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-305

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

*The proposed project is located on Octavia Street, a neighborhood residential street with one travel lane in each direction and unmetered (2-hour time restricted) parking on both sides of the street. AAU shuttle buses are reported use street parking spaces adjacent to the site or impede traffic by double parking within the travel lane. The proposed project, therefore, has overburdened Streets or neighborhood parking.<sup>5</sup>*

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*This project does not propose any alterations to the building, and would 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.*

10. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would not promote the health, safety and welfare of the City.

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<sup>5</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-231

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 **DISAPPROVES Conditional Use Application No. 2007.1073C.**

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

# Block Book Map

ASSESSOR-RECORDER'S OFFICE

640

W A BLK. 161

SHEET 1

© COPYRIGHT SAN FRANCISCO  
CITY & COUNTY ASSESSOR 1995

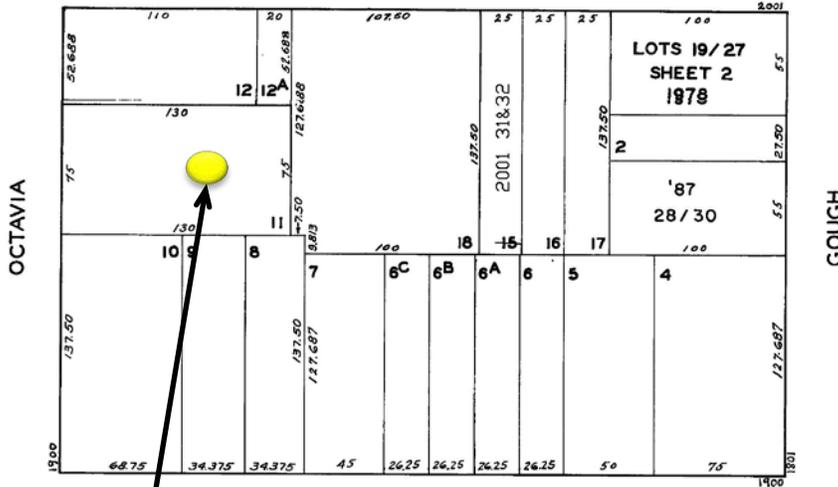
lot15 into lots31&32 for 2001 roll

REVISED '74  
" '78  
" '87

Revised 2001



SACRAMENTO



CALIFORNIA

2039-2041 SACRAMENTO ST.  
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
31	2039	47.39
32	2041	52.61

1807-1809 GOUGH ST.

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
28	101	45.32
29	201	21.61
30	301	33.07

SUBJECT PROPERTY



SAN FRANCISCO  
PLANNING DEPARTMENT

Case Number 2007.1073C  
Conversion to Group Housing  
1916 Octavia Street

# Sanborn Map\*

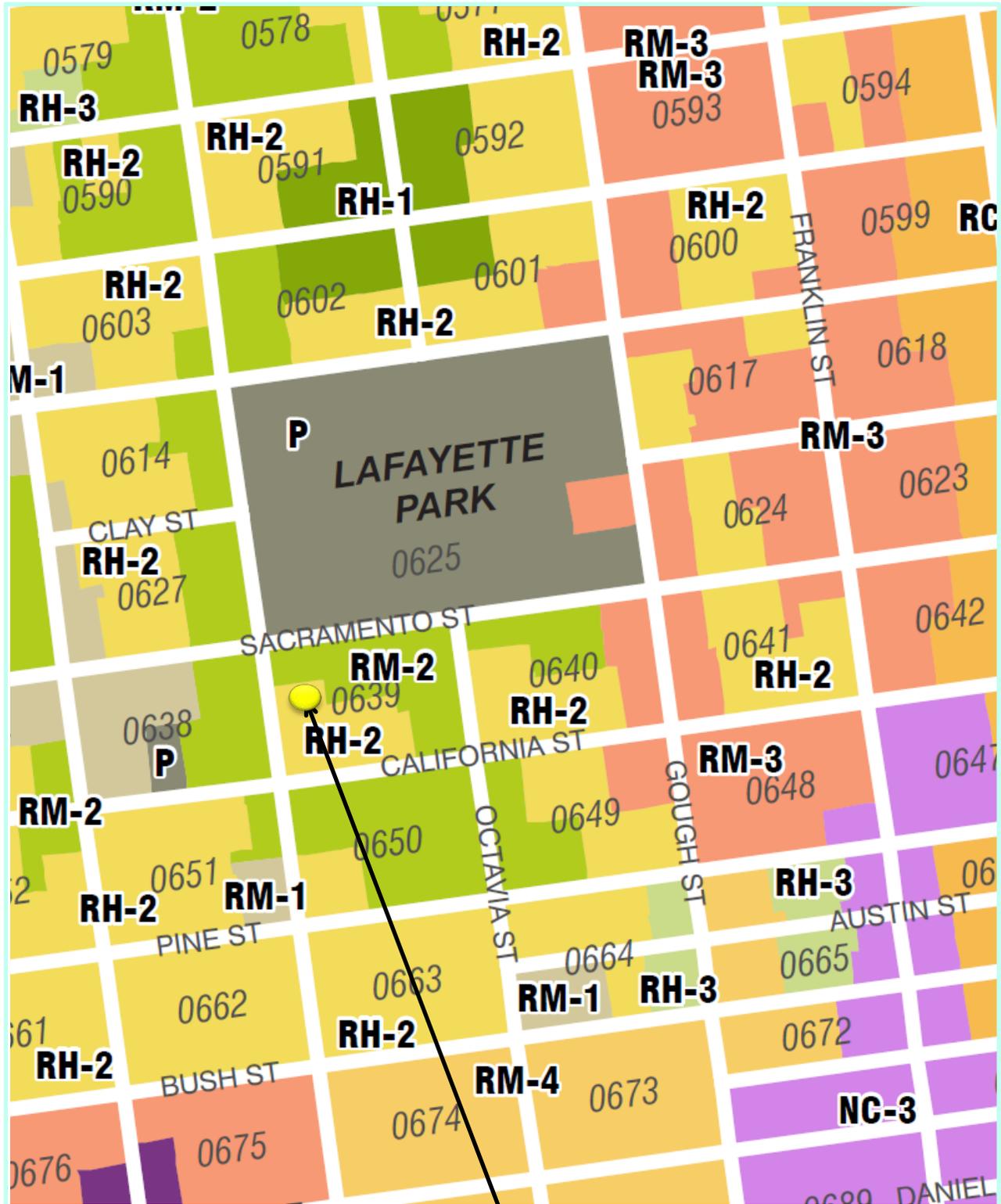


**SUBJECT PROPERTY**

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



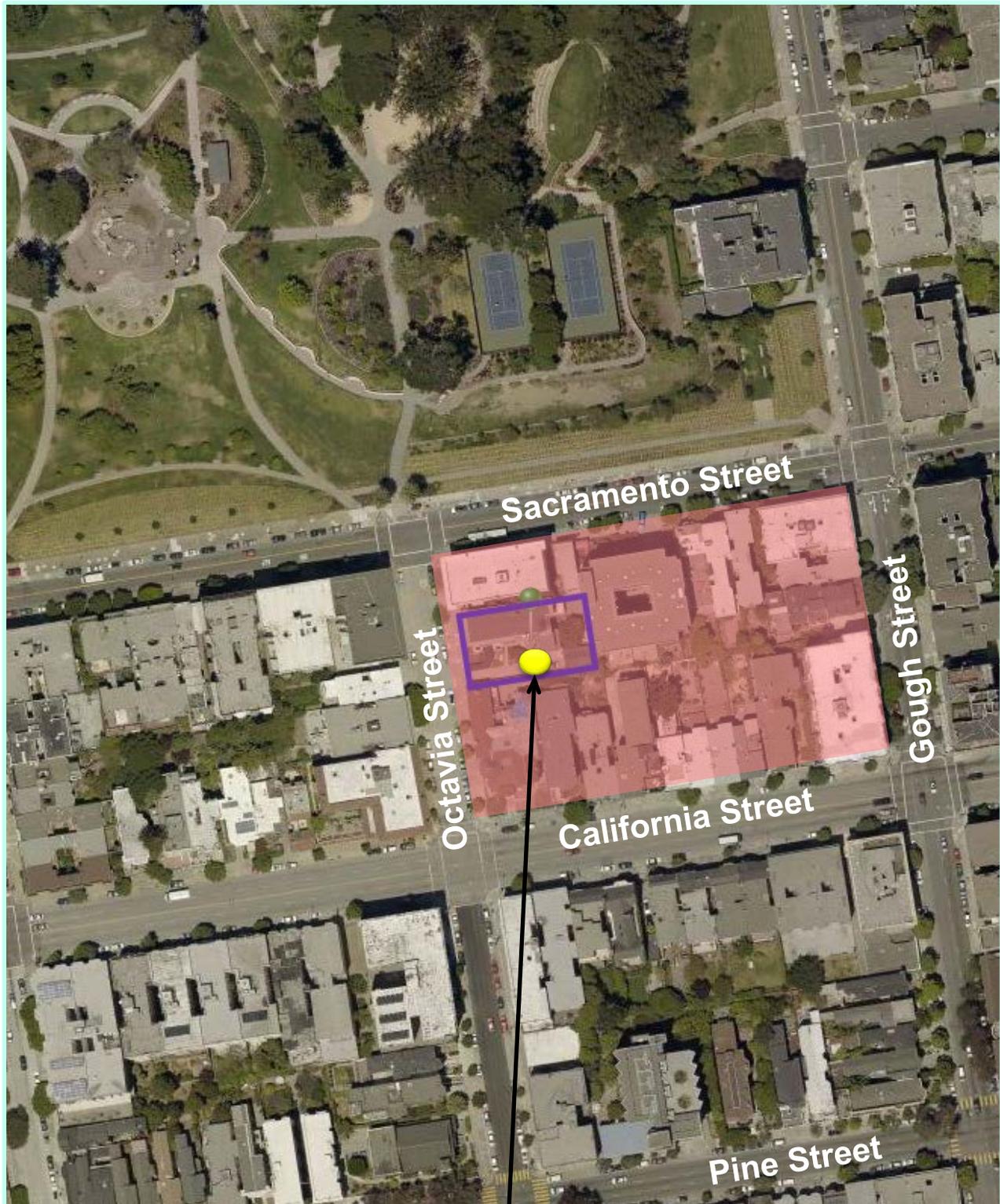
# Zoning Map



SUBJECT PROPERTY



# Aerial Photo



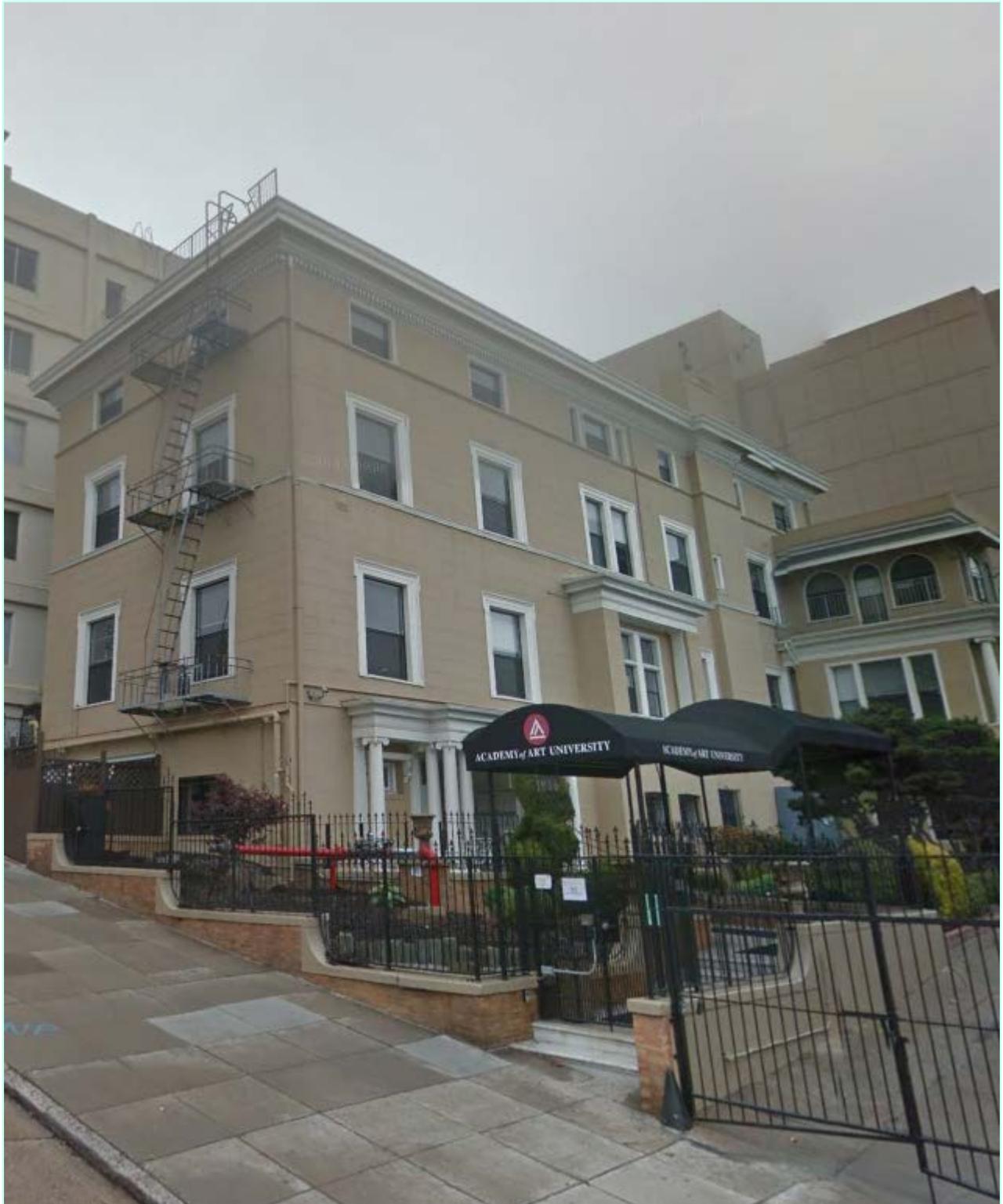
SUBJECT PROPERTY

Case Number 2007.1073C  
Conversion to Group Housing  
1916 Octavia Street



SAN FRANCISCO  
PLANNING DEPARTMENT

# Site Photo



**Case Number 2007.1073C**  
Conversion to Group Housing  
1916 Octavia Street

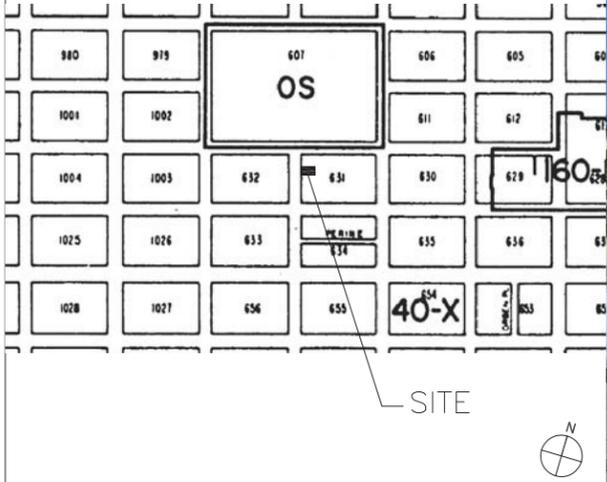
# **EXHIBIT B:**

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ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH.	Phase
>	Greater Than	F.D.	Floor Drain	PL.	Plate
<	Less Than	FDN.	Foundation	P.LAM.	Plastic Laminate
⌈	Channel	F.E.	Fire Extinguisher	PLAS.	Plaster
⌋	Property Line	F.E.C.	Fire Extinguisher Cab.	PLYWD.	Plywood
∠	Angle	F.H.C.	Fire Hose Cabinet	PCP.	Portland Cement Plaster
∥	Parallel	F.H.	Flat Head	PR.	Pair
⊥	Perpendicular	FN.	Finish	PT.	Point or Paint
⊙	Centerline	FL.	Floor	PTLBD.	Particle Board
∅	Diameter	FLUOR.	Fluorescent	PTD.	Painted
#	Pound or Number	F.O.C.	Face of Concrete	PTDF.	Pressure Treated Douglas Fir
(E)	Existing	F.O.F.	Face of Finish	PTN.	Partition
(N)	New	F.O.S.	Face of Studs	RAD.	Radius
(R)	Remove	FRF.	Fireproof	R.C.P.	Reflected Ceiling Plan
ABV.	Above	FT.	Foot or Feet	R.D.	Roof Drain
A.C.B.	Acoustical Board	FTG.	Footing	REF.	Reference
A.C.P.	Acoustical Panel	FUT.	Future	REFR.	Refrigerator
ACOUS.	Acoustical	G.A.	Gauge	RENF.	Reinforced
A.C.T.	Acoustical Tile	GALV.	Galvanized	REQ./RQD.	Required
A.D.	Area Drain	G.L.	Grid Line	RESIL.	Resilient
ADJ.	Adjustable	G.B.	Grab Bar	RM.	Room
A.F.	Access Flooring	GND.	Ground	R.O.	Rough Opening
AGGR.	Aggregate	GYP.	Gypsum	RWD.	Redwood
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	R.W.L.	Rain Water Leader
APPROX.	Approximate	H.B.	Hose Bibb	R.F.L.	Reflected
ARCH.	Architectural	H.C.	Hollow Core	RE.	Refer To
ASPH.	Asphalt	H.CP.	Handicapped	REV.	Reversed
A.F.F.	Above Finished Floor	HWOD.	Hardwood	S.	South
B.D.	Board	H.M.	Hollow Metal	S.C.	See Civil Drawings
BITUM.	Bituminous	HORIZ.	Horizontal	S.C.D.	Solid Core
BKP.	Backing Plate	H.P.	High Point	SCHED.	Schedule
BLDG.	Building	HR.	Hour	SECT.	Section
BM.	Beam	HGT./HT.	Height	SHR.	Shower
BOT./B.O.	Bottom/ Bottom of	I.D.	Inside Diameter (Dim)	SHT.	Sheet
CAB.	Cabinet	I.E.	Invert elevation	SIM.	Similar
C.B.	Catch Basin	INFO.	Information	S.J.	Score Joint
CEM.	Cement	INSUL.	Insulation	S.L.D.	See Landscaping Drawing
CER.	Ceramic	INT.	Interior	S.M.	Sheet Metal
C.G.	Corner Guard	INV.	Invert	S.M.D.	See Mechanical Drawings
C.I.	Cast Iron	JAN.	Janitor	SO.	Specification
C.J.	Control Joint	J.B.	Junction Box	S.S.D.	See Structural Drawings
CLG.	Ceiling	J.O.H.	Jamb Opening Height	S.S.T.	Stainless Steel
CLKG.	Caulking	J.O.W.	Jamb Width	STD.	Standard
CLO.	Closet	JT.	Joint	STL.	Steel
CLR.	Clear	KIT.	Kitchen	STOR.	Storage
C.M.U.	Concrete Masonry Unit	LAM.	Laminate	STR.	Structural
C.O.	Cased Opening	LAV.	Lavatory	S.T.S.	Self Tapping Screw
COL.	Column	LP.	Low Point	SUSP.	Suspended
CONC.	Concrete	LT.	Light	SYM.	Symmetrical
CONF.	Conference	MAX.	Maximum	TRD.	Tread
CONN.	Connection	M.C.	Medicine Cabinet	T.B.	Towel Bar
CONSTR.	Construction	M.D.F.	Medium Density Fiber Board	T.C.	Top of Curb
CONT.	Continuous	M.D.O.	Medium Density Overlay	TEL.	Telephone
CORR.	Corridor	MECH.	Mechanical	T&G	Tongue and Groove
CPT.	Carpet	MEMB.	Membrane	THK.	Thick
CTSK.	Countersunk	MTL.	Metal	T.P.	Top of Pavement
CNTR.	Counter	MFR.	Manufacturer	T.V.	Television
CTR.	Center	M.H.	Manhole	T.W.	Top of Wall
DBL.	Double	MIN.	Minimum	TYP.	Typical
DEPT.	Department	MIR.	Mirror	UNF.	Unfinished
D.F.	Drinking Fountain	MISC.	Miscellaneous	U.O.N.	Unless Otherwise Noted
DET.	Detail	M.O.	Masonry Opening	VERT.	Vertical
DIA.	Diameter	M.P.	Midpoint	VEST.	Vestibule
DIM.	Dimension	M.S.	Machine Screw	V.I.F.	Verify in Field
DISP.	Dispenser	MTD.	Mounted	V.T.R.	Vent through Roof
DN.	Down	MUL.	Mullion	W.	West
DR.	Door	MTL.	Metal	W/	With
DWR.	Drawer	N.	North	W.C.	Water Closet
D.S.	Downspout	N.A.	Not Applicable	WD.	Wood
D.S.P	Dry Standpipe	N.I.C.	Not in Contract	W.O.	Window Opening
DWG.	Drawing	NOM.	Nominal	W/O	Without
EA.	East	N.T.S.	Not to Scale	WP.	Waterproof
E.J.	Expansion Joint	OBS.	Obscure	W.S.	Wood Screw
EL.	Elevation	O.C.	On Center	WT.	Weight
ELEC.	Electrical	O.C.D.	Overhead Ceiling Door		
ELEV.	Elevator	O.C.G.	Overhead Ceiling Grille		
EMER.	Emergency	O.D.	Outside Diameter (Dim.)		
ENCL.	Enclosure	O.F.C.I.	Owner Furnished, Contractor Installed		
EQ.	Equal	O.F.D.	Overflow Drain		
EQPT.	Equipment	OFF.	Office		
EXPO.	Exposed	O.F.O.I.	Owner Furnished, Owner Installed		
EXP.	Expansion	OH.	Opening		
EXT.	Exterior	OPP.	Opposite		

HEIGHT AND BULK MAP



TOM ELIOT FISCH

201 Post Street 7th Floor  
San Francisco CA 94108  
tel 415 391.7918  
fax 415 391.7309  
www.tomeliotfisch.com

CONDITIONAL USE PERMIT  
for  
**COCO CHANEL  
WOMEN'S DORM**  
Group Housing in RH-2 Districts  
1916 Octavia St.  
San Francisco, CA 94109

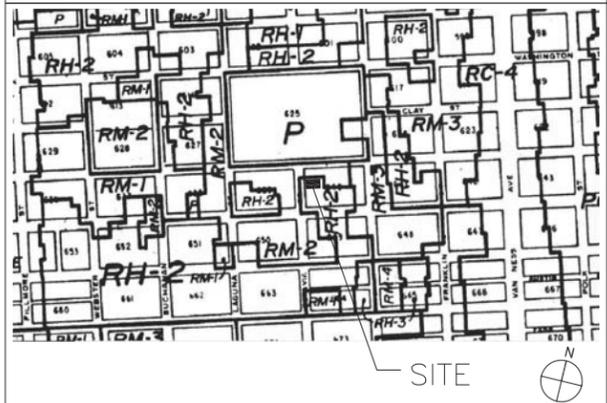


Architect  
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San Francisco, CA 94108  
Roger Savary: Project Architect  
Doug Tom: Principal  
Owners Representative  
Hatheway Dinnwiddie Construction Co.  
275 Battery Street, Suite 300  
San Francisco, CA 94111-3330  
tel 415 986.2718  
fax 415 956.5669  
Lakshmi Khanna: Project Engineer  
Ed Conlon

Owner's Counsel  
Elman Burke Hoffman & Johnson, PC  
601 California Street, 19th Floor  
San Francisco, CA 94108-2824  
tel 415 777-2727  
fax 415 512-7869  
Elizabeth L. Bridges

Permitting  
Shatara Architecture  
522 Second Street  
San Francisco, CA 94107  
tel 415 512-7869  
fax 415 546-6415  
Principal: Suhel Shatara

ZONING MAP



ZONING INFORMATION

Address and Parcel	
Assessor's Block Number	0640
Assessor's Lot Number	011
Low Street Number	1916
Street Name	OCTAVIA
'AV' OR 'ST' etc.	ST
Zip Code	94109
Length of lot frontage	75
Depth of lot	130
Lot area	9750
Year Built	1900
Zoning Information	
Zoning classification	RH-2 (RESIDENTIAL - HOUSE, TWO FAMILY)
Special Use District	not within a special use district
Signage District	not within a signage district
Code for Redevelopment Area	1000 (NOT IN RDA PROJECT AREA)
Set Back	
Quadrant	NORTHWEST
Zoning Map Quadrant	02
HEIGHT AND BULK LIMITS: 40-X	
District Symbol	X
Height Above Which Maximum Dimensions Apply	There is no bulk limit
Maximum Length	
Maximum Diagonal Dimension	

PROJECT DESCRIPTION

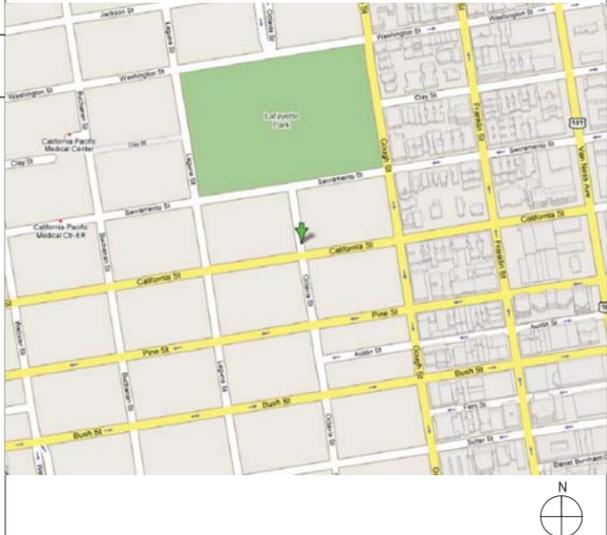
Application for Conditional Use Authorization per PC Section 209.2(c) to allow group housing for students in an RH-2 zoning district.

San Francisco Planning Code Section 209.2 allows group housing as a conditional use in the RH-2 District where such facility is affiliated with and operated by an educational institution.

Group housing is defined as "providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit."

The Coco Chanel Dormitory houses undergraduate women only.

VICINITY MAP



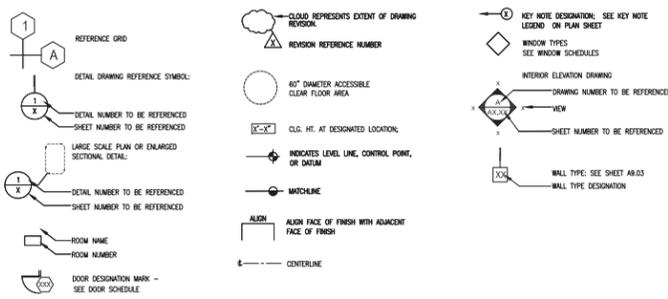
DORM ROOM USE INFORMATION

BEDROOM COUNT	ALLOWED:	EXISTING:
ZONING DISTRICT RH-2	23 BEDROOMS (1 bedroom per 415 SF of lot area. Lot Area=9,750 SF. 9,750/415=23)	1st FLOOR 9 2nd FLOOR 2 3rd FLOOR 5 4th FLOOR 7 TOTAL: 23 BEDROOMS

BUILDING INFORMATION

OCCUPANCY GROUP:	R-1
TYPE OF CONSTRUCTION:	TYPE V - NON-RATED
NO. OF STORIES:	FOUR (4) STORY, WITH BASEMENT
FIRE PROTECTION:	THROUGHOUT
YEAR BUILT:	---
AREA:	TOTAL: 13,231.91 sq. ft.
FIRST:	4,261.22 sq. ft.
SECOND:	3,420.50 sq. ft.
THIRD:	2,864.28 sq. ft.
FOURTH:	2,685.91 sq. ft.

ARCHITECTURAL SYMBOLS



SHEET INDEX

GENERAL:	G.01 TITLE SHEET
SITE:	A1.00 PROJECT SITE PLAN A1.01 SITE PHOTOS
ARCHITECTURAL:	A2.00 SITE PLAN A2.01 FIRST FLOOR PLAN A2.02 SECOND FLOOR PLAN A2.03 THIRD FLOOR PLAN A2.04 FOURTH FLOOR PLAN



Job # 20780.04 Print Date 03.14.08  
Drawn By JAS Approved By

Scale	Issue	Revision
1/8" = 1'-0"		
03.14.08	CONDITIONAL USE PERMIT	

TITLE SHEET

G.01





5 1916 OCTAVIA SOUTH FACADE AND ENTRANCE  
No Scale



4 BACKYARD LOOKING SOUTHWEST  
No Scale



3 1916 OCTAVIA DRIVEWAY AND SOUTH FACADE  
No Scale



2 EAST SIDE OF OCTAVIA STREET  
No Scale



1 WEST SIDE OF OCTAVIA STREET  
No Scale

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**COCO CHANEL  
WOMEN'S DORM**  
Group Housing in RH-2 Districts  
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San Francisco, CA 94109



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Principal: Suhel Shatara



Job # 20780\_04 Print Date 03.13.08

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Scale Issue  Revision

Num.	Date	Description
1	03.13.08	CONDITIONAL USE PERMIT

PROJECT SITE PHOTOS

**A1.01**

SACRAMENTO ST.

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Job # 20780.04 Plot Date 03.14.08

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Scale Issue  Revision

Num. Date Description

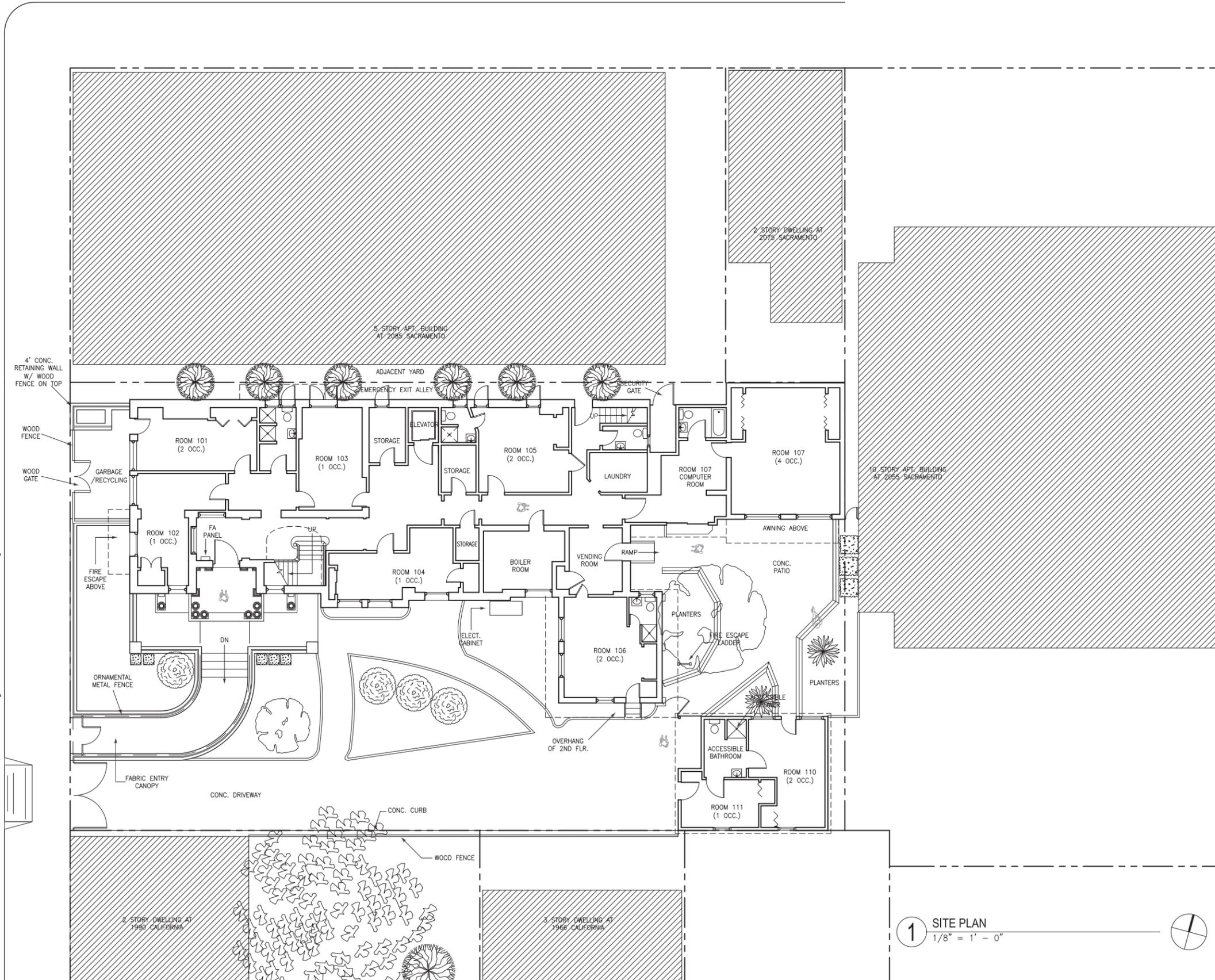
1 03.14.08 CONDITIONAL USE PERMIT

SITE PLAN

**1** SITE PLAN  
1/8" = 1' - 0"



**A2.00**



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Job # 20780.04 Print Date 03.14.08

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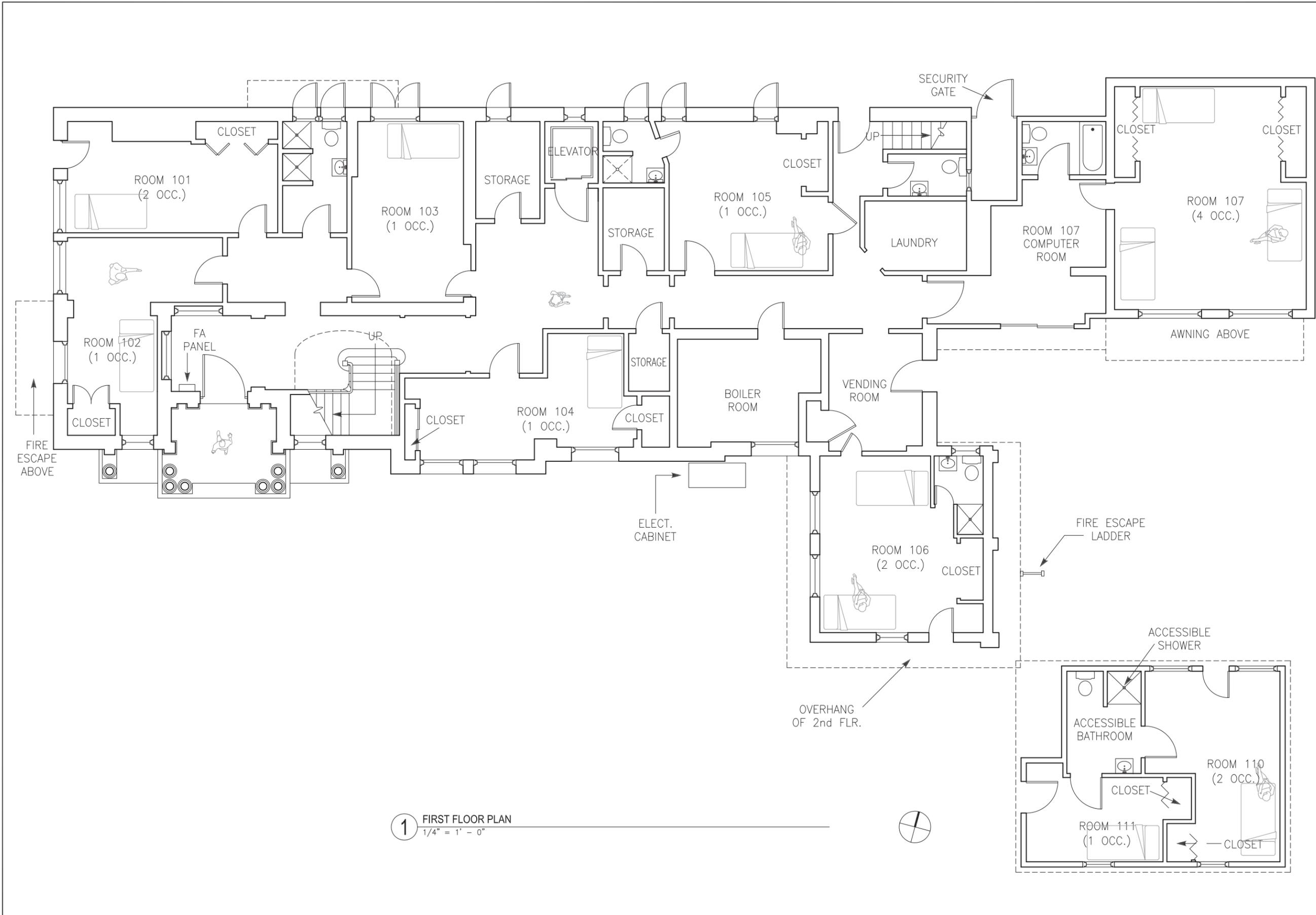
Scale Issue  Revision

Num. Date Description

1 03.14.08 CONDITIONAL USE PERMIT

FIRST FLOOR PLAN

**A2.01**



**1** FIRST FLOOR PLAN  
1/4" = 1' - 0"

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Job # 20780.04 Plot Date 03.13.08

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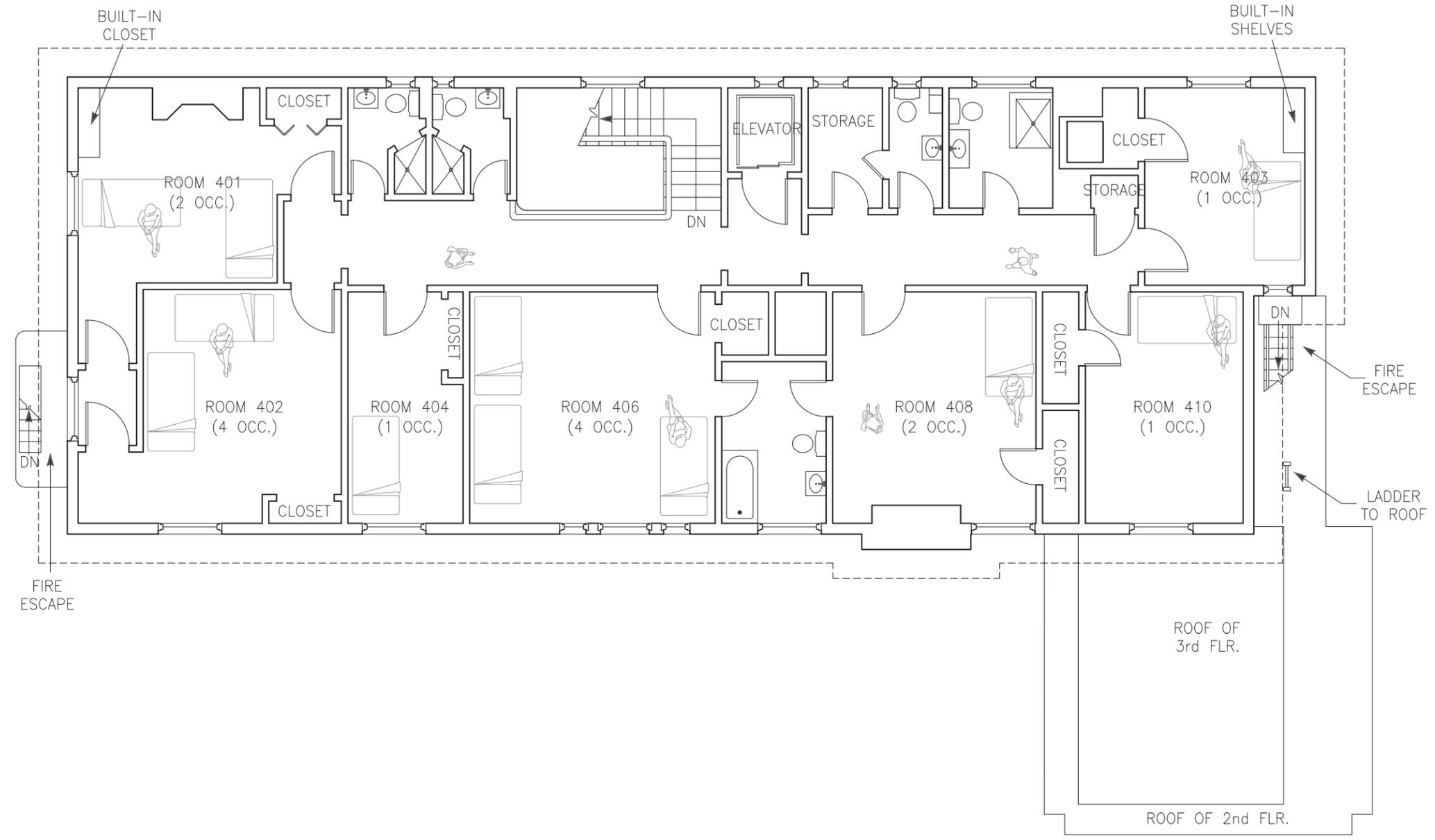
Scale Issue  Revision

Num.	Date	Description
1	03.13.08	CONDITIONAL USE PERMIT

Num.	Date	Description
1	03.13.08	CONDITIONAL USE PERMIT

FOURTH FLOOR PLAN

**A2.04**



**1** FOURTH FLOOR PLAN  
1/4" = 1' - 0"



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**1055 PINE STREET**

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# #17 I055 PINE STREET

Not Permitted by Code; Requires Planning Code Text Amendment



1055 Pine Street between Jones and Taylor Streets

### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e))
- Requires CUA for group housing in RM-4 (1 room / 70 sf)
- Requires Building Permit

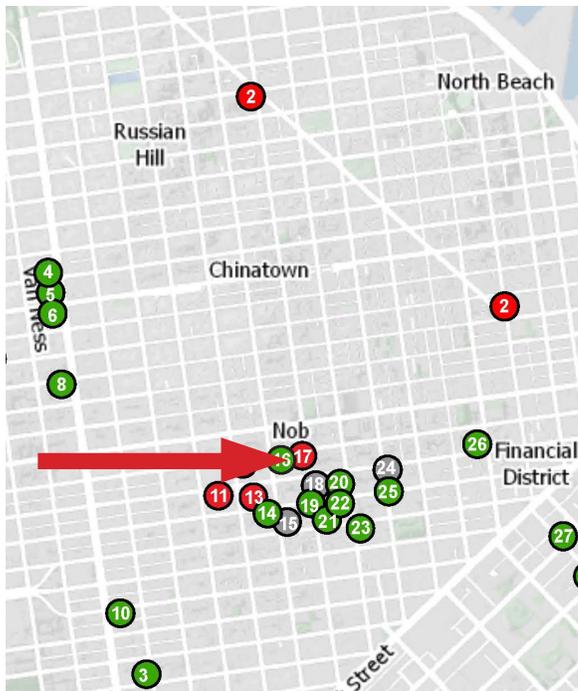
**Zoning:** RM-4, Nob Hill SUD

**Construction Date:** 1910

**Architect/Builder/Designer (if known):** W.L. Schmolle

**Preservation:** Category A

**AAU Acquisition Date:** 2000



### Staff Recommendation:

**Inclined to recommend disapproval.** The Planning Department is inclined to be un-supportive of conversions that detract from the stated Citywide goal to protect the affordability of San Francisco’s housing stock and require institutions to meet the housing demand generated by the institution with new housing.

EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	1055 Pine Street*	0275/009	RM-4 Nob Hill SUD	NE (Nob Hill)	Student Housing (81 rooms (155 beds))	Student Housing (81 rooms (155 beds))	Residential Hotel (59 rooms) (36,213 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1074C**  
*Project Address:* **1055 PINE STREET**  
*Zoning:* RM-4 (Residential-Mixed, High Density)  
65-A Height and Bulk District  
*Block/Lot:* 0275/009  
*Project Sponsor:* Gordon North  
Academy of Art University  
79 New Montgomery Street  
San Francisco, CA 94105  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Disapproval**

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### PROJECT DESCRIPTION

The applicant proposes to legalize the conversion of Residential to Student Housing (Group Housing for a Postsecondary Educational Institution). The last legal use of the property was 59 Group Housing rooms, and AAU is requesting to legalize the use of the site as 81 Student Housing rooms. The project does not include any alterations or expansion of the building envelope.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the southern side of Pine Street between Jones and Taylor Streets, Block 0275, Lot 009. The property is located within the RM-4 (Residential – Mixed, High Density) District, the Nob Hill Special Use District, and the 65-A Height and Bulk District. The existing site is a five-story, 36,213 square foot building constructed in 1910. As Academy of Art University's (AAU's) "Auguste Rodin Dormitory," the building features 81 group housing rooms and a capacity of 155 beds, as well as a computer lab, lounge, recreation room, and a ground floor café doing business as Café Rodin. The subject building was originally constructed as a mid-rise hospital building, and the last legal use of the building was a residential hotel with 59 rooms. The subject building is an example of Classical Revival

architecture. The building has bay windows on the top floor, vertical marble stone between window bays, and a red granite base.<sup>1</sup>

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

Between Jones and Taylor Streets, Pine Street is primarily residential with one commercial dry cleaning operation, and a large parking garage that serves the apartment building at 1177 California. The adjacent building at 1069 Pine Street is owned and occupied by AAU and used as a student gymnasium. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Pine Street is a three-lane, one-way westbound street with parallel residential parking located on both sides of the street.

The project site is located in the Nob Hill neighborhood, which is one of San Francisco’s signature neighborhoods, renowned for its landmarks, hotels, and unique position close to downtown. The area is characterized by a mix of hotel, institutional, and high-density residential uses. The neighborhood has many historic buildings with lush, impressive facades, but also includes a mix of modest apartment buildings. Neighborhood-serving retail operations are generally located on corner intersections.<sup>2</sup>

## **ENVIRONMENTAL REVIEW**

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	23 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	20 days	September 2, 2016	September 2, 2016	20 days

The proposal requires a Section 311 neighborhood notification, which was conducted in conjunction with the noticing completed to meet Section 303 requirements for Conditional Use authorizations.

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

---

<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume II* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-413-415

<sup>2</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume II* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-413-415

## ISSUES AND OTHER CONSIDERATIONS

- The project is not compliant with the Planning Code. Academy of Art University is seeking a legislative amendment to Planning Code Section 317 to allow the conversion of residential uses to student housing (2016-000559PCA).
- The project is associated with a Planning Code Amendment proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units Student Housing. The Planning Department is unsupportive of the AAU proposed Planning Code Amendment and has proposed a different Planning Code Amendment that would only enable the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
    - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
    - AAU initiated their proposed Planning Code Amendment by virtue of their application.
  - **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, a legislative amendment to Planning Code Section 317 would be required to permit the conversion of Residential Units to Student Housing. The Commission must also grant Conditional Use authorization to permit Student Housing (Group Housing for a Postsecondary Educational Institution) on-site, pursuant to Planning Code Sections 209.2 and 303.

## BASIS FOR RECOMMENDATION

- The change in use of the site from Residential to Student Housing does not comply with the Planning Code.
- AAU's proposed legislative amendment is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid the conversion of such affordable housing uses.<sup>3</sup>
- The project does not meet all applicable requirements of the Planning Code.
- The project is not desirable for, nor compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Disapproval</b>
------------------------	--------------------

### Attachments:

Block Book Map

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-331-334

**Executive Summary**  
**Hearing Date: September 22, 2016**

**CASE NO. 2007.1074C**  
**1055 Pine Street**

Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photograph  
Project Site Information Sheet  
Floor 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 type="checkbox"/> Height & Bulk Map                      | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Parcel Map                  | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                         | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos                 | <input type="checkbox"/> RF Report                                                         |
|                                                                 | <input type="checkbox"/> Community Meeting Notice                                          |
|                                                                 | <input type="checkbox"/> Housing Documents                                                 |
|                                                                 | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

\_\_\_\_\_ CG \_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 12, 2016  
*Case No.:* **2007.1074C**  
*Project Address:* **1055 PINE STREET**  
*Zoning:* RM-4 (Residential-Mixed, High Density)  
 65-A Height and Bulk District  
*Block/Lot:* 0275/009  
*Project Sponsor:* Gordon North  
 Academy of Art University  
 79 New Montgomery Street  
 San Francisco, CA 94105  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.2, 303, AND 317 OF THE PLANNING CODE TO LEGALIZE THE CONVERSION OF 59 RESIDENTIAL HOTEL ROOMS TO STUDENT HOUSING WITHIN THE RM-4 (RESIDENTIAL-MIXED, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In 2006, the Department’s Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU’s IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter “Department”), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties

without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department informed AAU that the City would require an Environmental Impact Report (EIR), including a Transportation Study, to process any permits to legalize unauthorized changes of use. On May 19, 2008, AAU submitted an EIR application, and on August 13, 2008, AAU submitted a Transportation Study Application (Case No. 2008.0586E!). The Department allowed existing violations to be placed "on hold" pending completion of the EIR and Transportation Study. The Department informed AAU that it could not acquire and convert or otherwise use any new properties in San Francisco until after the Department completed the EIR, including the Transportation Study, the Commission accepted AAU's IMP and the City processed necessary entitlements to legalize existing facilities based on the final certified EIR.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising my enforcement discretion, I also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision (Stay - see attached). In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that

AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On May 19, 2016, a public hearing was held to provide an update to the Planning Commission regarding processing strategies, policy and preliminary project recommendations as contained in the "Memo to the Planning Commission", dated May 12, 2016.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

## **TIMELINE OF INVESTIGATION AT SUBJECT PROPERTY**

On September 14, 2007, the AAU filed a CU (Case No. 2007.1074C) to seek authorization to establish the Group Housing use under then-Section 209.2(c).

On March 3, 2010, the Department authorized a building permit (BP No. 201003319390) to remove an illegal AAU business sign.

On June 8, 2010, the Planning Department performed a site visit to the subject property and found that the approximately 36,213 sq. ft. building was fully occupied as a Group Housing use operated by AAU. No permits were found to authorize the change of use to a Group Housing use.

On November 4, 2011, the Department issued an Enforcement Notification (EN) detailing the violations listed above with instructions to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that a CU to legalize the group housing use has been filed by AAU.

City records indicate that the property contains 59 residential hotel rooms. In 2007, the Department of Building Inspection's Housing Inspection Services listed 1055 Pine Street under "Active Residential Hotels" with 59 residential rooms.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On March 31, 2016, the Zoning Administrator issued a final NOVP Decision on the subject property.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1074C.

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

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 does not authorize the Conditional Use requested in Application No. 2007.1074C, 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 southern side of Pine Street between Jones and Taylor Streets, Block 0275, Lot 009. The property is located within the RM-4 (Residential – Mixed, High Density) District, the Nob Hill Special Use District, and the 65-A Height and Bulk District. The existing site is a five-story, 36,213 square foot building constructed in 1910. As Academy of Art University's (AAU's) "Auguste Rodin Dormitory," the building features 81 group housing rooms and a capacity of 155 beds, as well as a computer lab, lounge, recreation room, and ground floor café doing business as Café Rodin. The subject building was originally constructed as a mid-rise hospital building, and the last legal use of the building was a residential hotel with 59 rooms. The subject building is an example of Classical Revival architecture. The building has bay windows on the top floor, vertical marble stone between window bays, and a red granite base.<sup>1</sup> There are approximately five off-street parking spaces along the western edge of the building, which are accessible by a driveway on the subject property.
3. **Surrounding Properties and Neighborhood.** Between Jones and Taylor Streets, Pine Street is primarily residential with one commercial dry cleaning operation, and a large parking garage that serves the apartment building at 1177 California. The adjacent building at 1069 Pine Street is owned and occupied by AAU and used as a student gymnasium. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Pine Street is a three-lane, one-way westbound street with parallel residential parking located on both sides of the street.

The project site is located in the Nob Hill neighborhood, which is one of San Francisco's signature neighborhoods, renowned for its landmarks, hotels, and unique position close to downtown. The area is characterized by a mix of hotel, institutional, and high-density residential uses. The

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume II* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-413-415

neighborhood has many historic buildings with lush, impressive facades, but also includes a mix of modest apartment buildings. Neighborhood-serving retail operations are generally located on corner intersections.<sup>2</sup>

4. **Project Description.** The applicant proposes to legalize the conversion of a Residential building (59 rooms) to one containing Student Housing (Group Housing for a Postsecondary Educational Institution). The last legal use of the property was 59 Group Housing rooms. AAU is requesting to legalize the use of the site as 81 Student Housing rooms. The project does not include any alterations or expansion of the building envelope.
5. **Public Comment.** To date, the Department has not received any public comment on the proposed change to student housing at this specific location.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Conversion to Student Housing.** Planning Code Section 317(e) states that the conversion of Residential Units to Student Housing is prohibited.

*The project sponsor is seeking to convert 59 Residential Hotel rooms to Student Housing. The proposed conversion is not permitted by the Planning Code. The project sponsor is seeking a legislative amendment to modify Section 317 in conjunction with this Conditional Use Application. However, the Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

- B. **Student Housing.** Planning Code Section 209.2 states that group housing rooms that are associated with post-secondary educational institutions require Conditional Use Authorization.

*Student Housing is considered Group Housing that is operated by a Post-Secondary Educational Institution. Group Housing at a density of one unit per 70 square feet of lot area is principally permitted in the RM-4 Zoning District, however, Conditional Use Authorization is required if the Group Housing is affiliated with an Institutional Educational use. The project sponsor is seeking to legalize the conversion of 59 Residential Hotel rooms to Student Housing, and to provide 81 total Student Housing rooms. The applicant is seeking Conditional Use Authorization for the use of the Group Housing at the subject property by a Post-Secondary Institution. The Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

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<sup>2</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume II (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-413-415

7. **Planning Code Section 303** establishes criteria for the Planning 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 conversion of Residential Units, especially rent-controlled units, to Student Housing is neither necessary nor desirable for the community or the city. The change of use from Residential Hotel to Student Housing has incrementally intensified housing demand, as these units have been removed from the housing market. The unwarranted conversion detracts from the stated Citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new, authorized housing.*

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 existing building will remain the same as the project does not propose changes to the building envelope.*

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 subject property has adequate off-street parking and loading space, and is served by one shuttle which operates with a total seating capacity of 19 in the PM peak hour, although many students choose to walk to nearby shuttle stops. This shuttle uses the existing 40-foot long white passenger loading zone, and does not interfere with Muni buses. Commercial deliveries to the site have access to the rear parking area, but often park in the street instead due to previous noise complaints.<sup>3</sup>*

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

*The change of use to Student Housing would not have exceeded the standards established by the City for noise effects on sensitive receptors. AAU occupation of the subject property has not*

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume II (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-424-429

*resulted in increased health risks related to air quality, and would not create dust or debris, as there is no construction proposed.*

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

*The project does not propose to modify the exterior of the building, and does not propose to install landscaping, screening, service areas, lighting, or signs.*

- 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 does not comply with all applicable requirements and standards of the Planning Code. The conversion of Residential uses to Student Housing is not permitted under the Planning Code. In addition to a Conditional Use Authorization, this project would require a legislative amendment to modify Section 317. The project is also inconsistent with the General Plan policies, as further described in Section 8 below.*

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

*The project site is located within the Residential, Mixed, High-Density (RM-4) Zoning District, which is characterized primarily by high-density apartment buildings. Group Housing is especially common in these Districts, as well as some supportive retail. Although the conversion from Residential uses to Student Housing would maintain the physical group housing units, the project would result in a loss of 59 dwelling units from the general housing stock for exclusive use by a private institution. The project would result in a loss of high-density residential uses which is not in conformity with the RM-4 District.*

- 8. **General Plan Compliance.** The Project is inconsistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.9:**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*Academy of Art University is seeking to legalize the conversion of existing Residential Hotel rooms into Student Housing. AAU has not proposed to construct any new housing, nor has the University proposed*

*alternatives to meet the housing demand created by their students. By illegally converting Residential Hotels to Student Housing, the University has removed affordable units from the housing stock. Therefore, the project is not consistent with Policy 1.9 of the Housing Element.*

**OBJECTIVE 3:**

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

**Policy 3.1:**

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**Policy 3.5:**

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

*AAU seeks to legalize the conversion of 59 rent-controlled Group Housing rooms to Student Housing, which would remove these rooms from the existing housing stock. The project is not consistent with Objective 3 of the Housing Element of the General Plan.*

9. **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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses*

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

*The proposed conversion would not protect neighborhood character nor would it preserve cultural and economic diversity of the Nob Hill neighborhood. The project removes affordable housing from the City's general housing stock.*

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

*The proposed change of use at 1055 Pine Street would convert 59 Group Housing rooms to Student Housing, thereby removing affordable units from the housing stock. The project is not consistent with this priority-planning policy as it does not enhance or preserve affordable housing.*

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

*The Existing Sites Technical Memorandum has found that the shuttle stop at the site does not conflict with MUNI buses, as the service for this shuttle is less frequent. Student Housing use is not expected to generate substantial amount of parking demand throughout the day because students are not permitted to park at residential sites and AAU discourages bringing private vehicles to San Francisco.*

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*This project does not propose any alterations to the building, and would not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject property is considered an historic resource under CEQA. Although the conversion of Residential and Tourist Hotel uses to Student Housing would not negatively impact the building as a resource, the owner has altered the exterior of the building without permits or preservation review. The Existing Sites Technical Memorandum has found that the alterations do not remove or obscure character-defining features.*

- 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.*

10. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would not 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 **DISAPPROVES Conditional Use Application No. 2007.1074C.**

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

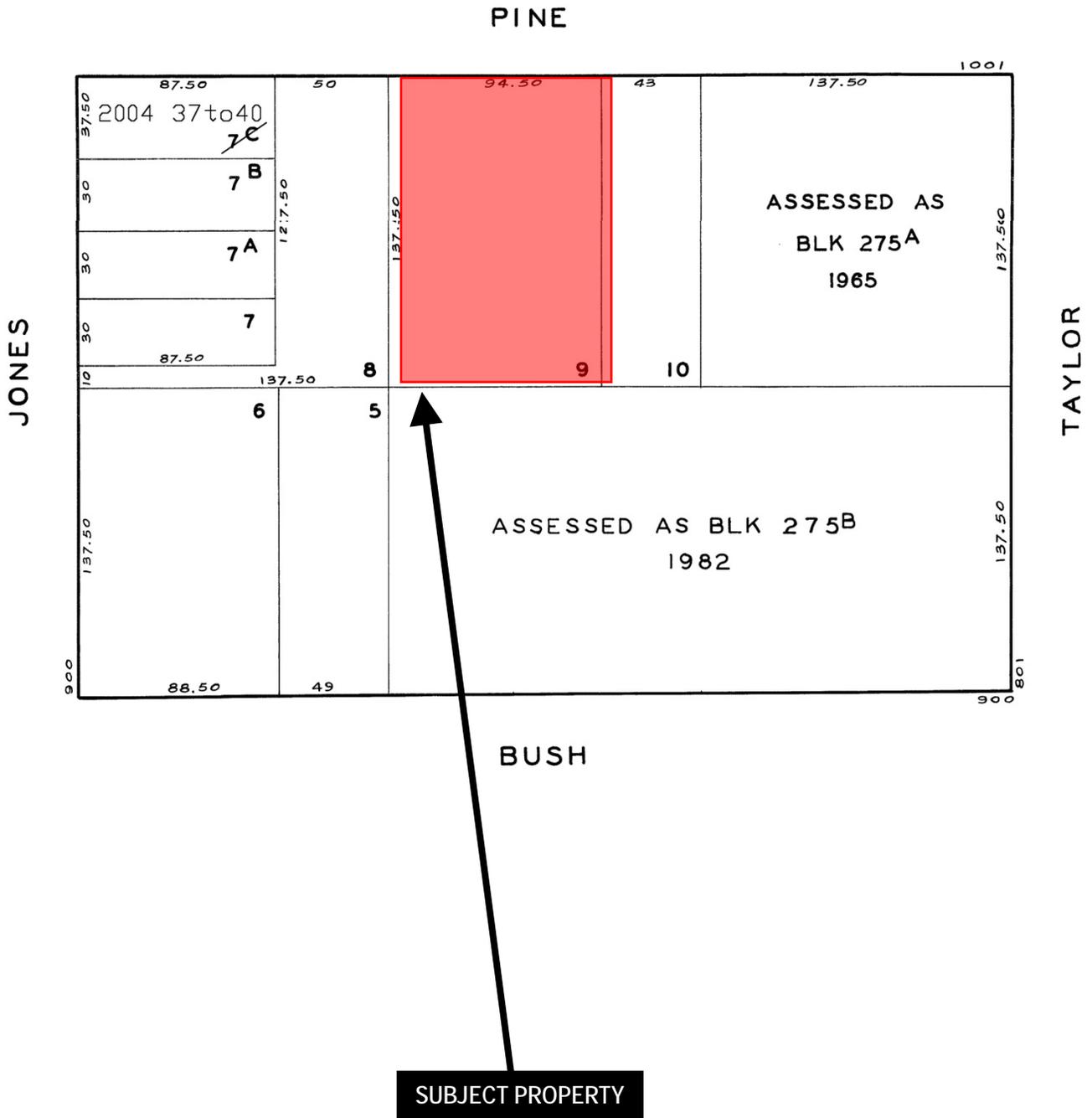
AYES:

NAYS:

ABSENT:

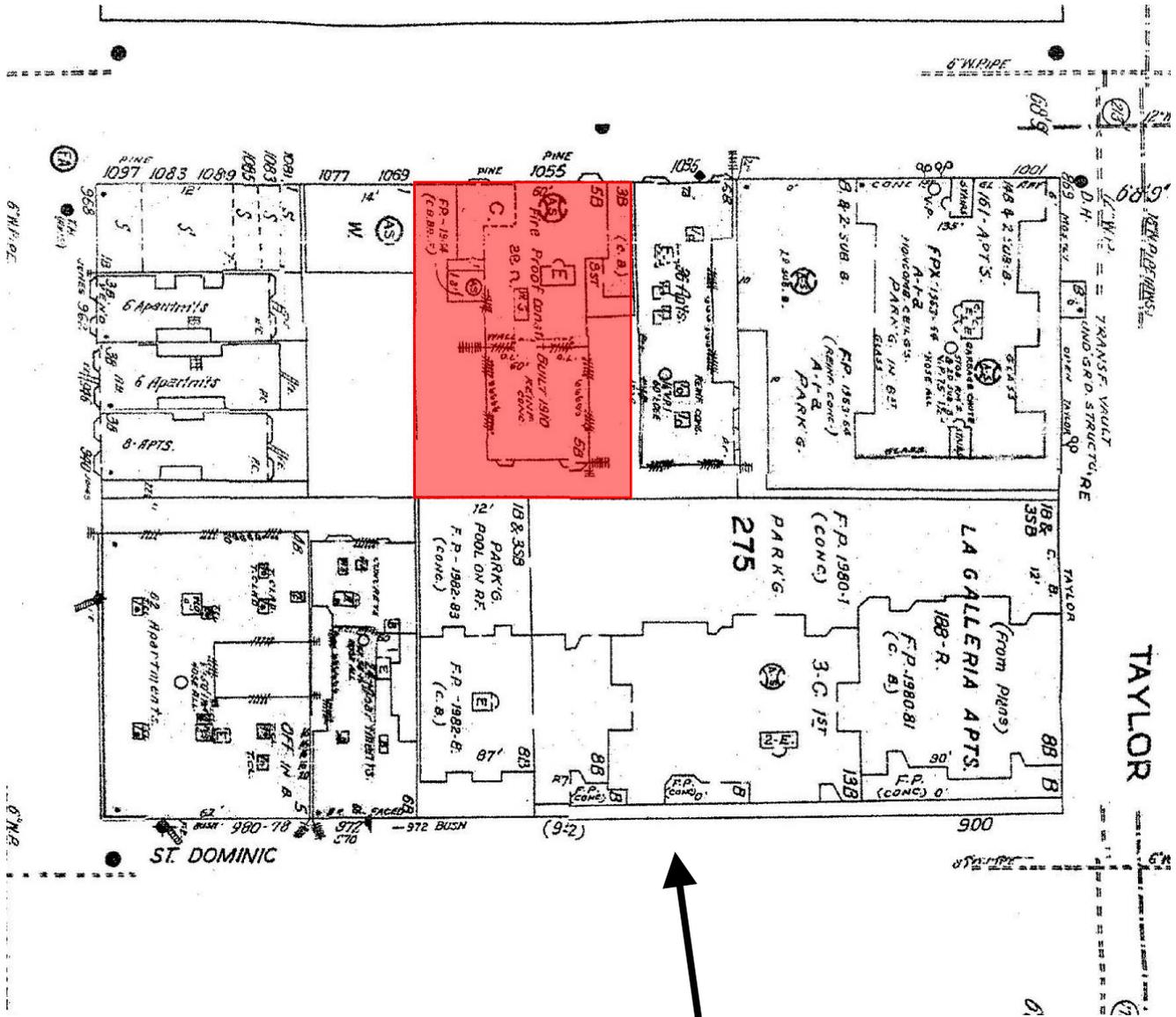
ADOPTED: September 22, 2016

# Parcel Map



Conditional Use Authorization Hearing  
Case Number 2007.1077C  
AAU – Conversion of Residential to Student Housing  
1055 Pine Street

# Sanborn Map\*



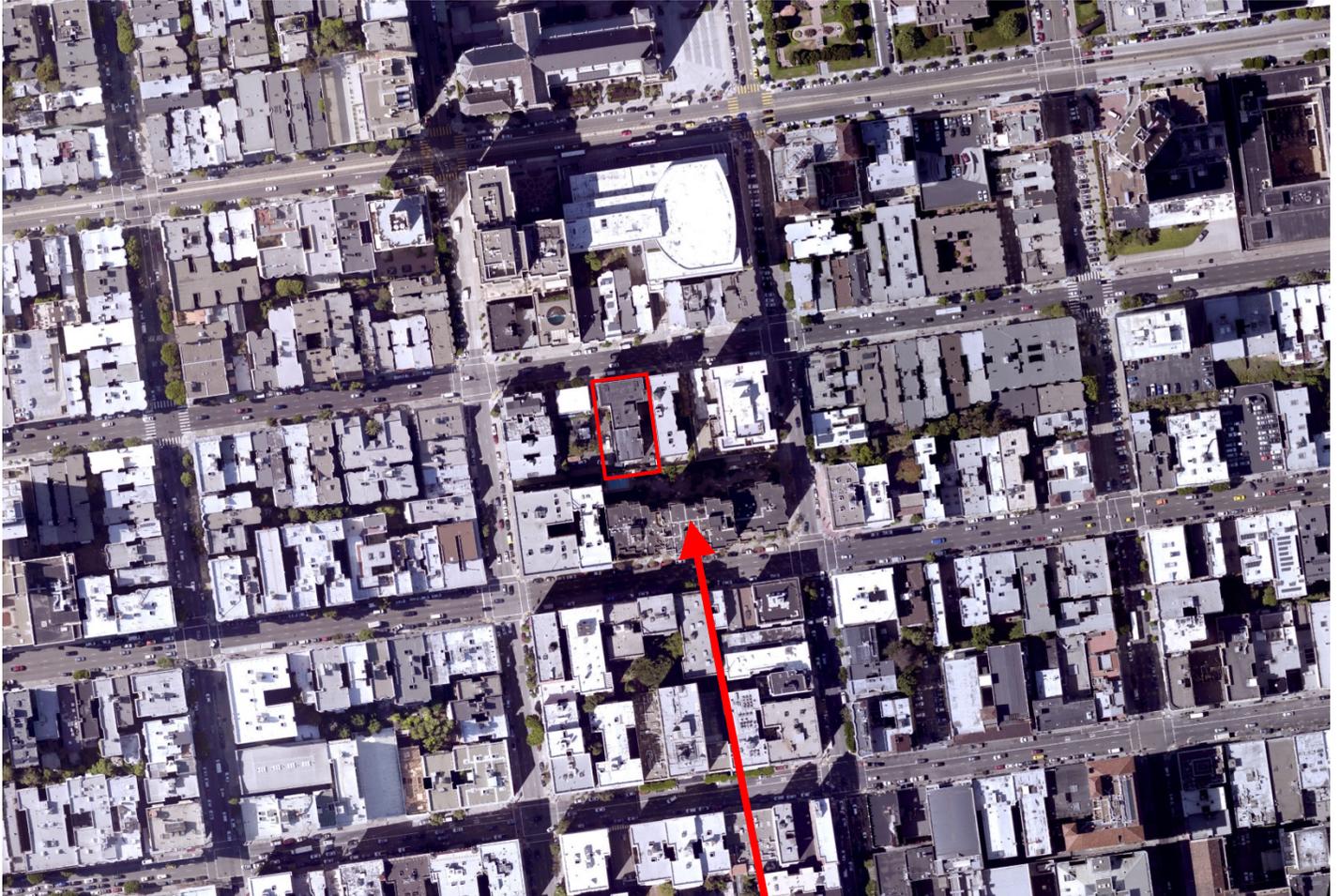
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
 Case Number 2007.1077C  
 AAU – Conversion of Residential to Student Housing  
 1055 Pine Street

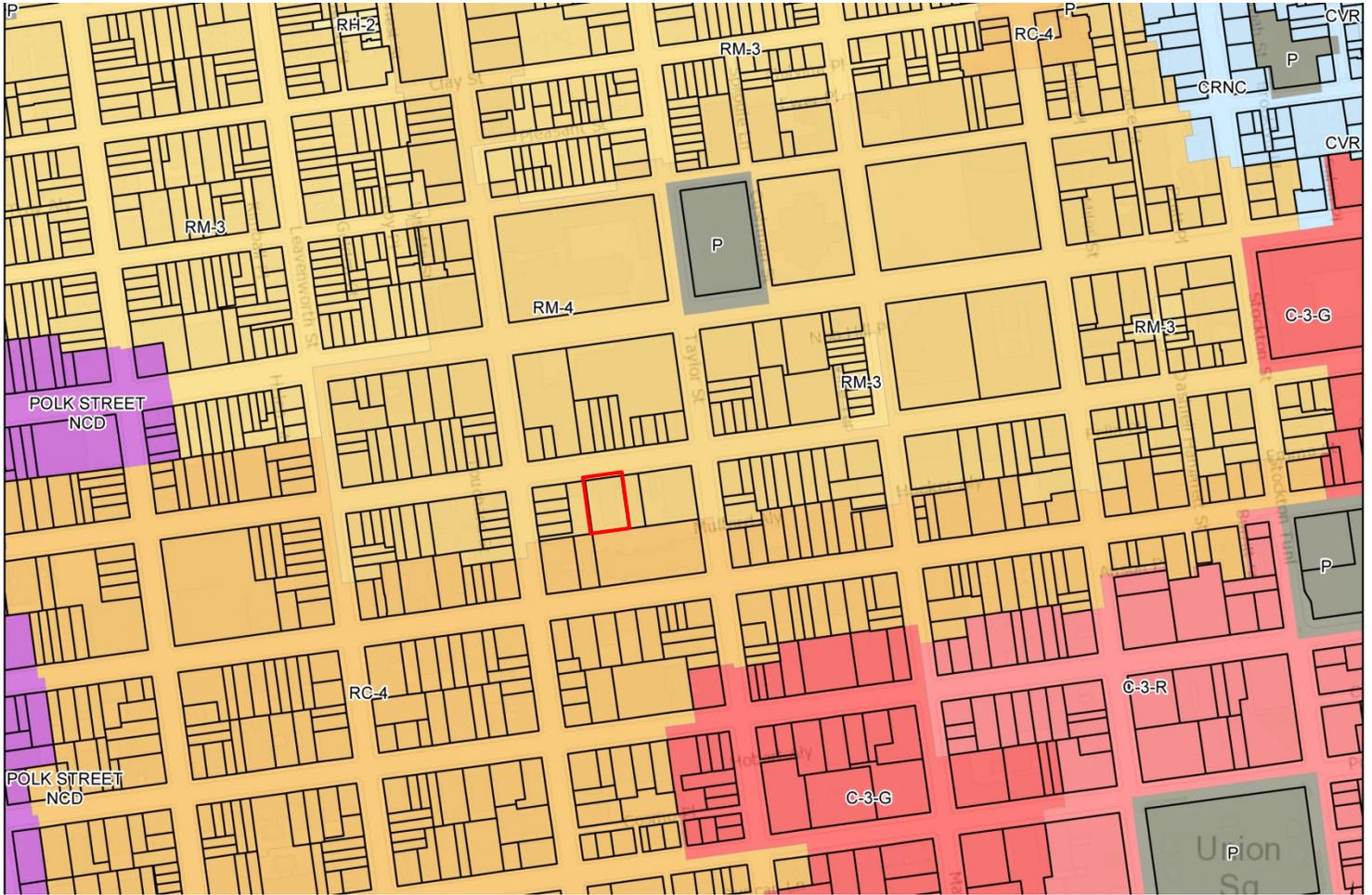
# Aerial Photo



SUBJECT PROPERTY



# Zoning Map



Conditional Use Authorization Hearing  
**Case Number 2007.1077C**  
AAU – Conversion of Residential to Student Housing  
1055 Pine Street

# Site Photo



Conditional Use Authorization Hearing  
**Case Number 2007.1077C**  
AAU – Conversion of Residential to Student Housing  
860 Sutter Street

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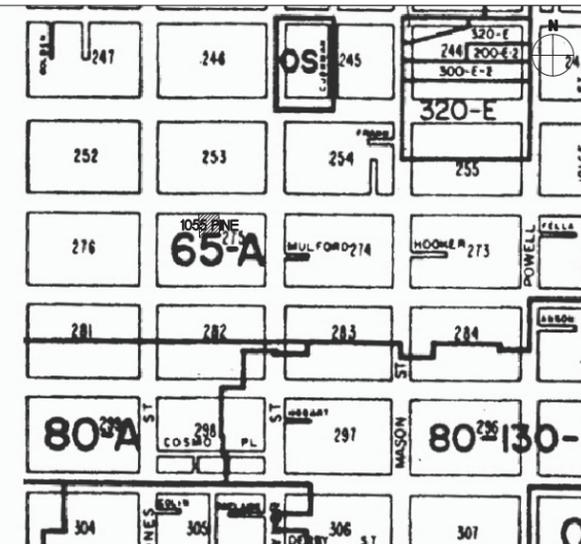
# **EXHIBIT B:**

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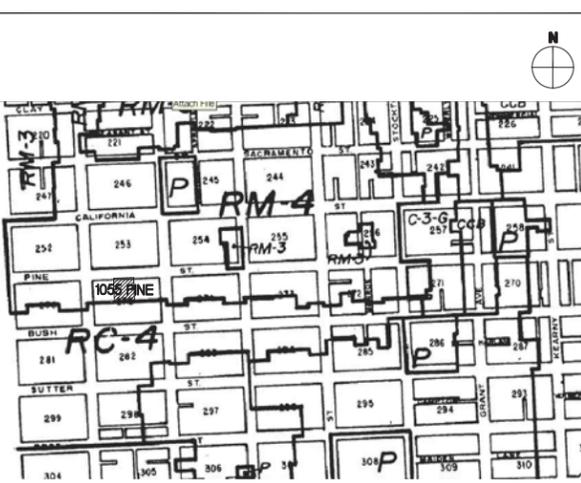
# ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH.	Phase
>	Greater Than	F.D.	Floor Drain	PL.	Plate
<	Less Than	FDN.	Foundation	P.LAM.	Plastic Laminate
[ ]	Channel	F.E.	Fire Extinguisher	PLAS.	Plaster
—	Property Line	F.E.C.	Fire Extinguisher Cab.	PLYWD.	Plywood
∠	Angle	F.H.C.	Fire Hose Cabinet	PCP.	Portland Cement Plaster
	Parallel	F.H.	Flat Head	PR.	Pair
⊥	Perpendicular	FIN.	Finish	PT.	Point or Paint
⊙	Centerline	FL.	Floor	PTCL.BD.	Particle Board
∅	Diameter	FLUOR.	Fluorescent	PTD.	Painted
⊕	At	F.O.C.	Face of Concrete	PTDF.	Pressure Treated Douglas Fir
⊖	Pound or Number	F.O.F.	Face of Finish	PTN.	Partition
( )	Existing	F.O.S.	Face of Studs	RAD.	Radius
(N)	New	FRF.	Fireproof	R.C.P.	Reflected Ceiling Plan
(R)	Remove	F.S.	Full Size	R.D.	Roof Drain
ABV.	Above	FT.	Foot or Feet	REF.	Reference
A.C.B.	Acoustical Board	FTG.	Footing	REFR.	Refrigerator
A.C.P.	Acoustical Panel	FUT.	Future	RENF.	Reinforced
ACOUS.	Acoustical	G.A.	Gauge	REQ./RQD.	Required
A.C.T.	Acoustical Tile	GALV.	Galvanized	RESIL.	Resilient
A.D.	Area Drain	G.L.	Grid Line	RM.	Room
ADJ.	Adjustable	G.B.	Grab Bar	R.O.	Rough Opening
A.F.	Access Flooring	GND.	Ground	RWD.	Redwood
AGGR.	Aggregate	GYP.	Gypsum	R.W.L.	Rain Water Leader
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	R.M.L.	Reflected
APPROX.	Approximate	H.B.	Hose Bibb	REFL.	Refer To
ARCH.	Architectural	H.C.	Hollow Core	REV.	Reversed
ASPH.	Asphalt	HDCP.	Handicapped	S.	South
A.F.F.	Above Finished Floor	HWND.	Hardwood	S.C.	See Civil Drawings
B.D.	Board	H.M.	Hollow Metal	S.C.D.	Solid Core
BITUM.	Bituminous	HORIZ.	Horizontal	SCHED.	Schedule
BKP.	Backing Plate	H.P.	High Point	SECT.	Section
BLDG.	Building	HR.	Hour	SECT.	Shower
BM.	Beam	HGT./HT.	Height	SHT.	Sheet
BOT./B.O.	Bottom/ Bottom of	I.D.	Inside Diameter (Dim)	SIM.	Similar
CAB.	Cabinet	I.E.	Invert elevation	S.J.	Score Joint
C.B.	Catch Basin	INFO.	Information	S.L.D.	See Landscaping Drawing
CEM.	Cement	INSUL.	Insulation	S.M.	Sheet Metal
CER.	Ceramic	INT.	Interior	S.M.D.	See Mechanical Drawings
C.G.	Corner Guard	INV.	Invert	SPEC.	Specification
C.I.	Cast Iron	JAN.	Janitor	SQ.	Square
C.J.	Control Joint	J.B.	Junction Box	S.S.D.	See Structural Drawings
CLG.	Ceiling	J.O.H.	Jamb Opening Height	S.S.T.	Stainless Steel
CLKG.	Caulking	J.O.W.	Jamb Width	STD.	Standard
CLO.	Closet	JT.	Joint	STL.	Steel
CLR.	Clear	KIT.	Kitchen	STOR.	Storage
C.M.U.	Concrete Masonry Unit	LAM.	Laminate	STR.	Structural
C.O.	Cased Opening	LAV.	Lavatory	S.T.S.	Self Tapping Screw
COL.	Column	LP.	Low Point	SUSP.	Suspended
CONC.	Concrete	LT.	Light	SYM.	Symmetrical
CONF.	Conference	MAX.	Maximum	TRD.	Tread
CONN.	Connection	M.C.	Medicine Cabinet	T.B.	Towel Bar
CONSTR.	Construction	M.D.F.	Medium Density Fiber Board	T.C.	Top of Curb
CONT.	Continuous	M.D.O.	Medium Density Overlay	TEL.	Telephone
CORR.	Corridor	M.E.C.H.	Mechanical	T&G	Tongue and Groove
CPT.	Carpet	MECH.	Mechanical	THK.	Thick
CTSK.	Countersunk	MEMB.	Membrane	T.P.	Top of Pavement
CNTR.	Counter	MFR.	Manufacturer	T.V.	Television
CTR.	Center	MHR.	Manhole	T.W.	Top of Wall
DBL.	Double	MIN.	Minimum	TYP.	Typical
DEPT.	Department	MIR.	Mirror	UNF.	Unfinished
D.F.	Drinking Fountain	MISC.	Miscellaneous	U.O.N.	Unless Otherwise Noted
DET.	Detail	M.O.	Masonry Opening	VERT.	Vertical
DIA.	Diameter	M.P.	Midpoint	VEST.	Vestibule
DIM.	Dimension	M.S.	Machine Screw	V.I.F.	Verify in Field
DISP.	Dispenser	MTD.	Mounted	V.T.R.	Vent through Roof
DN.	Down	MUL.	Mullion	W.	West
DR.	Door	MTL.	Metal	W/	With
DWR.	Drawer	N.	North	W.C.	Water Closet
D.S.	Downspout	N.A.	Not Applicable	WD.	Wood
D.S.P.	Dry Standpipe	N.I.C.	Not in Contract	W.O.	Window Opening
DWG.	Drawing	NOM.	Nominal	W/O	Without
E.	East	N.T.S.	Not to Scale	WP.	Waterproof
E.A.	Each	OBS.	Obscure	W.S.	Wood Screw
E.J.	Expansion Joint	O.C.	On Center	WT.	Weight
EL.	Elevation	O.C.D.	Overhead Ceiling Door		
ELEC.	Electrical	O.C.G.	Overhead Ceiling Grille		
ELEV.	Elevator	O.D.	Outside Diameter (Dim.)		
EMER.	Emergency	O.F.C.I.	Owner Furnished, Contractor Installed		
ENCL.	Enclosure	O.F.D.	Overflow Drain		
ENCL.	Enclosure	OFF.	Office		
EQ.	Equal	O.F.O.I.	Owner Furnished, Owner Installed		
EQPT.	Equipment	OH.	Opposite Hand		
EXPO.	Exposed	OPNG.	Opening		
EXP.	Expansion	OPP.	Opposite		
EXT.	Exterior				

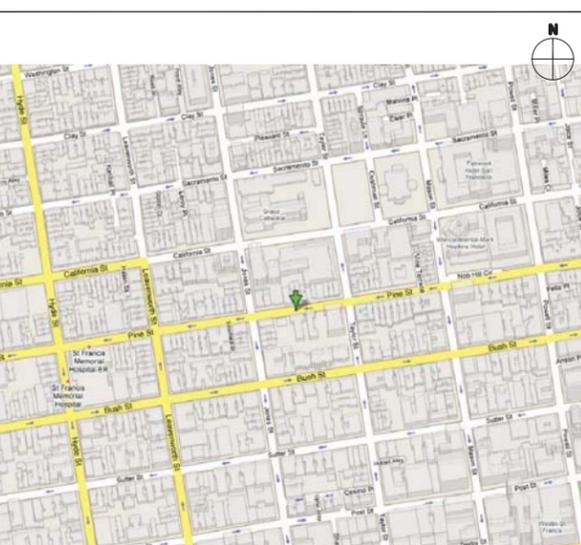
# HEIGHT & BULK MAP



# CITY ZONING MAP



# SITE PLAN



# ZONING INFORMATION

APN 0275-009  
 ZONING: RM-4 Residential-Mixed High Density  
 HEIGHT & BULK: 65'-A  
 SPECIAL USE DISTRICT: Nob Hill SUD  
 DENSITY LIMITATION: 1 Bedroom per 140 sq. ft. of Lot Area  
 LOT AREA: 12,989 sq. ft.  
 ALLOWABLE BEDROOMS: 12,989sq.ft. lot area / 140sq.ft. = 92 Bedrooms Allowed

# PROJECT DESCRIPTION

Application for Conditional Use Authorization per PC Section 209.2(c) to allow group housing for students in an RM-4 zoning district.  
 San Francisco Planning Code Section 209.2 allows group housing as a conditional use in the RM-4 District where such facility is affiliated with and operated by an educational institution.  
 Group housing is defined as "providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit."  
 The Auguste Rodin Dormitory houses male students under 21 years old

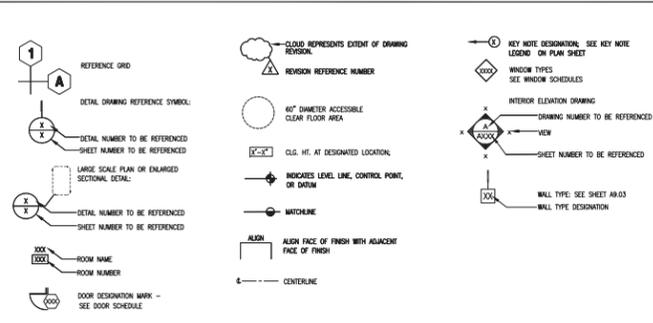
# BUILDING INFORMATION

OCCUPANCY GROUP: R-1  
 TYPE OF CONSTRUCTION: REINFORCED CONCRETE; FIRE PROTECTED  
 NO. OF STORIES: 5 & 2 BASEMENT LEVELS  
 PROJECT AREA: BASEMENT A: 4,611 sq. ft.  
 BASEMENT B: 7,016 sq. ft.  
 GROUND FLOOR: 6,112 sq. ft.  
 SECOND FLOOR: 5,978 sq. ft.  
 THIRD FLOOR: 5,978 sq. ft.  
 FOURTH FLOOR: 5,965 sq. ft.  
 FIFTH FLOOR: 5,875 sq. ft.  
 YEAR BUILT: 1910

# SHEET INDEX

GENERAL:	
G.01	TITLE SHEET
SITE	
A1.00	PROJECT SITE PLAN
A1.01	SITE PHOTOS
ARCHITECTURAL:	
A2.00	BASEMENT LEVEL B PLAN
A2.01	BASEMENT LEVEL A PLAN
A2.02	FIRST STORY PLAN
A2.03	SECOND STORY PLAN
A2.04	THIRD STORY PLAN
A2.05	FOURTH STORY PLAN
A2.06	FIFTH STORY PLAN

# ARCHITECTURAL SYMBOLS



# O M E L I O T F I S C H

201 Post Street 7th Floor  
 San Francisco CA 94108  
 tel 415 3917918  
 fax 415 3917309  
 www.tomeiotfish.com

CONDITIONAL USE PERMIT  
 for  
**AUGUSTE RODIN  
 DORMITORY**  
 Group Housing Associated with  
 an Educational Institution in  
 RM-4 District

1055 Pine Street  
 San Francisco, CA 94109



Architect  
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 201 Post Street 7th Floor  
 San Francisco CA 94108  
 Roger Sayer, Project Architect  
 Doug Torr, Principal

Owners Representative  
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 Lakshmi Khanna, Project Engineer  
 Ed Corliss

Owner's Counsel  
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 Principal: Suhel Shalata



Job #	20780.05	Print Date	2/4/08
Drawn By	JP/AS	Approved By	
Scale		Issue	<input type="checkbox"/> Issue <input type="checkbox"/> Revision <input type="checkbox"/>
Num.	Date	Description	
1	2/4/08	CONDITIONAL USE PERMIT	

# TITLE SHEET

# G.01



**T O M  
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**CONDITIONAL USE PERMIT**  
for  
**AUGUSTE RODIN DORMITORY**  
Group Housing Associated with  
an Educational Institution in  
RM-4 District

**1055 Pine Street**  
San Francisco, CA 94109



**Architect**  
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201 Post Street 7th Floor  
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Roger Sayre, Project Architect  
Doug Tom, Principal

**Owners Representative**  
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Job # 20780.05 Print Date 2/4/08

Drawn By JP/AS Approved By

Scale Issue  Revision

Num.	Date	Description
1	2/4/08	CONDITIONAL USE PERMIT



**4 PROJECT SITE PLAN**  
1"=20'

**SITE PLAN**

**A1.00**

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If this drawing is not 24"x36", then the drawing has been revised from its original size. Noted scales must be adjusted. This line should be equal to one inch.



**2** NORTH SIDE OF PINE STREET  
No Scale



**1** SOUTH SIDE OF PINE STREET  
No Scale

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Job # 20780.05 Print Date 2/4/08

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Scale Issue  Revision

Num.	Date	Description
1	2/4/08	CONDITIONAL USE PERMIT

**PROJECT SITE  
PHOTOS**

**A1.01**







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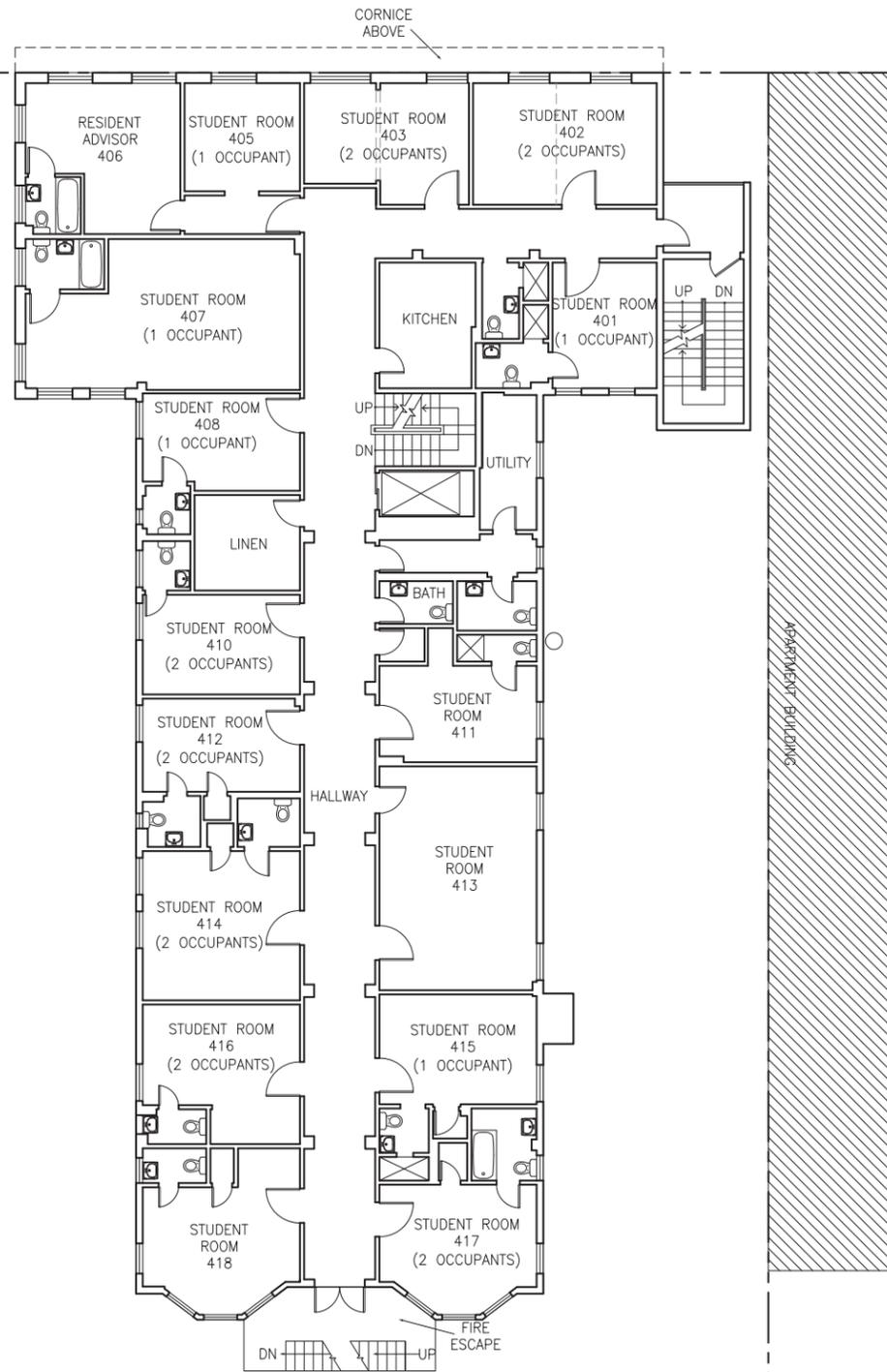
Scale Issue Revision

Num. Date Description

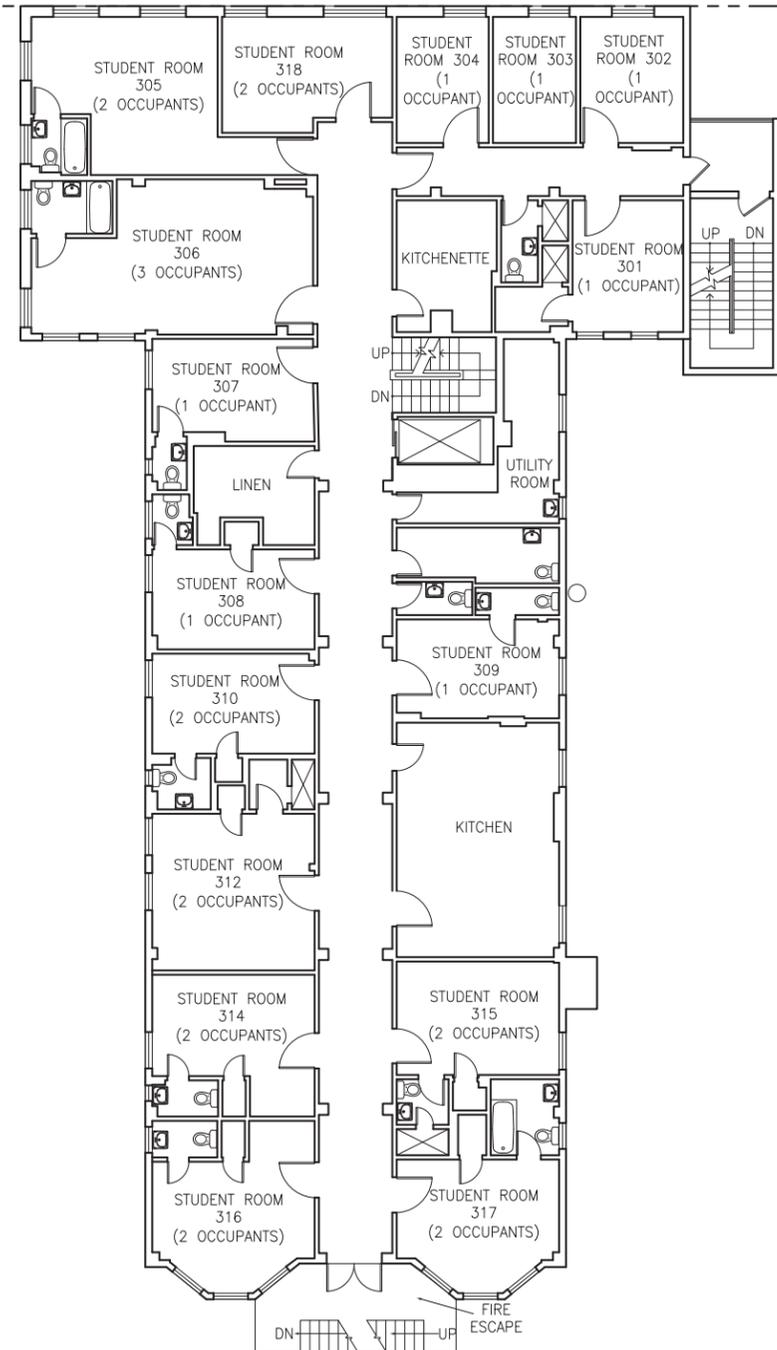
1 2/4/08 CONDITIONAL USE PERMIT

**THIRD AND FOURTH FLOOR PLANS**

**A2.02**



**2 FOURTH FLOOR PLAN**  
1/8" = 1' - 0"



**1 THIRD FLOOR PLAN**  
1/8" = 1' - 0"



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Job # 20780.05 Print Date 2/4/08

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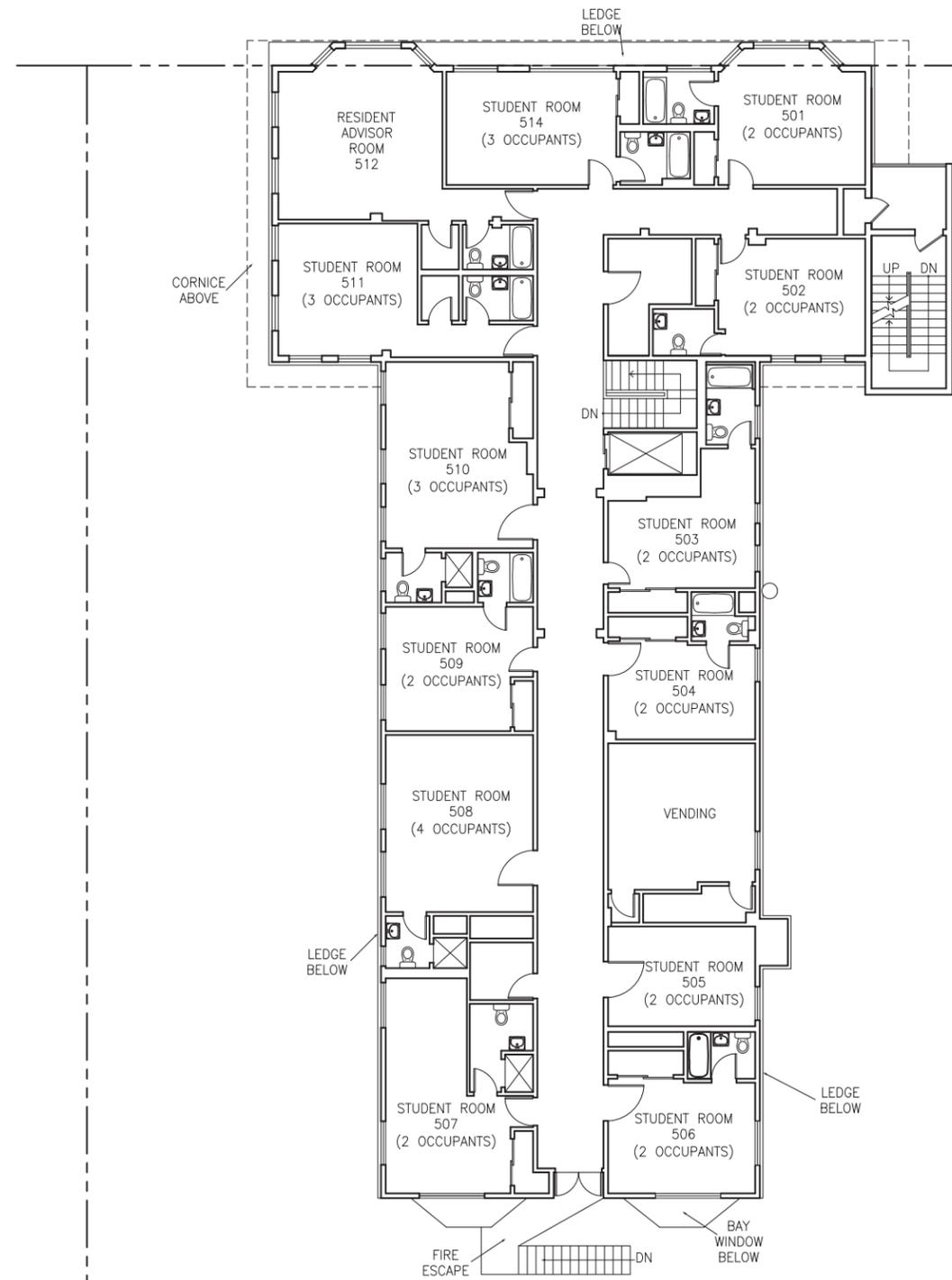
Scale Issue  Revision

Rev. Date Description

1 2/4/08 CONDITIONAL USE PERMIT

**FIFTH FLOOR PLAN**

**A2.03**



**1 FIFTH FLOOR PLAN**  
1/8" = 1' - 0"



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**860 SUTTER STREET**

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# #13 860 SUTTER STREET

Not Permitted by Code; Requires Planning Code Text Amendment



860 Sutter St. between Leavenworth and Jones St.

### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e))
- Requires CUA for student housing in RC-4
- Requires HP Review
- Requires Building Permit

**Construction Date:** 1913

**Zoning:** RC-4

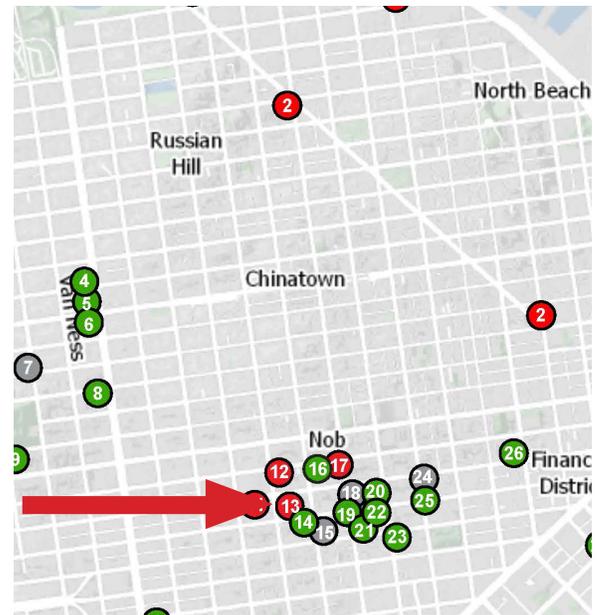
**Architect/Builder/Designer (if known):** G. Albert Lansburgh

**Preservation:** Category A

**AAU Acquisition Date:** 2003

### Staff Recommendation:

**Inclined to recommend disapproval.** The Planning Department is inclined to be unsupportive of conversions that detract from the stated Citywide goal to protect the affordability of San Francisco’s housing stock and require institutions to meet the housing demand generated by the institution with new housing.



EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	860 Sutter Street*	0281/006	RC-4	NE (Civic Center)	Student Housing (89 Rooms (184 beds))	Student Housing (89 Rooms (184 beds))	Tourist & Residential Hotel (39 tourist rooms & 50 residential rooms) (35,292 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* 2007.1077C  
*Project Address:* 860 SUTTER STREET  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
80-A Height and Bulk District  
*Block/Lot:* 0281/006  
*Project Sponsor:* Gordon North  
Academy of Art University  
79 New Montgomery Street  
San Francisco, CA 94105  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)  
*Recommendation:* **Disapproval**

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**415.558.6409**

Planning  
Information:  
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### PROJECT DESCRIPTION

The applicant proposes to legalize the change of use from a Residential (50 rooms) and Tourist Hotel (39 rooms) to Student Housing (Group Housing for a Postsecondary Educational Institution). The project does not propose any alterations or expansion of the building envelope.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the northern side of Sutter Street between Leavenworth and Jones Streets, Block 0281, Lot 006. The property is located within the RC-4 (Residential – Commercial, High Density) District and the 80-A Height and Bulk District. The existing six-story over basement, 35,292 square foot building was constructed in 1913, and was originally known as the Reich Hotel Building. Prior to Academy of Art University (AAU) occupation in 2003, the subject building was used as an 89-room tourist and residential then known as the Beresford Manor, with 50 group-housing rooms (residential hotel rooms pursuant to the Residential Hotel Conversion Ordinance) and 39 tourist hotel rooms. Two of the rooms are currently occupied by permanent residents who are not students. AAU refers to this property as the "International House," and common areas include a recreation room, a manager's office, a laundry room, and a café.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

Between Jones and Leavenworth Streets, Sutter Street is primarily characterized by multi-family apartments with some supporting ground-floor commercial uses. AAU occupies one other building on the block, 817-831 Sutter Street, which is located across the street to the east of the of the subject property. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Sutter Street is a three-lane, one-way westbound street with one dedicated bus-only lane and parallel metered parking located on both sides of the street. Parking is also located at a parking structure adjacent to the subject property.

The project site is located in the Lower Nob Hill Apartment Hotel National Register Historic District, which has a high concentration of residential and ground-floor retail/commercial uses. The District consists of mainly three- to seven-story multi-unit residential buildings that were constructed between 1906 and 1925, giving them a remarkable consistency in style. The subject building, constructed in a gothic revival style and originally used as a residential hotel, is a contributing resource to the Lower Nob Hill Apartment Hotel District.

## ENVIRONMENTAL REVIEW

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	23 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	10 days	September 12, 2016	September 12, 2016	10 days

The proposal requires a Section 311 neighborhood notification, which was conducted in conjunction with the noticing completed to meet Section 303 requirements for Conditional Use authorizations.

## PUBLIC COMMENT/COMMUNITY OUTREACH

To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

## ISSUES AND OTHER CONSIDERATIONS

- The project is not compliant with the Planning Code. Academy of Art University is seeking a legislative amendment to Planning Code Section 317 to allow the conversion of residential uses to student housing (2016-000559PCA).
- The project is associated with a Planning Code Amendment proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units Student Housing. The Planning Department is unsupportive of the AAU proposed Planning

Code Amendment and has proposed a different Planning Code Amendment that would only enable the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.

- o **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
  - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
  - AAU initiated their proposed Planning Code Amendment by virtue of their application.
- o **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, a legislative amendment to Planning Code Section 317 would be required to permit the conversion of Residential Units to Student Housing. The Commission must also grant Conditional Use authorization to permit Student Housing (Group Housing for a Postsecondary Educational Institution) on-site, pursuant to Planning Code Sections 209.3 and 303.

### **BASIS FOR RECOMMENDATION**

- The change in use of the site from Residential to Student Housing does not comply with the Planning Code.
- AAU's proposed legislative amendment is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid the conversion of such affordable housing uses.<sup>1</sup>
- The Existing Sites Technical Memorandum found that the change in use would intensify AAU's presence in the vicinity, as two AAU buildings are located on the same street (817-831 Sutter Street). Four other AAU buildings are located two blocks to the east at 620, 625, 655 and 680 Sutter Street, with a fifth building around the corner at 740 Taylor. The intensification of AAU uses in the vicinity could change the character of the neighborhood and introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).
- The project does not meet all applicable requirements of the Planning Code.
- The project is not desirable for, nor compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Disapproval</b>
------------------------	--------------------

#### **Attachments:**

---

<sup>1</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-331-334

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photograph  
Project Site Information Sheet  
Floor 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 type="checkbox"/> Height & Bulk Map                      | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Parcel Map                  | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                         | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos                 | <input type="checkbox"/> RF Report                                                         |
|                                                                 | <input type="checkbox"/> Community Meeting Notice                                          |
|                                                                 | <input type="checkbox"/> Housing Documents                                                 |
|                                                                 | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

\_\_\_\_\_ CG \_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* **2007.1077C**  
*Project Address:* **860 SUTTER STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
 80-A Height and Bulk District  
*Block/Lot:* 0281/006  
*Project Sponsor:* Gordon North  
 Academy of Art University  
 79 New Montgomery Street  
 San Francisco, CA 94105  
*Staff Contact:* Carly Grob – (415) 575-9138  
[carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3, 303 AND 317 OF THE PLANNING CODE TO LEGALIZE THE CONVERSION OF 50 RESIDENTIAL HOTEL ROOMS AND 39 TOURSIT HOTEL ROOMS TO STUDENT HOUSING WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) DISTRICT AND A 80-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In 2006, the Department’s Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU’s IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter “Department”), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties without an accepted Institutional Master Plan (hereinafter “IMP”). The Board of Supervisors, Board of

Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department informed AAU that the City would require an Environmental Impact Report (EIR), including a Transportation Study, to process any permits to legalize unauthorized changes of use. On May 19, 2008, AAU submitted an EIR application, and on August 13, 2008, AAU submitted a Transportation Study Application (Case No. 2008.0586E!). The Department allowed existing violations to be placed "on hold" pending completion of the EIR and Transportation Study. The Department informed AAU that it could not acquire and convert or otherwise use any new properties in San Francisco until after the Department completed the EIR, including the Transportation Study, the Commission accepted AAU's IMP and the City processed necessary entitlements to legalize existing facilities based on the final certified EIR.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising my enforcement discretion, I also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision (Stay - see attached). In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay ("Withdrawal" - see attached), providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with Atkins Global and respond promptly to Planning Department comments.

As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

### **Timeline of Investigation for the Subject Property:**

On September 14, 2007, the AAU filed a CU (Case No. 2007.1077C) to seek authorization to establish the Group Housing use under then-Section 209.2(c).

On June 17, 2010, the Planning Department performed a site visit to the subject property and found that the approximately 35,292 sq. ft. building was fully occupied as a Group Housing use operated by AAU. The last known legal use of the building was a tourist and residential hotel use (39 tourist rooms and 50 residential rooms) and no permits were found on file to change the use to that of Group Housing use.

On April 28, 2011, the Department issued a notice regarding the unauthorized installation of an AAU wall sign on the property. The wall sign did not meet signage requirements and was later removed via a building permit (BP No. 201105095666). Although a wall sign was removed, the subject property still has an unpermitted sign copy located on the awning. Until a sign permit has been issued for the sign copy located on the awning, the sign copy must be removed.

On November 4, 2011, the Department issued an Enforcement Notice (EN) detailing the violations listed above with details on how to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that a CU to legalize the group housing use was filed by AAU. A CU has not been authorized by the Planning Commission and the use of the property remains out of compliance. City records indicate that the property contains at least 50 residential hotel rooms. In 2007, the Department of Building Inspection's Housing Inspection Services listed 860 Sutter Street under "Active Residential Hotels" with 50 residential rooms.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On April 7, 2016, the Zoning Administrator issued a Notice of Violation and Penalty Decision for 860 Sutter in response to Complaint Number 8617.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1077C.

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

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 does not authorize the Conditional Use requested in Application No. 2007.1077C, 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 northern side of Sutter Street between Leavenworth and Jones Streets, Block 0281, Lot 006. The property is located within the RC-4 (Residential – Commercial, High Density) District and the 80-A Height and Bulk District. The existing six-story over basement, 35,292 square foot building was constructed in 1913, and was originally known as the Reich Hotel Building. Prior to Academy of Art University (AAU) occupation in 2003, the subject building was used as an 89-room Tourist and Residential Hotel, then known as the Beresford Manor, with 50 Group-Housing rooms (Residential Hotel rooms pursuant to the Residential Hotel Conversion Ordinance) and 39 Tourist Hotel rooms.<sup>1</sup> Two of the rooms are currently occupied by permanent residents who are not students. AAU refers to this property as the “International House,” and common areas include a recreation room, a manager’s office, a laundry room, and a café.
3. **Surrounding Properties and Neighborhood.** Between Jones and Leavenworth Streets, Sutter Street is primarily characterized by multi-family apartments with some supporting ground-floor commercial uses. AAU occupies one other building on the block, 817-831 Sutter Street, which is located across the street to the east of the of the subject property. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Sutter Street is a three-lane, one-way westbound street with one dedicated bus-only lane and parallel metered parking located on both sides of the street. Parking is also located at a parking structure adjacent to the subject property.

The project site is located in the Lower Nob Hill Apartment Hotel National Register Historic District, which has a high concentration of residential and ground-floor retail/commercial uses. The District consists of mainly three- to seven-story multi-unit residential buildings that were constructed between 1906 and 1925, giving them a remarkable consistency in style. The subject building, constructed in a gothic revival style and originally used as a residential hotel, is a contributing resource to the Lower Nob Hill Apartment Hotel District.

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-331-334

4. **Project Description.** The applicant proposes to legalize the change of use from a Residential (50 rooms) and Tourist Hotel (39 rooms) to Student Housing (Group Housing for a Postsecondary Educational Institution). The project does not propose any alterations or expansion of the building envelope.
5. **Public Comment.** To date, the Department has not received any public comment on the proposed legalization of the change of use to Student Housing at the subject property.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Conversion to Student Housing.** Planning Code Section 317(e) states that the conversion of Residential Units to Student Housing is prohibited.

*The project sponsor is seeking to convert 59 Residential Hotel rooms to Student Housing. The proposed conversion would not be permitted by the Planning Code. The project sponsor is seeking a legislative amendment to modify Section 317 in conjunction with this Conditional Use Application. However, the Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

- B. **Student Housing.** Planning Code Section 209.3 states that group housing rooms that are associated with post-secondary educational institutions require Conditional Use Authorization.

*Student Housing is considered Group Housing that is operated by a Post-Secondary Educational Institution. Group Housing at a density of one unit per 70 square feet of lot area is principally permitted in the RC-4 Zoning District, however, Conditional Use Authorization is required if the Group Housing is affiliated with an Institutional Educational use. The project sponsor is seeking to legalize the conversion of 59 Residential Hotel rooms to Student Housing, and to provide 81 total Student Housing rooms. The applicant is seeking Conditional Use Authorization for the use of the group housing at the subject property by a post-secondary institution. The Planning Department is not supportive of conversions that detract from the state citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

7. **Planning Code Section 303** establishes criteria for the Planning 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, which would convert Residential Units to Student Housing, has not been found to be necessary or desirable for the neighborhood or community. The unwarranted conversion detracts*

*from the stated Citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new, authorized housing. Furthermore, there is a high concentration of AAU buildings within the neighborhood, which could be detrimental to neighborhood character by introducing new patterns of use on the site (i.e. student populations would replace hotel guests and/or longer-term residents.*

- 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 existing building will remain the same as project does not propose changes to the building envelope.*

- 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 is detrimental to traffic patterns for persons and vehicles. There is no off-street parking located on the site. As further discussed in Section 9D below, the existing 47-foot-long shuttle stop is often inadequate to serve the frequency of the shuttles at this location, and use of the shuttle stop in peak afternoon travel hours is in violation of City regulations. The Existing Sites Technical memorandum includes a loading zone analysis for the site, and determined that the number of existing shuttle trips would require an 80-foot-long shuttle stop.<sup>2</sup> Double-parked shuttles often impede traffic, and students congregating on the sidewalk while waiting for shuttles impede pedestrian circulation.*

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

*The change of use to Student Housing would not have exceeded the standards established by the City for noise effects on sensitive receptors. AAU occupation of the subject property has not resulted in increased health risks related to air quality, and would not create dust or debris, as there is no construction proposed.*

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

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<sup>2</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-346

*The project does not propose to modify the exterior of the building, and does not propose to install landscaping, screening, service areas, lighting, or signs. As discussed in other sections of this report, the shuttle loading area is inappropriately located.*

- 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 does not comply with all applicable requirements and standards of the Planning Code or General Plan policies.*

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

*The project site is located within the Residential- Commercial, High Density (RC-4) Zoning District, which is characterized by a mixture of high-density dwellings with supporting commercial spaces. Although the conversion from residential uses to student housing would maintain the physical group housing units, the project would result in a loss of 50 dwelling units from the general housing stock for unauthorized use by a private institution. The project would result in a loss of high-density Residential Uses, as well as Tourist Hotel rooms close to the downtown core; the unauthorized conversion of these uses does not comply with Planning Code requirements outlined for the RC-4 District.*

8. **General Plan Compliance.** The Project is inconsistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.9:**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*Academy of Art University is seeking to legalize the conversion of existing Residential Hotel rooms to Student Housing. AAU has not proposed to construct any new housing, nor has the University proposed alternatives to meet the housing demand created by their students. By illegally converting Residential and Tourist Hotels, AAU has removed affordable units from the housing stock and Tourist Hotel rooms that are in short supply from the market. Therefore, the project is not consistent with Policy 1.9 of the Housing Element.*

#### **OBJECTIVE 3:**

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

**Policy 3.1:**

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

**Policy 3.5:**

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

*AAU seeks to legalize the conversion of 50 rent-controlled Group Housing rooms to Student Housing, which would remove these rooms from the existing housing stock. The project is not consistent with Objective 3 of the Housing Element of the General Plan.*

9. **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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses*

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

*The proposed conversion would not protect neighborhood character nor would it preserve cultural and economic diversity of the Nob Hill neighborhood. The project removes affordable housing from the City's general housing stock and this project and has been found to impede vehicular and pedestrian traffic in the neighborhood. Further, as indicated in the Existing Sites Technical Memorandum, there is a high concentration of AAU buildings within the vicinity, including two buildings on the same street (817-831 Sutter) and five buildings two blocks east of the subject property (620, 625, 655, 680 Sutter, and 740 Taylor). The intensification of AAU uses in the vicinity could change the character of the neighborhood and introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).<sup>3</sup>*

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

*The proposed change of use at 860 Sutter Street would convert 50 Group Housing rooms to student housing, thereby removing affordable units from the housing stock. The project is not consistent with this priority-planning policy as it does not enhance or preserve affordable housing.*

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-333

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

*The subject property includes a 47-foot-long shuttle stop along its frontage on Suter Street, and seven shuttle routes currently run adjacent to the site and stop at this shuttle zone at a combined frequency of every 3.5 minutes. AAU shuttle buses have been reported to occasionally arrive in groups with some shuttle vehicles double parking in the adjacent transit-only lane. Additionally, the existing shuttle zone at the subject property is subject to No Stopping Tow Away regulations between the hours of 4:00 p.m. and 6:00 p.m. Thus, continued use of the shuttle zone during the PM peak period hours on Sutter Street is in violation of the City's regulations during PM peak period. The traffic generated by students using private shuttles impedes transit services and overburdens streets.*

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*This project does not propose any alterations to the building, and would not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject property is considered an historic resource under CEQA and is also located within the Lower Nob Hill Apartment Hotel Historic District. Although the conversion of Residential and Tourist Hotel uses to Student Housing would not negatively impact the building as a resource, the owner has installed vinyl windows without a permit or preservation review.*

- 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.*

10. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would not 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 **DISAPPROVES Conditional Use Application No. 2007.1077C.**

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

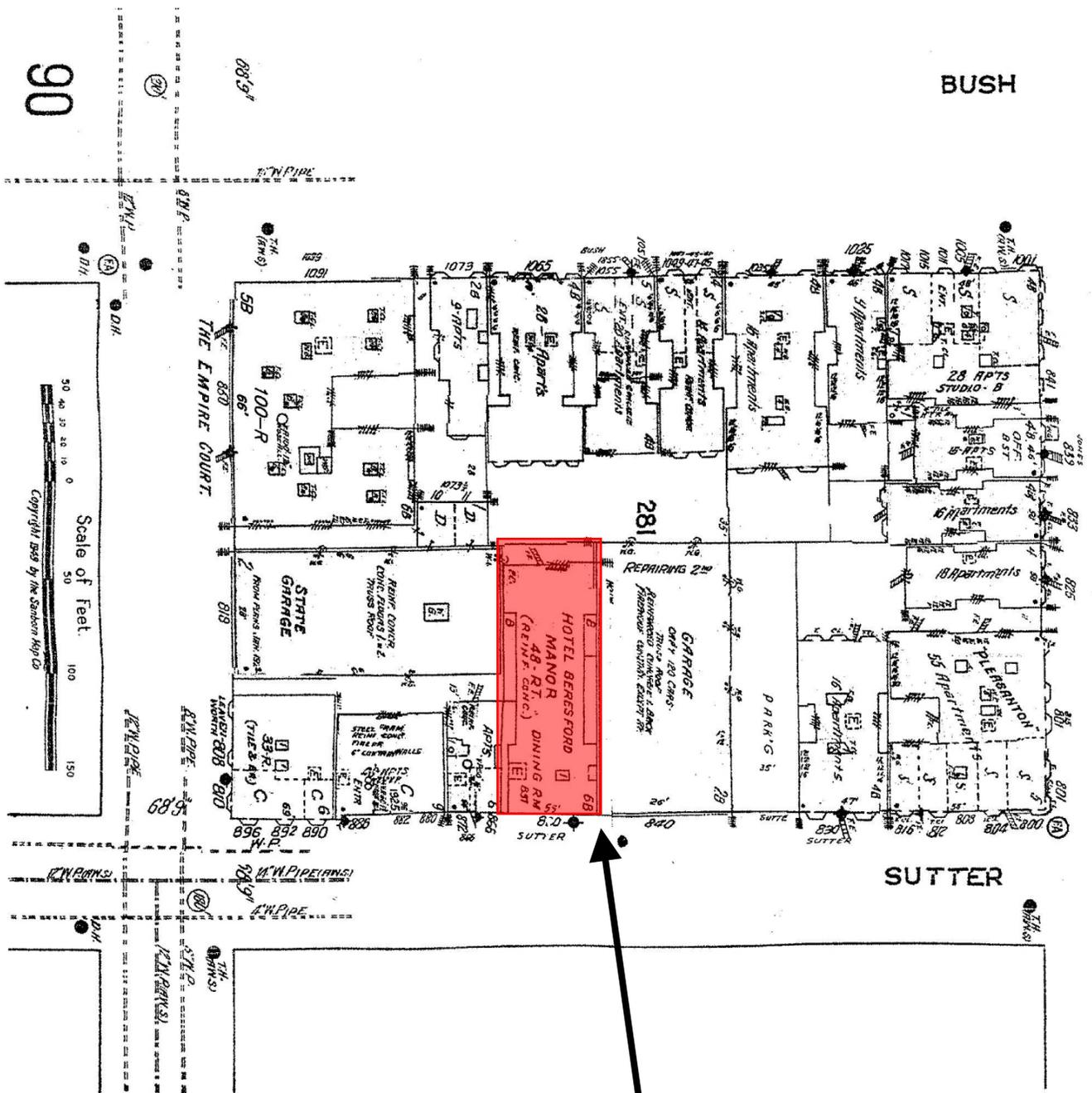
NAYS:

ABSENT:

ADOPTED: September 22, 2016



# Sanborn Map\*



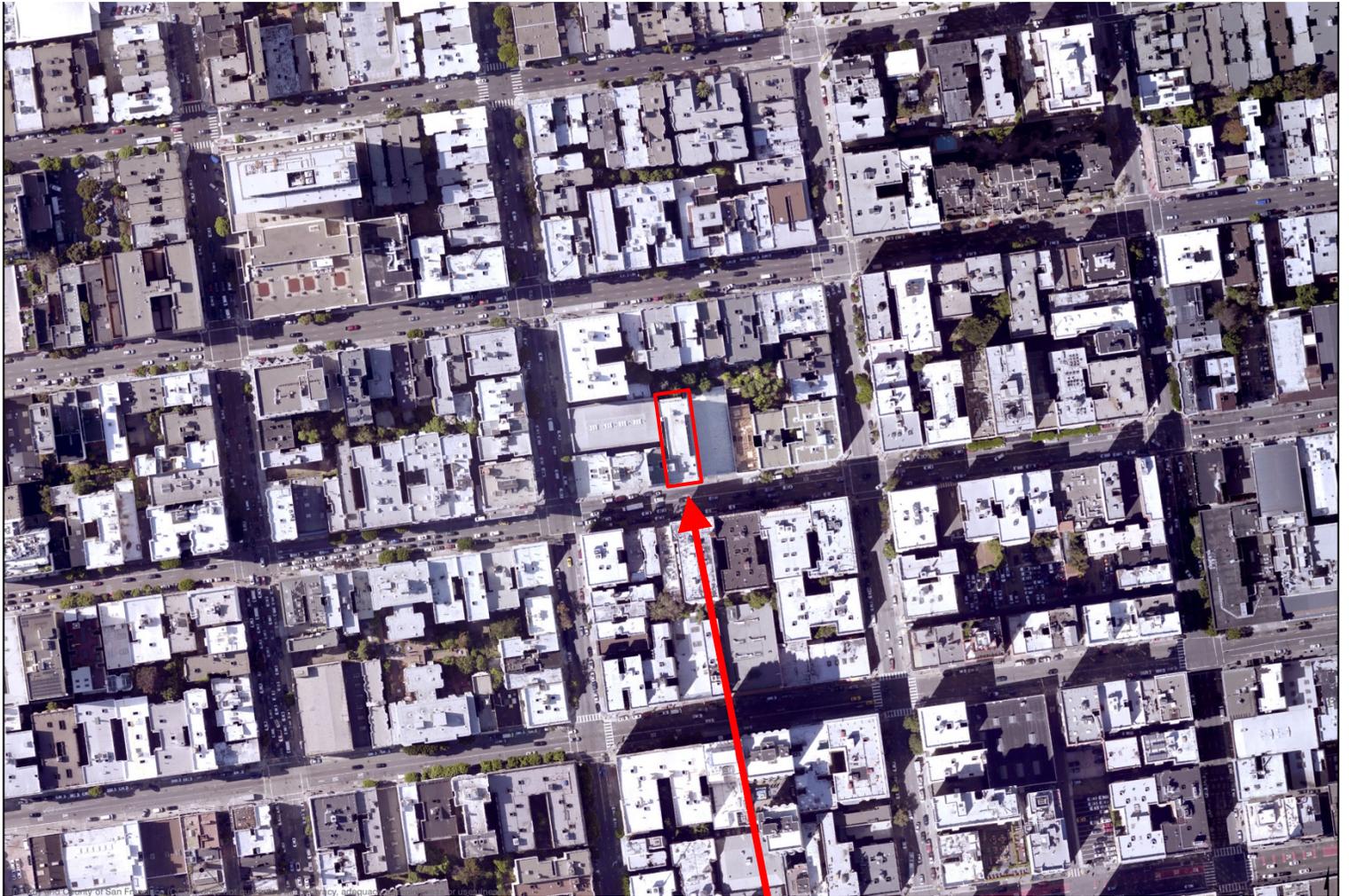
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

**SUBJECT PROPERTY**



Conditional Use Authorization Hearing  
 Case Number 2007.1077C  
 AAU – Conversion of Residential to Student Housing  
 860 Sutter Street

# Aerial Photo



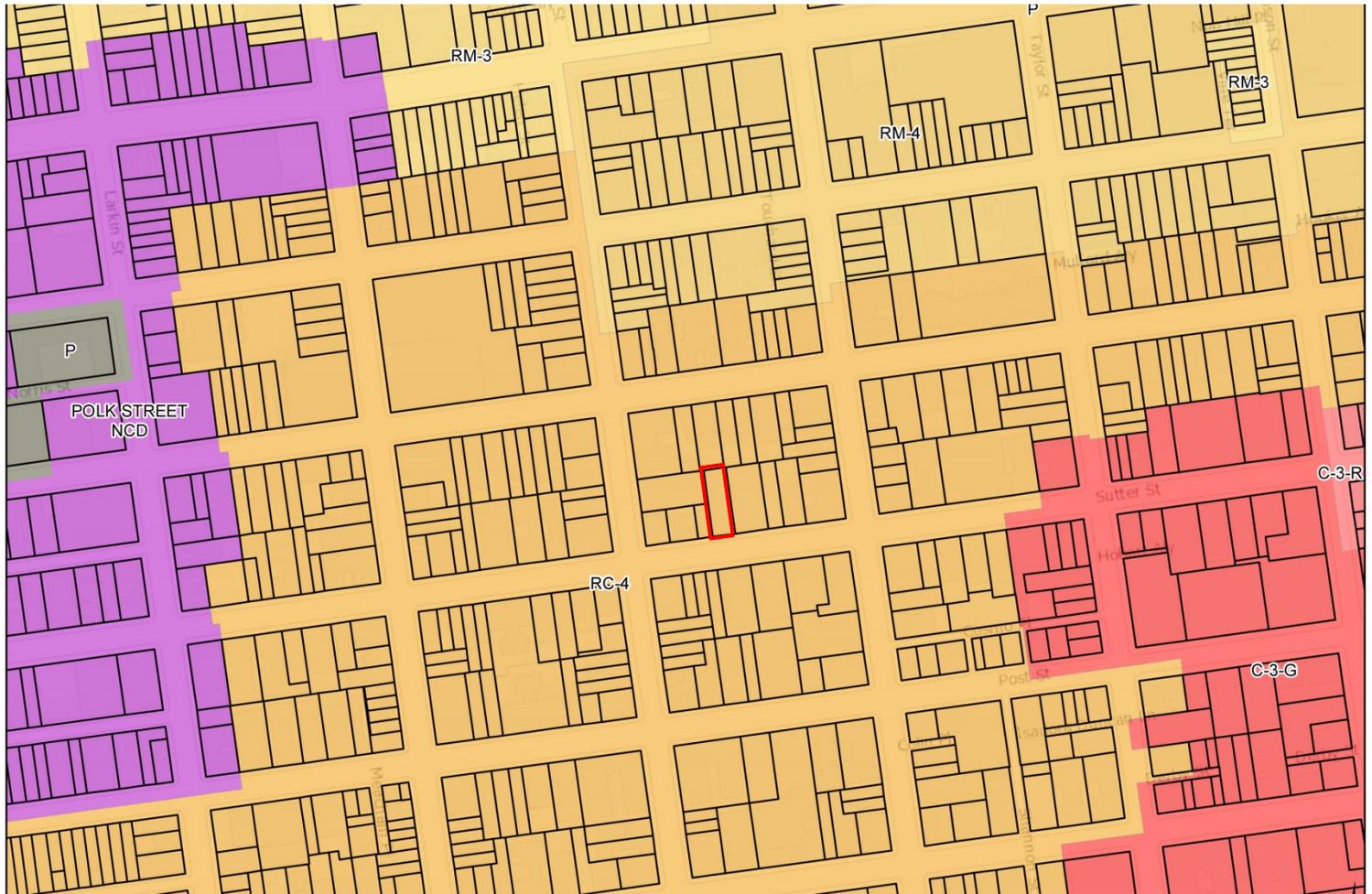
SUBJECT PROPERTY



SAN FRANCISCO  
PLANNING DEPARTMENT

Conditional Use Authorization Hearing  
Case Number 2007.1077C  
AAU – Conversion of Residential to Student Housing  
860 Sutter Street

# Zoning Map



# Site Photo



Conditional Use Authorization Hearing  
**Case Number 2007.1077C**  
AAU – Conversion of Residential to Student Housing  
860 Sutter Street

# **EXHIBIT B:**

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CONDITIONAL USE PERMIT  
for  
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Group Housing in NC-4  
Districts

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Doug Tom: Principal

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Ed Conlon

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Principal: Suhell Shatara



Job # 20780.00 Print Date 02.15.08

Drawn By Approved By

Scale Issue  Revision

Num. Date Description

1 02.15.08 CONDITIONAL USE PERMIT

PROJECT SITE PLAN



**A1.00**

1 PROJECT SITE PLAN  
NO SCALE



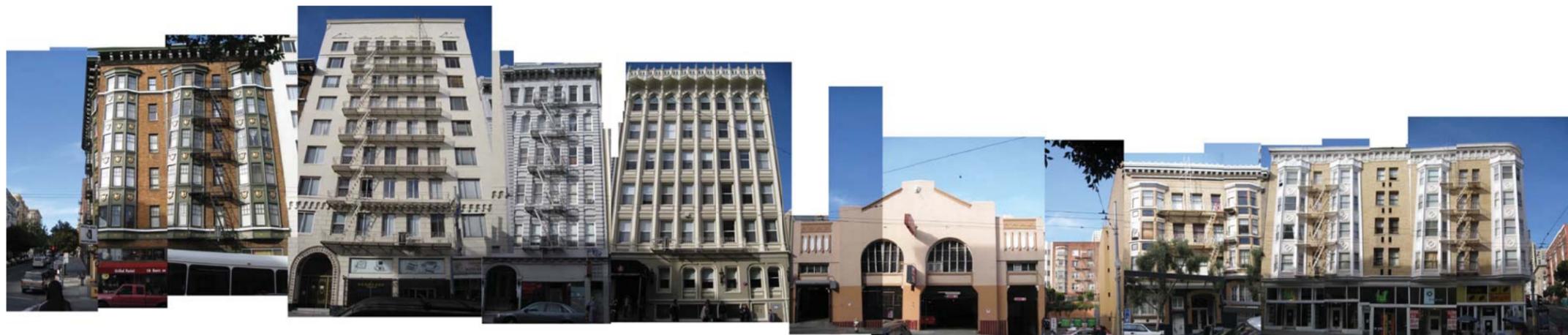
① FRONT FACADE  
1" = 20' - 0"



② SIDE VIEW DOWN SUTTER STREET  
1" = 20' - 0"



③ SOUTH SIDE OF SUTTER STREET  
NO SCALE



④ NORTH SIDE OF SUTTER STREET  
NO SCALE

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SITE PHOTOS

**A1.01**

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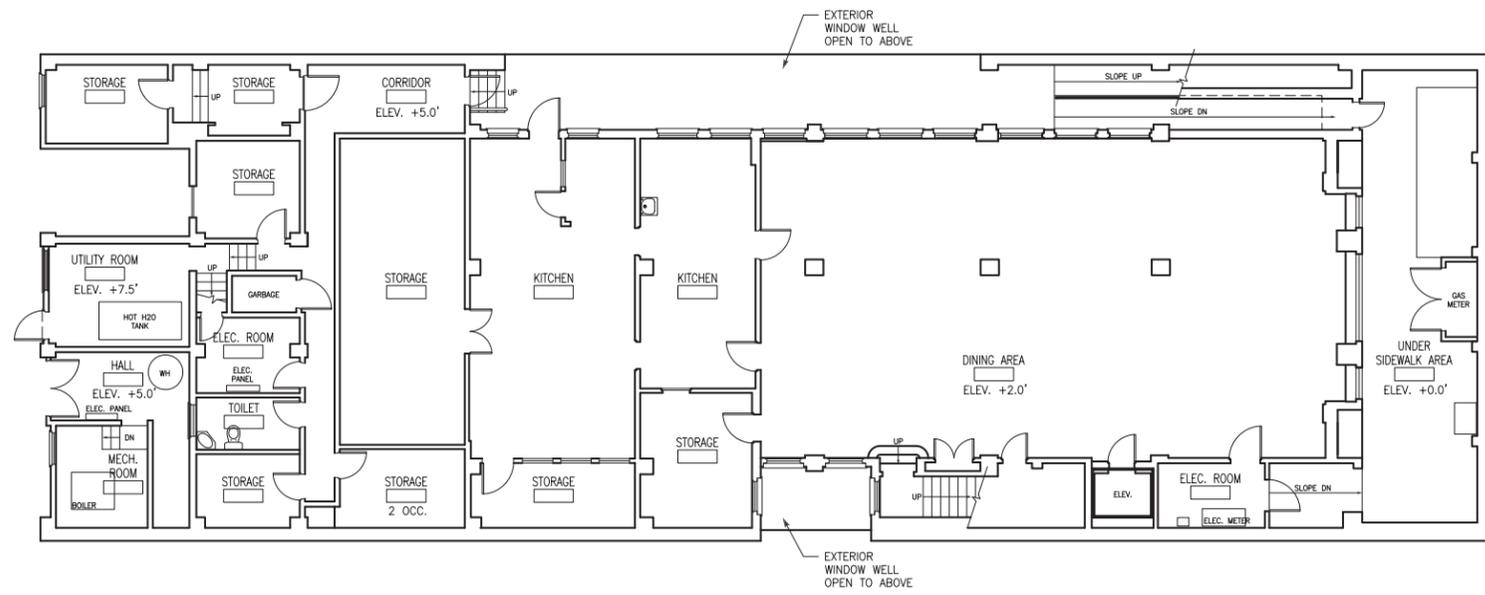
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Num.	Date	Description
1	02.15.08	CONDITIONAL USE PERMIT



1 BASEMENT PLAN  
1/8" = 1' - 0"

BASEMENT PLAN

A2.00

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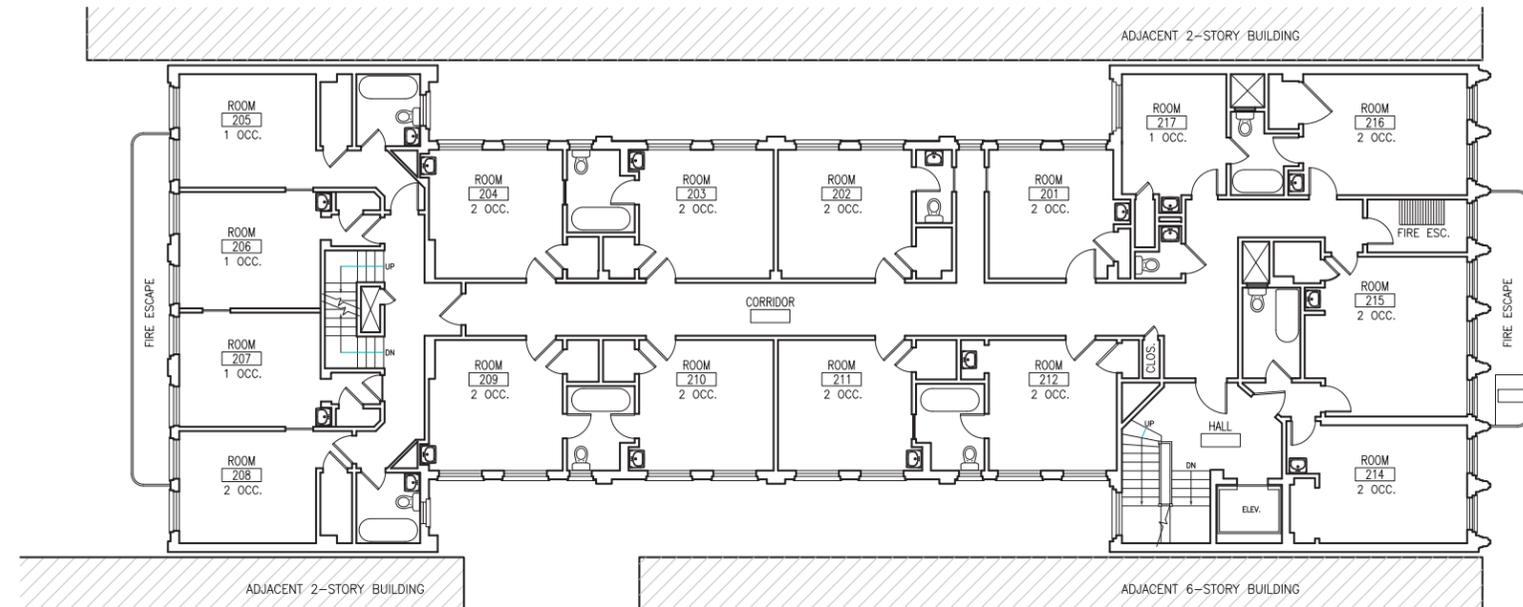


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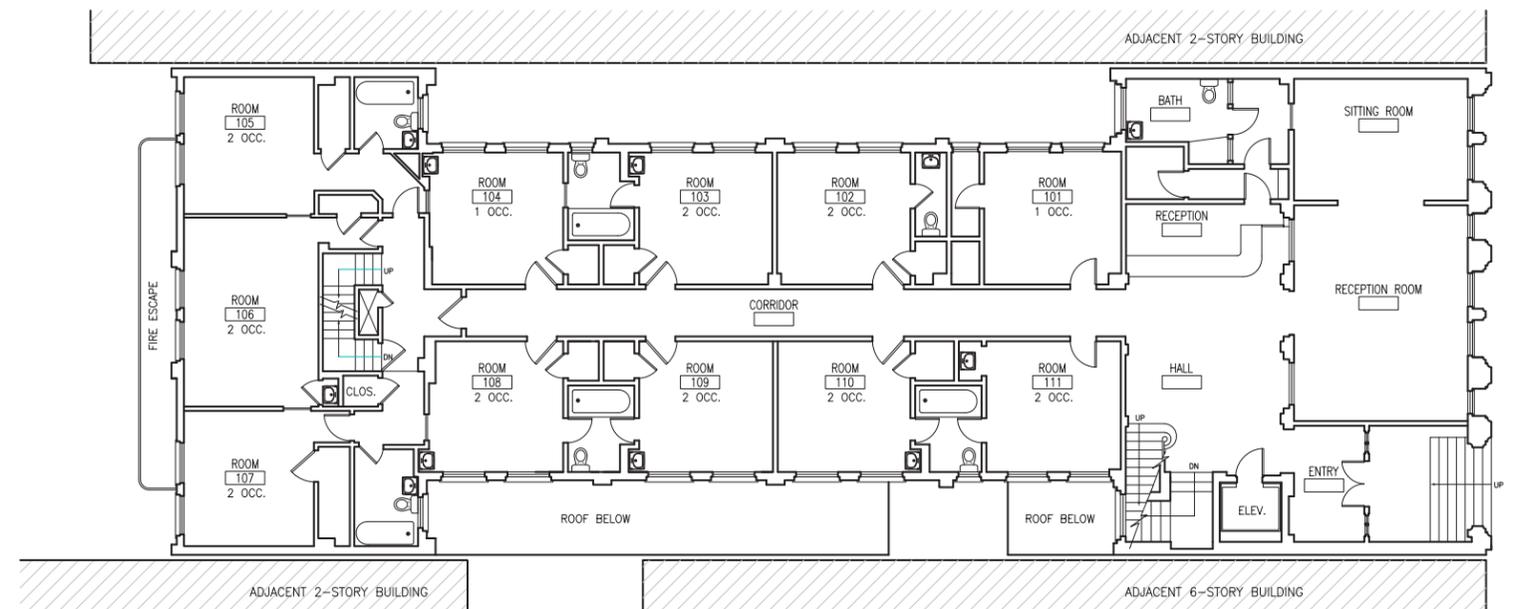
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② SECOND FLOOR PLAN  
1/8" = 1' - 0"



① GROUND FLOOR PLAN  
1/8" = 1' - 0"



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Num. Date Description

1 02.15.08 CONDITIONAL USE PERMIT

**GROUND AND SECOND  
FLOOR PLANS**

**A2.01**

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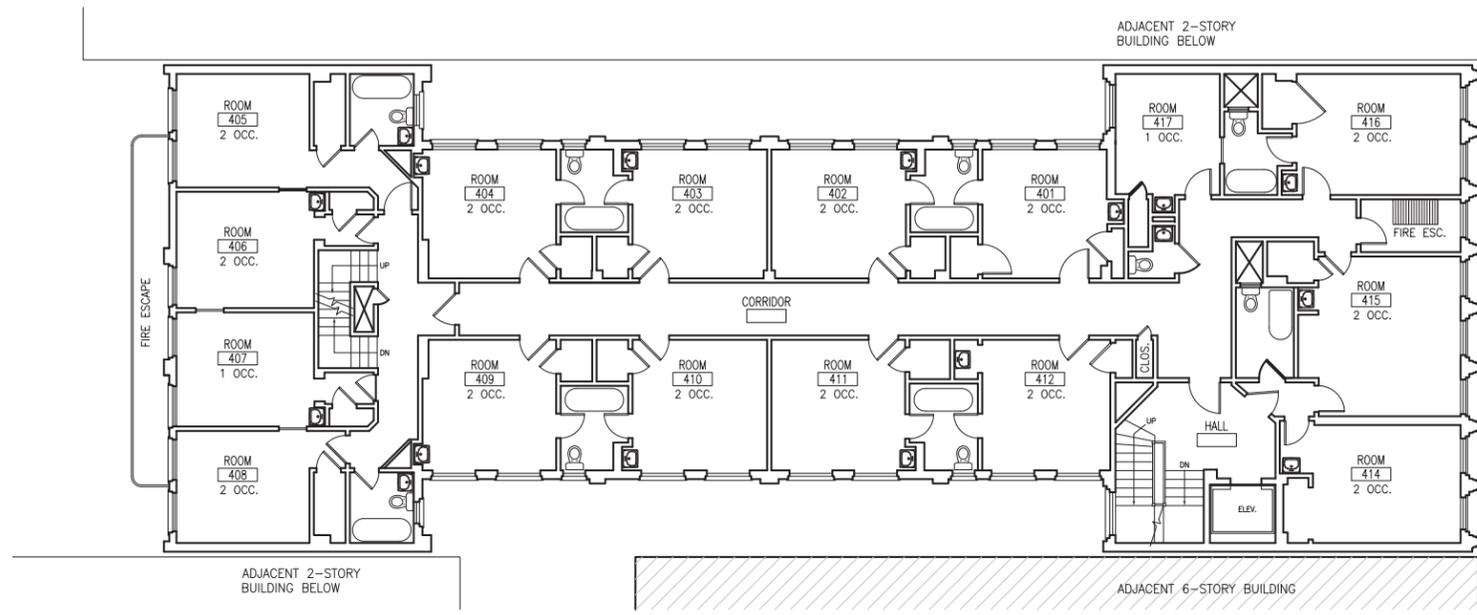
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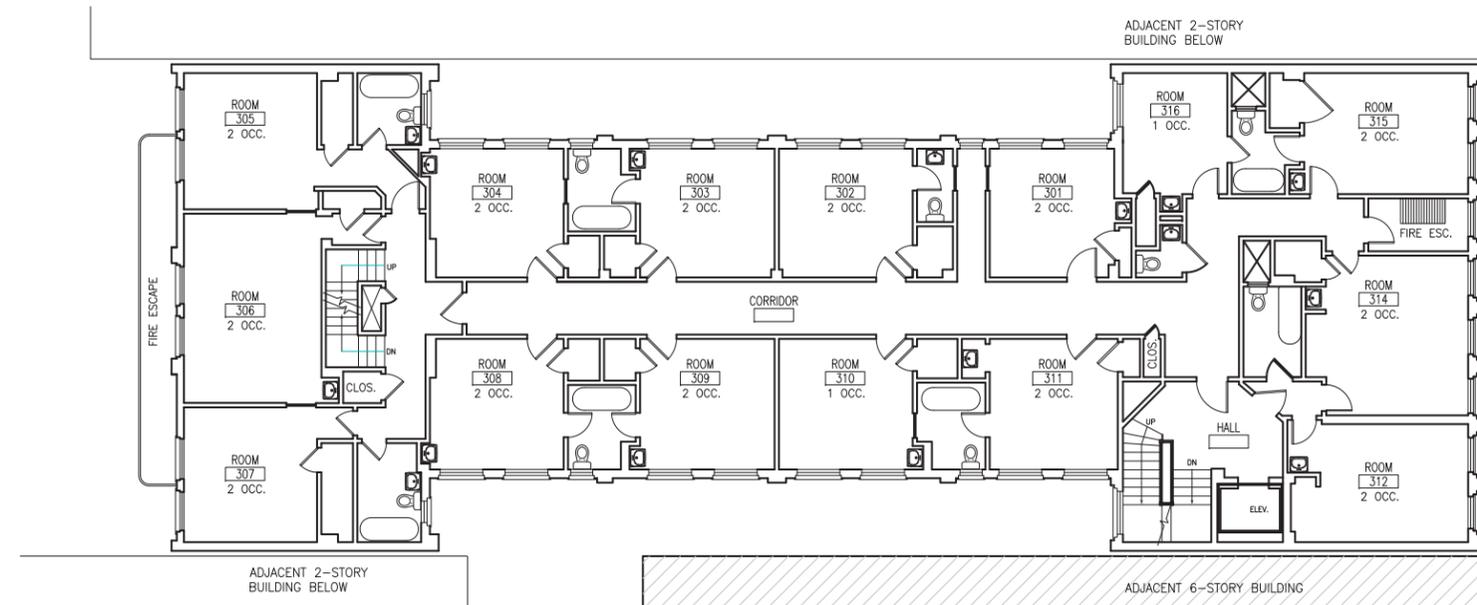
1 02.15.08 CONDITIONAL USE PERMIT

**THIRD AND FOURTH  
FLOOR PLANS**

**A2.02**



② FOURTH FLOOR PLAN  
1/8" = 1' - 0"



① THIRD FLOOR PLAN  
1/8" = 1' - 0"

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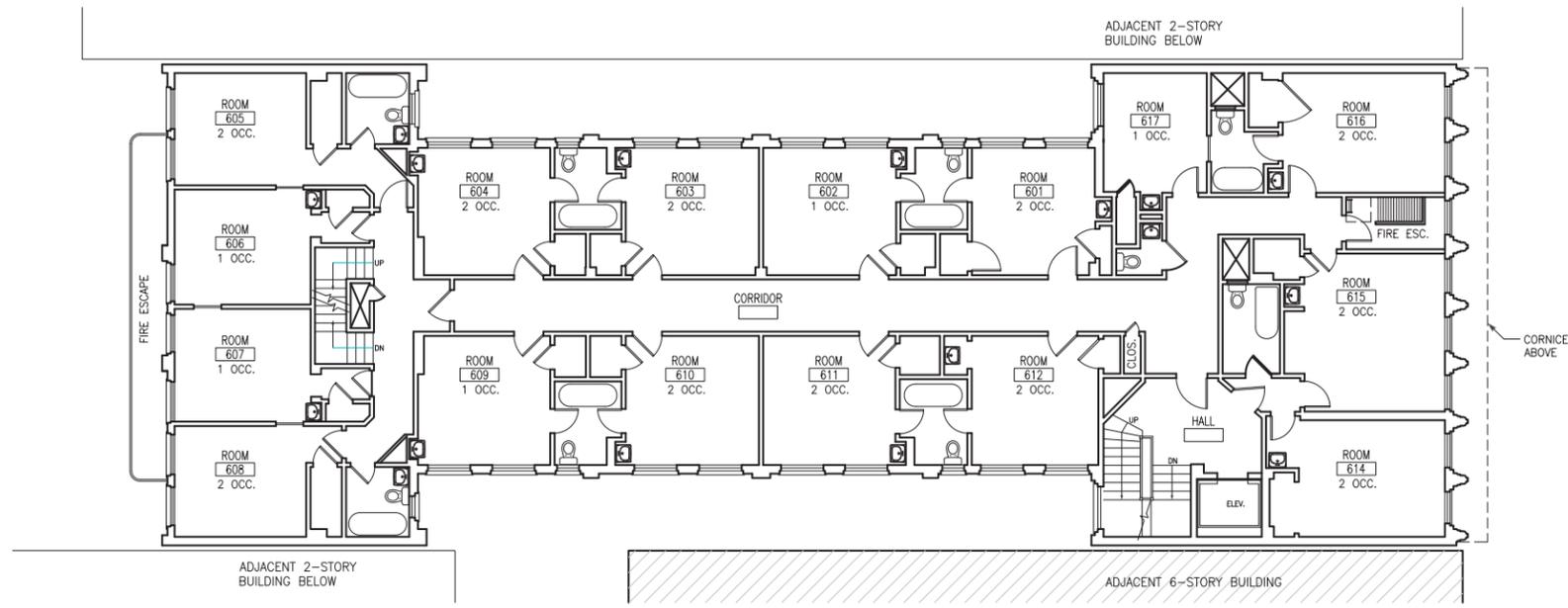
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Num. Date Description

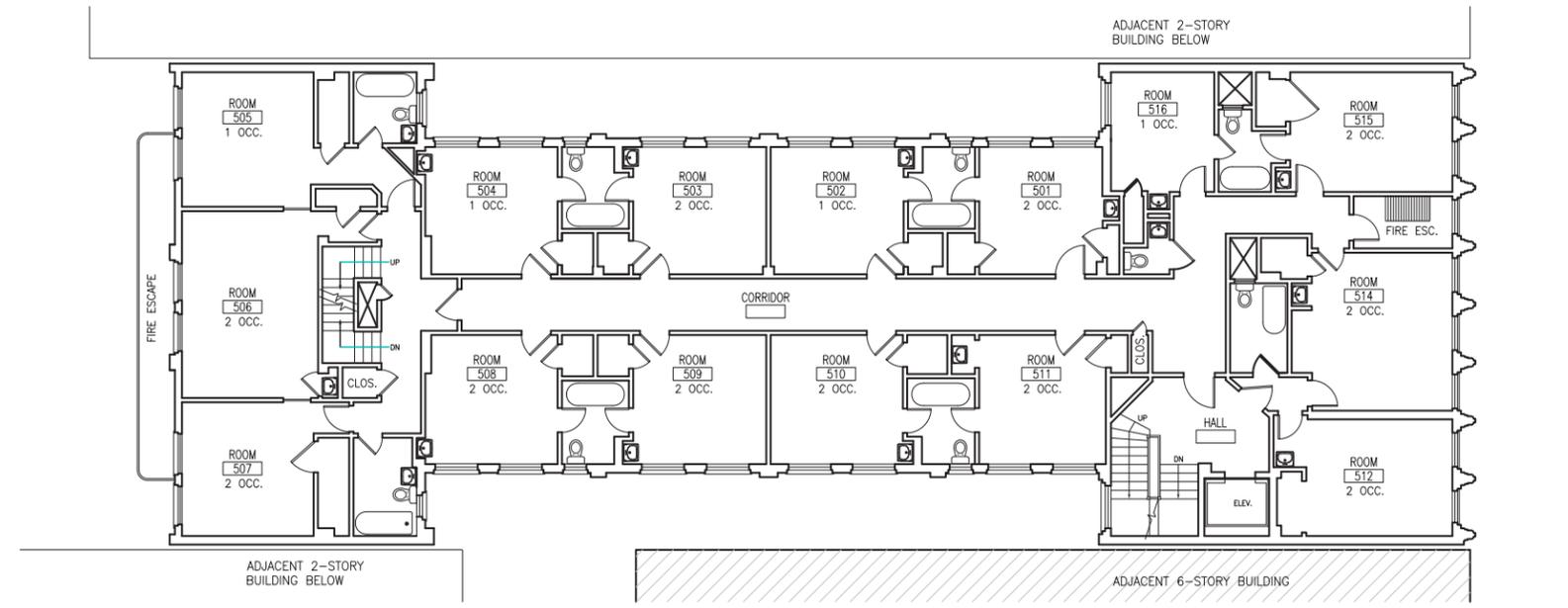
1 02.15.08 CONDITIONAL USE PERMIT

FIFTH AND SIXTH  
FLOOR PLANS

**A2.03**



② SIXTH FLOOR PLAN  
1/8" = 1' - 0"



① FIFTH FLOOR PLAN  
1/8" = 1' - 0"

All drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without consent of Architect.  
If this drawing is not 24"x36", then the drawing has been revised from its original size. Noted scales must be adjusted. This line should be equal to one inch.

**1080 BUSH STREET**

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# #12 1080 BUSH STREET

Not Permitted by Code; Requires Planning Code Text Amendment



1080 Bush Street @ Leavenworth

### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to student housing (Section 317(e)) for 15 rooms only
- Requires CUA for group housing in RC-4
- Requires HP Review
- Requires Building Permit

**Zoning:** RC-4

**Construction Date:** 1913

**Architect/Builder/Designer (if known):** Maxwell G. Bugbee

**Preservation:** Category A

**AAU Acquisition Date:** 1999

### Staff Recommendation:

**Inclined to recommend disapproval.** The Planning Department is inclined to be unsupportive of conversions that detract from the stated Citywide goal to protect the affordability of San Francisco’s housing stock and require institutions to meet the housing demand generated by the institution with new housing.



EIR/ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	1080 Bush Street*	0276/015	RC-4	NE (Nob Hill)	Student Housing (42 Dwelling Units & 15 rooms (122 beds))	Student Housing (42 Dwelling Units & 15 rooms (122 beds))	Residential/ Residential Hotel (42 DUs & 15 rooms) (24,528 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* **2007.1070C**  
*Project Address:* **1080 BUSH STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
65-A Height and Bulk District  
*Block/Lot:* 0276/015  
*Project Sponsor:* Corinne Quigley  
Morrison & Forester LLP  
425 Market Street  
San Francisco, CA 94105  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)  
*Recommendation:* **Disapproval**

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### PROJECT DESCRIPTION

The project sponsor proposes to convert 15 residential hotel rooms to 15 student-housing rooms at its present location at 1080 Bush Street. The subject site also features 42 apartments, which does not require any discretionary approval.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the northern side of Bush Street, Block 0276, Lot 015. The property is located within the RC-4 (Residential-Commercial, High Density) District with 65-A height and bulk district. The subject property is T-shaped in plan and set flush to the sidewalk. It occupies a slightly sloped, rectangular lot, with primary elevation facing Bush Street. The subject site is a contributor to the National Register of Historic Places-listed historic district, the Lower Nob Hill Hotel Historic District, and thus considered a resource under the California Environmental Quality Act. The subject property is

known as the “Leonard Da Vinci Apartments” and has 42 apartments, 15 group-housing rooms, and one recreation room.<sup>1</sup>

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

Between Jones and Leavenworth Streets, Bush Street is primarily characterized by multi-family apartments with some supporting ground-floor commercial uses. AAU occupies one other building on the street, 1153 Bush Street, which is located across the street to the west of the of the subject property. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Bush Street is a three-lane, one-way eastbound street with parallel metered parking located on both sides of the street.

The project site is located in the Lower Nob Hill Apartment Hotel National Register Historic District, which has a high concentration of residential and ground-floor retail/commercial uses. The District consists of mainly three- to seven-story multi-unit residential buildings that were constructed between 1906 and 1925, giving them a remarkable consistency in style. The subject building is a contributing resource to the Lower Nob Hill Apartment Hotel District.<sup>2</sup>

## **ENVIRONMENTAL REVIEW**

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	September 2, 2016	August 31, 2016	23 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	10 days	September 12, 2016	September 12, 2016	10 days

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-303-330

<sup>2</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-305

## ISSUES AND OTHER CONSIDERATIONS

- The project is not compliant with the Planning Code. Academy of Art University is seeking a legislative amendment to Planning Code Section 317 to allow the conversion of residential uses to student housing (2016-000559PCA).
  - The 42 Dwelling Units on-site do not require discretionary review because they are remaining as student apartments and were occupied before the 2012 Student Housing legislation was enacted.
- The project is associated with a Planning Code Amendment proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units Student Housing. The Planning Department is unsupportive of the AAU proposed Planning Code Amendment and has proposed a different Planning Code Amendment that would only enable the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.
  - **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
    - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
    - AAU initiated their proposed Planning Code Amendment by virtue of their application.
  - **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, a legislative amendment to Planning Code Section 317 would be required to permit the conversion of Residential Units to Student Housing. The Commission must also grant Conditional Use authorization to permit Student Housing (Group Housing for a Postsecondary Educational Institution) on-site, pursuant to Planning Code Sections 209.3 and 303.

## BASIS FOR RECOMMENDATION

- The change in use of the site from Residential to Student Housing does not comply with the Planning Code.
- AAU's proposed legislative amendment is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid the conversion of such affordable housing uses.<sup>3</sup>
- The Existing Sites Technical Memorandum found that the change in use would intensify AAU's presence in the vicinity, as an AAU building is located on the same street (1153 Bush Street). The intensification of AAU uses in the vicinity could change the character of the neighborhood and

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-305-307

introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).

- The project does not meet all applicable requirements of the Planning Code.
- The project is not desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b> <b>Disapproval</b>
-------------------------------------------

**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photograph  
Project Information Sheet  
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 type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                                                          |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report                                                         |
|                                                         | <input type="checkbox"/> Community Meeting Notice                                          |
|                                                         | <input type="checkbox"/> Housing Documents                                                 |
|                                                         | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

\_\_\_\_\_ SA \_\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* **2007.1070C**  
*Project Address:* **1080 BUSH STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
 65-A Height and Bulk District  
*Block/Lot:* 0276/015  
*Project Sponsor:* Corinne Quigley  
 Morrison & Forester LLP  
 425 Market Street  
 San Francisco, CA 94105  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3, 303 AND 317 OF THE PLANNING CODE TO LEGALIZE THE CONVERSION OF 15 RESIDENTIAL HOTEL ROOMS TO STUDENT HOUSING WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In 2006, the Department’s Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU’s IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter “Department”), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties

without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department informed AAU that the City would require an Environmental Impact Report (EIR), including a Transportation Study, to process any permits to legalize unauthorized changes of use. On May 19, 2008, AAU submitted an EIR application, and on August 13, 2008, AAU submitted a Transportation Study Application (Case No. 2008.0586E!). The Department allowed existing violations to be placed "on hold" pending completion of the EIR and Transportation Study. The Department informed AAU that it could not acquire and convert or otherwise use any new properties in San Francisco until after the Department completed the EIR, including the Transportation Study, the Commission accepted AAU's IMP and the City processed necessary entitlements to legalize existing facilities based on the final certified EIR.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising his enforcement discretion, the Zoning Administrator also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision. In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with

Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

**Timeline of Investigation for the Subject Property:**

On September 14, 2007, the AAU filed a CU (Case No. 2007.1070C) to seek authorization to establish the Group Housing use under then-Section 209.2(c).

On June 8, 2010, the Department performed a site visit to the subject property and found that the approximately 24,528 sq.ft. building was fully occupied and operated by AAU.

On November 4, 2011, the Department issued an Enforcement Notification (EN) detailing the violations listed and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that AAU does not believe that a change of use occurred because the units in the property contain individual cooking facilities.

City records indicate that the property contains 15 residential hotel rooms. In 2007, the Department of Building Inspection's Housing Inspection Services listed 1080 Bush Street under "Active Residential Hotels" with 15 residential rooms. Further, the Department understands that these 15 rooms did not have kitchen facilities and therefore AAU's use of the 15 rooms must be considered as Group Housing as defined in Section 102.

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay (see above) that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No.14-091, as noted above.

On May 19, 2015, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1070C.

The Project was reviewed under the Academy of Art University's Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

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 does not authorize the Conditional Use requested in Application No. 2007.1070C, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the northern side of Bush Street, Block 0276, Lot 015. The property is located within the RC-4 (Residential-Commercial, High Density) District with 65-A height and bulk district. The subject property is T-shaped in plan and set flush to the sidewalk. It occupies a slightly sloped, rectangular lot, with primary elevation facing Bush Street. The subject site is a contributor to the National Register of Historic Places-listed historic district, the Lower Nob Hill Hotel Historic District, and thus considered a resource under the California Environmental Quality Act. The subject property is known as the “Leonard Da Vinci Apartments” and has 42 apartments, 15 group-housing rooms, and one recreation room.<sup>1</sup>
3. **Surrounding Properties and Neighborhood.** The project site is located in the Nob Hill neighborhood. Directly across Bush Street to the south is the Downtown/Civic Center neighborhood. The zoning in this district is RC-4 (Residential-Commercial, High Density), intended to provide high-density housing with supporting commercial uses. Land use on Bush Street between Leavenworth and Jones streets is primarily residential with supporting ground-floor commercial uses. Commercial uses in the area include a gymnasium, dry cleaners, a hairdresser, nail salon, market café, and several small retail operations.<sup>2</sup>
4. **Project Description.** The applicant proposes to convert 15 Residential Hotel rooms to 15 Student Housing rooms. The remaining 42 apartments do not require any discretionary approval. The project does not propose any alterations or expansion of the building envelope.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department’s report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU’s proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

5. **Public Comment.** To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

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<sup>1</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-303-330

<sup>2</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I*, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-305

6. **Planning Code Compliance:** The Commission finds that the Project is inconsistent with the relevant provisions of the Planning Code in the following manner:

- A. **Conversion to Student Housing.** Planning Code Section 317(e) states that the conversion of Residential Units to Student Housing is prohibited.

*The project sponsor is seeking to convert 15 Residential Hotel rooms to Student Housing. The proposed conversion would not be permitted by the Planning Code. The project sponsor is seeking a legislative amendment to modify Section 317 in conjunction with this Conditional Use Application. However, the Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

- B. **Student Housing.** Planning Code Section 209.3 states that group housing rooms that are associated with post-secondary educational institutions require Conditional Use Authorization.

*Student Housing is also considered Group Housing that is operated by a Post-Secondary Educational Institution. Group housing at a density of one unit per 70 square feet of lot area is principally permitted in the RC-4 Zoning District, however, Conditional Use Authorization is required if the group housing is affiliated with an Institutional Educational use. The project sponsor is seeking to legalize the conversion of 15 Residential Hotel rooms to Student Housing, and to provide 15 total Student Housing rooms. The applicant is seeking Conditional Use Authorization for the use of the Group Housing at the subject property by a Post-Secondary Institution.*

7. **Planning Code Section 303** establishes criteria for the Planning 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, which would convert residential units to student housing were not found necessary or desirable for the neighborhood or community. The unwarranted conversions detract from the stated Citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new, authorized housing.*

- 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 existing building will remain the same as the project does not propose changes to the building envelope. However, the addition of awnings and signage, industrial in nature, disrupt the fairly uniform facades of the neighborhood buildings, and were found to be inappropriate for the neighborhood, with designation under the California and National Register of Historic Districts.*

- 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 proposed use was not found to generate significant amounts of vehicular trips from the immediate neighborhood or citywide. However, the proposed use does not provide the adequate amount of bicycle parking as required by the Planning Code Sections 155.1-155.4.*

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

*The change of use to Student Housing would not have exceeded the standards established by the City for noise effects on sensitive receptors. AAU occupation of the subject property has not resulted in increased health risks related to air quality, and would not create dust or debris, as there is no construction proposed.*

*However, AAU currently does not comply with the Residential Energy Conservation Ordinance, Residential Water Conservation Ordinance, and required bicycle parking infrastructure<sup>3</sup>.*

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

*The proposed project would require additional improvements such as compliance with signage, canopy removal, and removing/replacing windows.*

- 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 does not comply with all applicable requirements and standards of the Planning Code.*

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-319

8. **General Plan Compliance.** The Project is inconsistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.9:**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*Academy of Art University is seeking to legalize the conversion of existing Residential Hotel rooms into Student Housing. AAU has not proposed to construct any new housing, nor has the University proposed alternatives to meet the housing demand created by their students. By illegally converting Residential and Tourist Hotel rooms to Student Housing, the University has removed affordable units from the housing stock. Therefore, the project is not consistent with Policy 1.9 of the Housing Element.*

#### **OBJECTIVE 3:**

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

#### **Policy 3.1:**

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

#### **Policy 3.5:**

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

*AAU seeks to legalize the conversion of 15 rent-controlled Group Housing rooms to Student Housing, which would remove these rooms from the existing housing stock. The project is not consistent with Objective 3 of the Housing Element of the General Plan.*

9. **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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

- 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 a high concentration of AAU buildings within the vicinity, including buildings on the same street (1153 Bush Street). The intensification of AAU uses in the vicinity could change the character of the neighborhood and introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).<sup>4</sup> The proposed conversion would not protect neighborhood character nor would it preserve cultural and economic diversity of the Nob Hill neighborhood.*

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

*The proposed change of use at 1080 Bush Street would convert 15 Group Housing rooms to Student Housing, thereby removing affordable units from the housing stock. The project is not consistent with this priority-planning policy as it does not enhance or preserve affordable housing.*

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

*The residents of the subject property utilize a 47-foot-long shuttle stop located at 860 Sutter Street. Seven shuttle routes currently run through this shuttle zone at a combined frequency of every 3.5 minutes. AAU shuttle buses have been reported to occasionally arrive in groups with some shuttle vehicles double parking in the adjacent transit-only lane. Additionally, the existing shuttle zone at 860 Sutter utilized by residents of the subject property is subject to No Stopping Tow Away regulations between the hours of 4:00pm and 6:00pm. Thus, continued use of the shuttle zone during the PM peak period hours on Sutter Street by residents at 1080 Bush Street is in violation of the City's regulations during PM peak period. The traffic generated by students using private shuttles in this area of the city, impedes transit services and overburdens streets.*

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

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<sup>4</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-333

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

- G. That landmarks and historic buildings be preserved.

*The subject property is considered a historic resource under CEQA and is also located within the Lower Nob Hill Apartment Hotel Historic District. Although the conversion of residential and tourist hotel uses to student housing would not negatively impact the existing resource, the owner has made property modifications such as the installation of awnings without a permit or preservation review.*

- 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.*

10. 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.
11. 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 **DISAPPROVES Conditional Use Application No. 2007.1070C.**

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

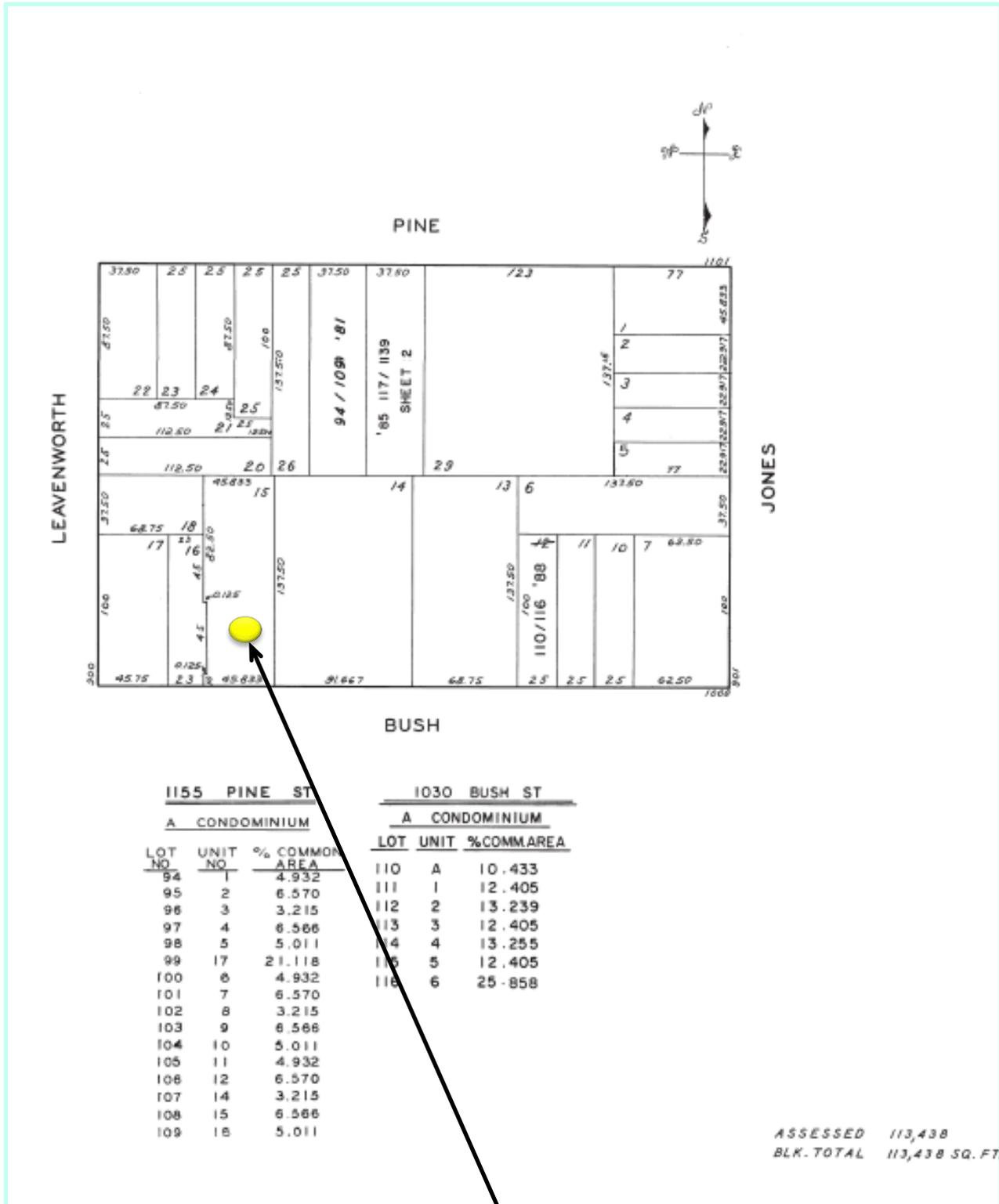
AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

# Block Book Map



1155 PINE ST  
A CONDOMINIUM

LOT NO	UNIT NO	% COMMON AREA
94	1	4.932
95	2	6.570
96	3	3.215
97	4	6.566
98	5	5.011
99	17	21.118
100	6	4.932
101	7	6.570
102	8	3.215
103	9	6.566
104	10	5.011
105	11	4.932
106	12	6.570
107	14	3.215
108	15	6.566
109	18	5.011

1030 BUSH ST  
A CONDOMINIUM

LOT	UNIT	%COMMAREA
110	A	10.433
111	1	12.405
112	2	13.239
113	3	12.405
114	4	13.255
115	5	12.405
116	6	25.858

ASSESSED 113,438  
BLK. TOTAL 113,438 SQ. FT

**SUBJECT PROPERTY**



# Sanborn Map\*

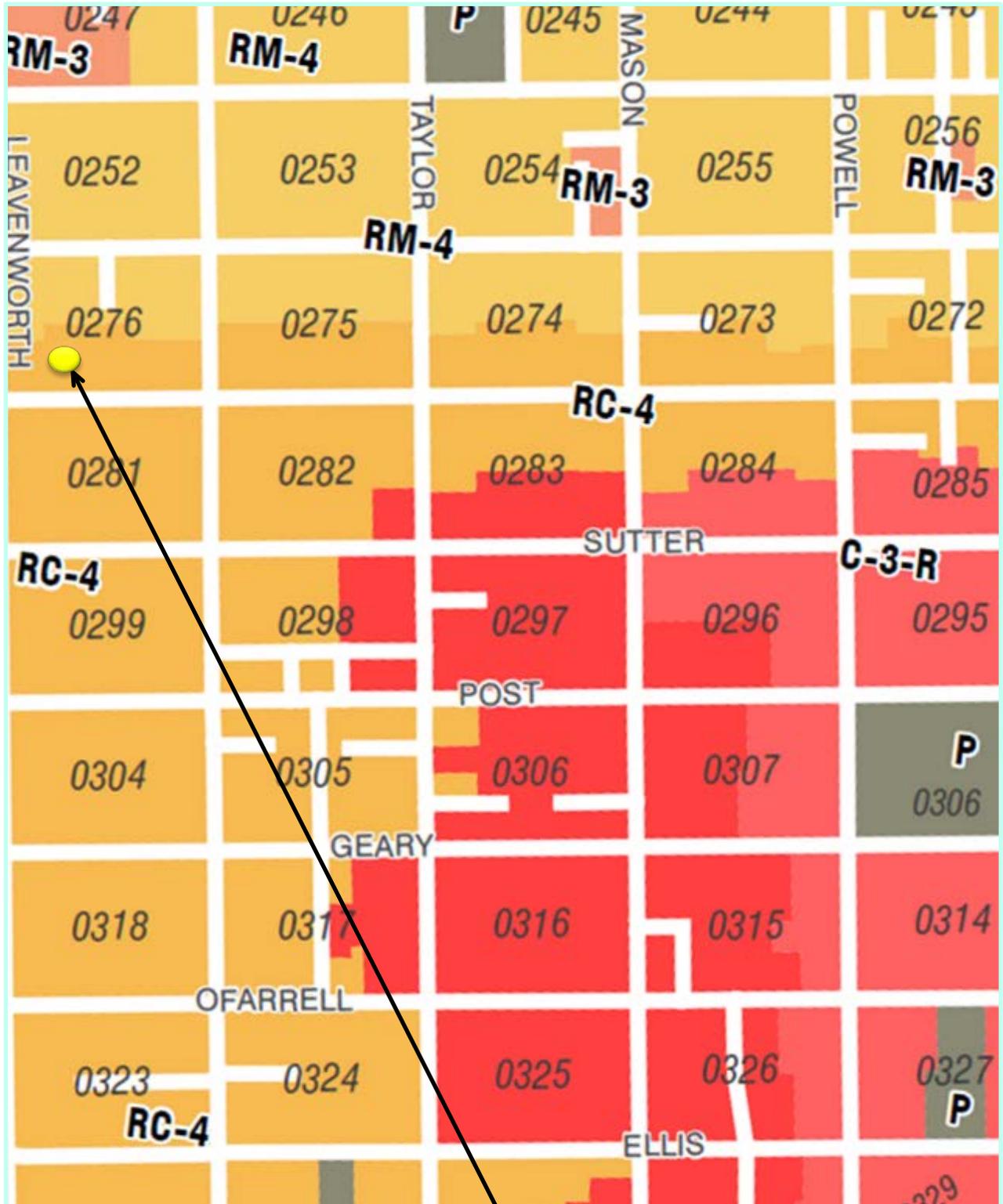


**SUBJECT PROPERTY**

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



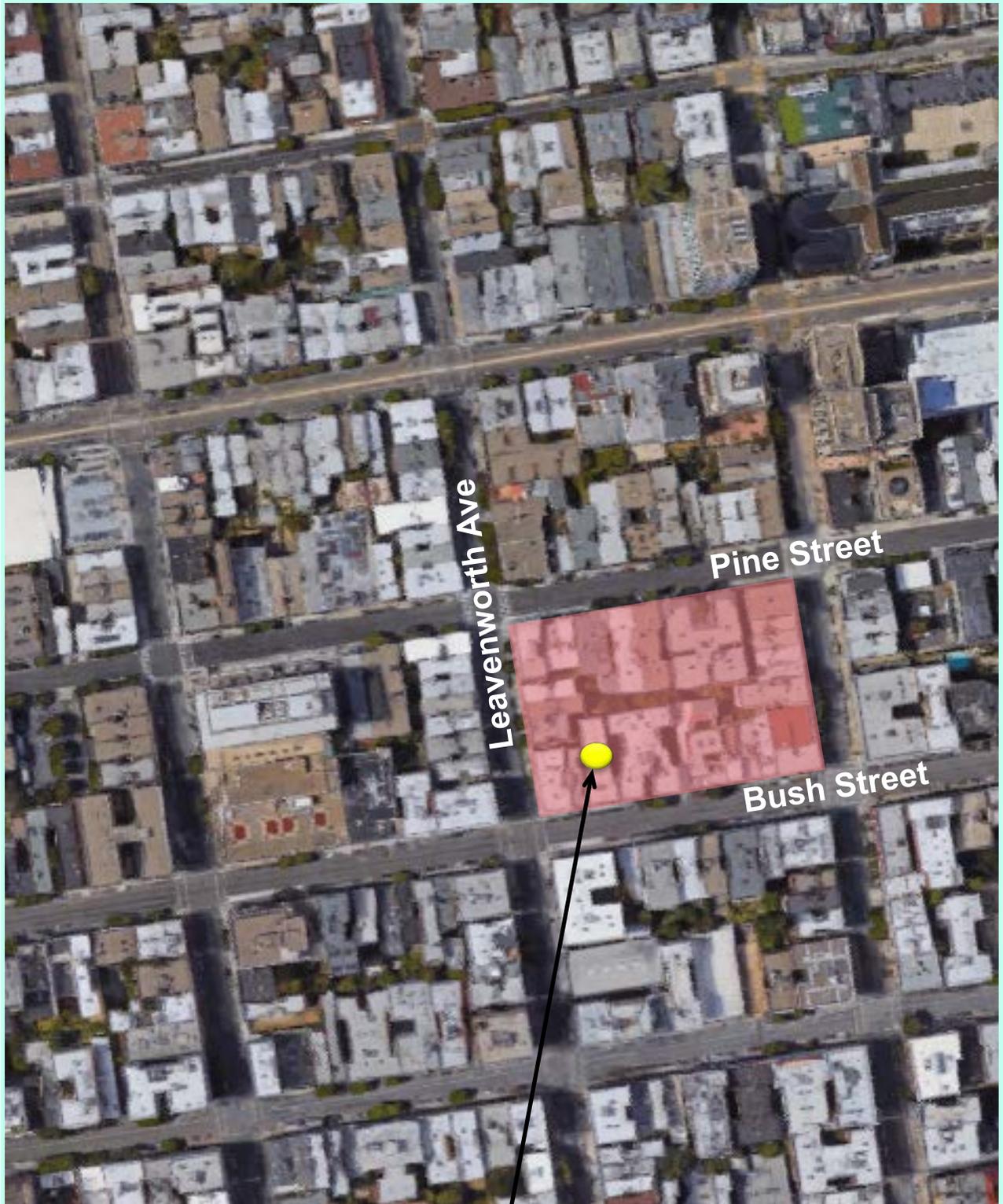
# Zoning Map



SUBJECT PROPERTY



# Aerial Photo



SUBJECT PROPERTY

Case Number 2007.1070C  
Conversion to Group Housing  
1080 Bush Street



SAN FRANCISCO  
PLANNING DEPARTMENT

# Site Photo



SAN FRANCISCO  
PLANNING DEPARTMENT

Case Number 2007.1070C  
Conversion to Group Housing  
1080 Bush Street

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# **EXHIBIT B:**

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# TOM ELIOT FISCH

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CONDITIONAL USE PERMIT  
for  
**LEONARDO Da VINCI APARTMENTS**  
Group Housing in RC-4 District  
1080 Bush Street  
San Francisco, CA 94109



Architect  
Tom Eliot Fisch  
201 Post Street 7th Floor  
San Francisco, CA 94108  
Roger Sayre: Project Architect  
Doug Tom: Principal  
Owners Representative  
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Elizabeth L. Bridges

Permitting  
Shatara Architecture  
522 Second Street  
San Francisco, CA 94107  
tel 415 512-7566  
fax 415 546-6415  
Principal: Suhel Shatara



Job #	20780.01	Plot Date	2/27/08
Drawn By	MM	Approved By	
Scale		Issue	<input type="checkbox"/> Revision <input type="checkbox"/>
Num.	Date	Description	
1	2/27/08	CONDITIONAL USE PERMIT	

## ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH.	Phase
>	Greater Than	F.D.	Floor Drain	PL	Plate
<	Less Than	FDN.	Foundation	P.LAM	Plastic Laminate
[	Channel	F.E.	Fire Extinguisher	PLAS.	Plaster
]	Property Line	F.E.C.	Fire Extinguisher Cab.	PLYWD.	Plywood
/	Angle	F.H.C.	Fire Hose Cabinet	PCP.	Portland Cement Plaster
//	Parallel	F.H.	Flat Head	PR.	Pair
⊥	Perpendicular	FIN.	Finish	PT.	Point or Paint
⊙	Centerline	FL.	Floor	PTCLBD.	Particle Board
∅	Diameter	FLUOR.	Fluorescent	PTD.	Painted
⊕	At	F.O.C.	Face of Concrete	PTDF.	Pressure Treated Douglas Fir
⊖	Pound or Number	F.O.F.	Face of Finish	PTN	Partition
⊗	Existing	F.O.S.	Face of Studs	RAD.	Radius
(N)	New	FRPF.	Fireproof	R.C.P.	Reflected Ceiling Plan
(R)	Remove	F.S.	Full Size	R.D.	Roof Drain
ABV.	Above	FT.	Foot or Feet	REF.	Reference
A.C.B.	Acoustical Board	FTG.	Footing	REFR.	Refrigerator
A.C.P.	Acoustical Panel	FUT.	Future	RENF.	Reinforced
ACOUS.	Acoustical	G.A.	Gauge	REQ./RQD.	Required
A.C.T.	Acoustical Tile	GALV.	Galvanized	RESIL.	Resilient
A.D.	Area Drain	G.L.	Grid Line	R.O.	Rough Opening
ADJ.	Adjustable	G.B.	Grab Bar	RWD.	Redwood
A.F.	Access Flooring	GND.	Ground	R.W.L.	Rain Water Leader
AGGR.	Aggregate	GYP.	Gypsum	R.W.L.	Reflected
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	REFL.	Reflected
APPROX.	Approximate	H.B.	Hose Bibb	REV.	Reversed
ARCH.	Architectural	H.C.	Hollow Core	S.	South
ASPH.	Asphalt	HDCP.	Handicapped	S.C.	See Civil Drawings
A.F.F.	Above Finished Floor	HDM.	Hardwood	S.C.D.	Solid Core
B.D.	Board	H.M.	Hollow Metal	SCHED.	Schedule
BITUM.	Bituminous	HORIZ.	Horizontal	SECT.	Section
BKP.	Backing Plate	H.P.	High Point	SHR.	Shower
BLDG.	Building	HR.	Hour	SHT.	Sheet
BM.	Beam	HGT./HT.	Height	SIM.	Simiar
BOT./B.O.	Bottom/ Bottom of	I.D.	Inside Diameter (Dim)	S.J.	Score Joint
CAB.	Cabinet	I.E.	Invert elevation	S.L.D.	See Landscaping Drawing
C.B.	Catch Basin	INFO.	Information	S.M.	Sheet Metal
CEM.	Cement	INSUL.	Insulation	S.M.D.	See Mechanical Drawings
CER.	Ceramic	INT.	Interior	SPEC.	Specification
C.G.	Corner Guard	INV.	Invert	SQ.	Square
C.I.	Cast Iron	JAN.	Janitor	S.S.D.	See Structural Drawings
C.J.	Control Joint	J.B.	Junction Box	S.S.T.	Stainless Steel
CLG.	Ceiling	J.O.H.	Jamb Opening Height	STD.	Standard
CLKG.	Caulking	J.O.W.	Jamb Width	STL.	Steel
CLO.	Closet	J.T.	Joint	STOR.	Storage
CLR.	Clear	KIT.	Kitchen	STR.	Structural
C.M.U.	Concrete Masonry Unit	LAM.	Laminate	S.T.S.	Self Tapping Screw
C.O.	Cased Opening	LAV.	Lavatory	SUSP.	Suspended
COL.	Column	L.P.	Low Point	SYM.	Symmetrical
CONC.	Concrete	LT.	Light	TRD.	Tread
CONF.	Conference	MAX.	Maximum	T.B.	Towel Bar
CONN.	Connection	M.C.	Medicine Cabinet	T.C.	Top of Curb
CONSTR.	Construction	M.D.F.	Medium Density Fiber Board	TEL.	Telephone
CONT.	Continuous	M.D.O.	Medium Density Overlay	T&G	Tongue and Groove
CORR.	Corridor	MECH.	Mechanical	THK.	Thick
CPT.	Carpet	MEMB.	Membrane	T.P.	Top of Pavement
CTSK.	Countersunk	MTL.	Metal	T.V.	Television
CNTR.	Counter	MFR.	Manufacturer	T.W.	Top of Wall
C.T.	Ceramic Tile	MH.	Manhole	TYP.	Typical
CTR.	Center	MIN.	Minimum	UNF.	Unfinished
DBL.	Double	MIR.	Mirror	U.O.N.	Unless Otherwise Noted
DEPT.	Department	MISC.	Miscellaneous	VERT.	Vertical
D.F.	Drinking Fountain	M.O.	Masonry Opening	VEST.	Vestibule
DET.	Detail	M.P.	Midpoint	V.I.F.	Verify in Field
DIA.	Diameter	M.S.	Machine Screw	V.I.R.	Vent through Roof
DIM.	Dimension	MTD.	Mounted	W.	West
DISP.	Dispenser	MUL.	Mullion	W/	With
DN.	Down	MTL.	Metal	W.C.	Water Closet
DR.	Door	N.	North	WD.	Wood
DWR.	Drawer	N.A.	Not Applicable	WO.	Window Opening
D.S.	Downspout	N.I.C.	Not in Contract	W/O	Without
D.S.P.	Dry Standpipe	NOM.	Nominal	WP.	Waterproof
DWG.	Drawing	N.T.S.	Not to Scale	W.S.	Wood Screw
E.	East	OBS.	Obscure	WT.	Weight
E.A.	Each	O.C.	On Center		
E.A.	Expansion Joint	O.C.D.	Overhead Ceiling Door		
EL.	Elevation	O.C.G.	Overhead Ceiling Grille		
ELEC.	Electrical	O.D.	Outside Diameter (Dim.)		
ELEV.	Elevator	O.F.C.I.	Owner Furnished, Contractor Installed		
EMER.	Emergency	O.F.D.	Overflow Drain		
ENCL.	Enclosure	OFF.	Office		
EQ.	Equal	O.F.O.I.	Owner Furnished, Owner Installed		
EQPT.	Equipment	OH.	Opening		
EXPO.	Exposed	OPP.	Opposite		
EXP.	Expansion				
EXT.	Exterior				

## HEIGHT AND BULK MAP



## ZONING INFORMATION

Address and Parcel	
Assessor's Block Number	0276
Assessor's Lot Number	015
Low Street Number	1080
Street Name	BUSH
'AV' OR 'ST' etc.	ST
Zip Code	94109
Length of lot frontage	
Depth of lot	
Lot area	6294
Year Built	1913
Zoning Information	
Zoning classification	RC-4 (RESIDENTIAL - COMMERCIAL, HIGH DENSITY)
Special Use District	not within a special use district
Signage District	not within a signage district
Code for Redevelopment Area	1000 (NOT IN RDA PROJECT AREA)
Set Back	
Quadrant	NORTHEAST
Zoning Map Quadrant	01
HEIGHT AND BULK LIMITS: 65-A	
District Symbol:	A
Height Above Which Maximum Dimensions Apply:	40
Maximum Length:	110
Maximum Diagonal Dimension:	110

## ZONING MAP



## DORM ROOM INFORMATION

DENSITY LIMITATION: 1 Bedroom per 70 sq. ft. of Lot Area  
LOT AREA: 6,294 sq. ft.  
ALLOWABLE BEDROOMS: 6,294sq.ft. lot area / 70sq.ft. = 89 Bedrooms Allowed



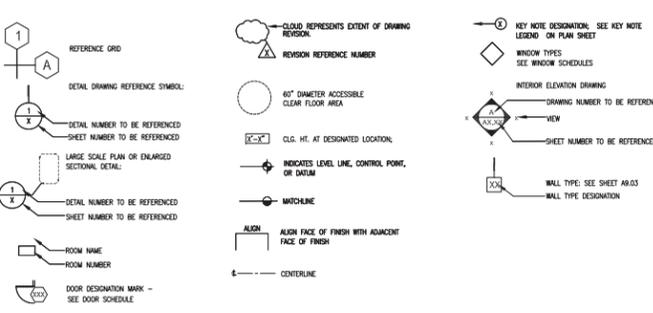
## PROJECT DESCRIPTION

Application for Conditional Use Authorization per PC Section 209.2(c) to allow group housing for students in an RC-4 zoning district.  
San Francisco Planning Code Section 209.2 allows group housing as a conditional use in the RM-4 District where such facility is affiliated with and operated by an educational institution.  
The Leonardo DaVinci Apartments house male & female students over 21 years old

## BUILDING INFORMATION

OCCUPANCY GROUP:	R-1 Group Housing for University Students
TYPE OF CONSTRUCTION:	CONC. FOUNDATION, BRICK EXT. WALLS WOOD FLOOR STRUCTURE, WOOD ROOF STRUCTURE
YEAR BUILT:	1913
PROJECT AREA:	FIRST: 4,216 sq. ft. SECOND: 4,613 sq. ft. THIRD: 4,612 sq. ft. FOURTH: 4,613 sq. ft. FIFTH: 4,613 sq. ft. SIXTH: 4,613 sq. ft. TOTAL: 27,280 sq. ft.

## ARCHITECTURAL SYMBOLS



## VICINITY MAP



## SHEET INDEX

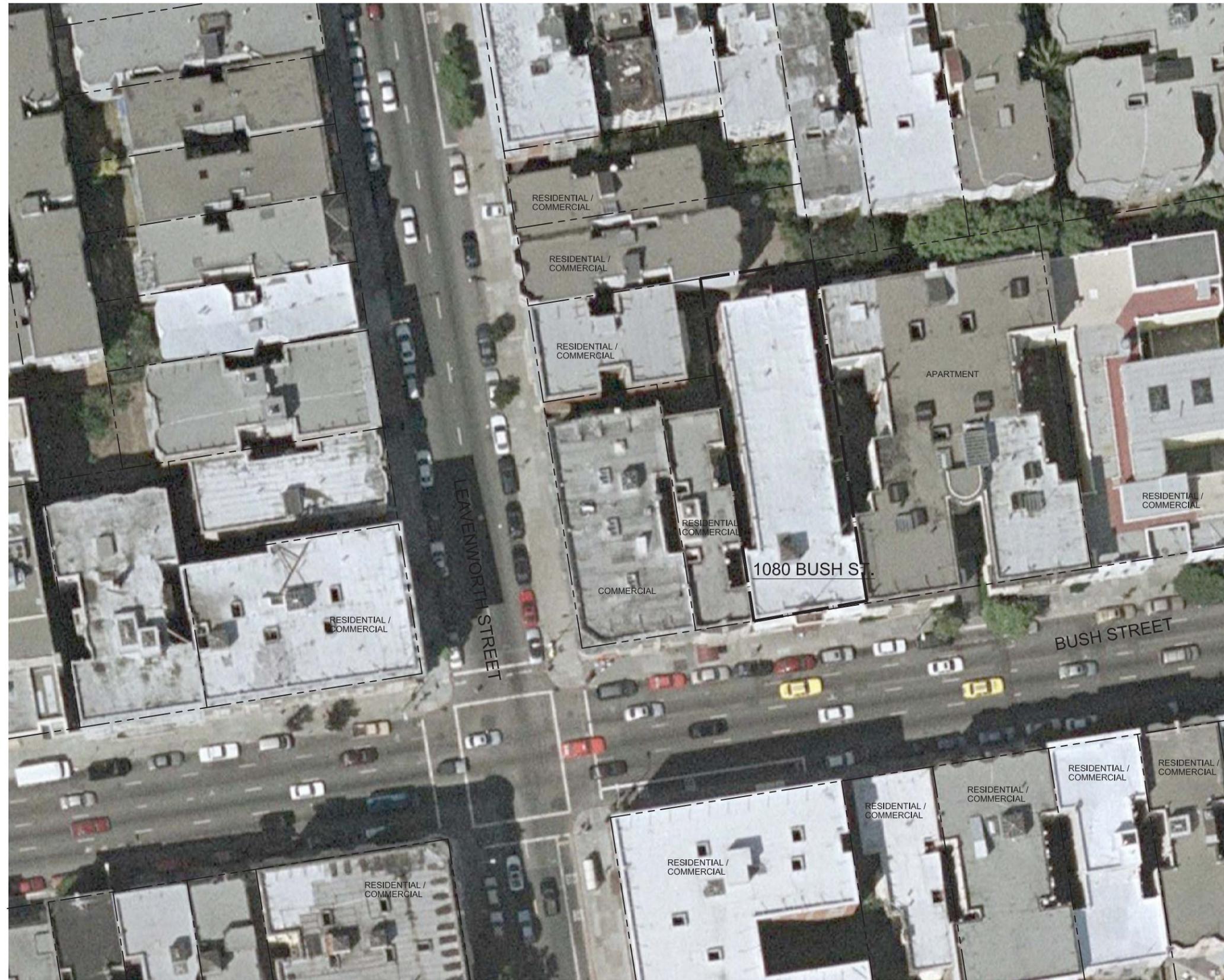
GENERAL:	G.01 TITLE SHEET
SITE:	A1.00 PROJECT SITE PLAN A1.01 SITE PHOTOS
ARCHITECTURAL:	A2.00 FIRST, SECOND AND THIRD FLOOR PLANS A2.01 FOURTH, FIFTH AND SIXTH FLOOR PLANS

## TITLE SHEET

# G.01

All drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without consent of Architect.

If this drawing is not 24"x36", then the drawing has been revised from its original size. Noted scales must be adjusted. This line should be equal to one inch



**1** PROJECT SITE PLAN  
1" = 20' - 0"



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tel 415 391.7918  
fax 415 391.7309  
www.tomeliotfisch.com

CONDITIONAL USE PERMIT  
for  
**LEONARDO  
Da VINCI  
APARTMENTS**  
Group Housing in RC-4 District  
1080 Bush Street  
San Francisco, CA 94109



Architect  
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San Francisco CA 94108  
Roger Sayre: Project Architect  
Doug Tom: Principal

Owners Representative  
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fax 415 956.5669  
Lakshmi Khanna: Project Engineer  
Ed Conlon

Owner's Counsel  
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Elizabeth L. Bridges

Permitting  
Shatara Architecture  
522 Second Street  
San Francisco, CA 94107  
tel 415 512-7566  
fax 415 546-6415  
Principal: Suheil Shatara



Job # 20780.01 Print Date 2/27/08  
Drawn By MM Approved By

Scale Issue  Revision

Num.	Date	Description
1	2/27/08	CONDITIONAL USE PERMIT

PROJECT SITE PLAN

**A1.00**

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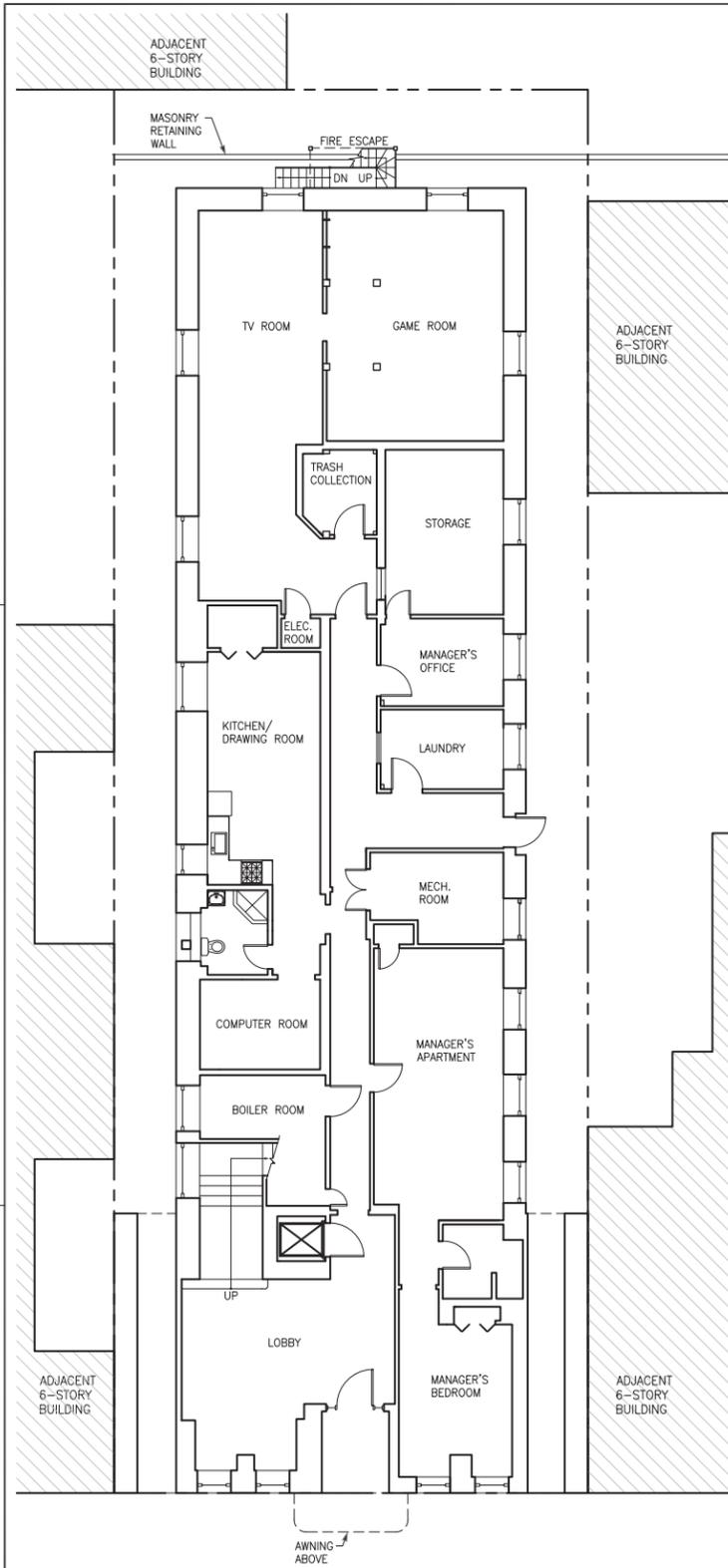
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Scale Issue  Revision

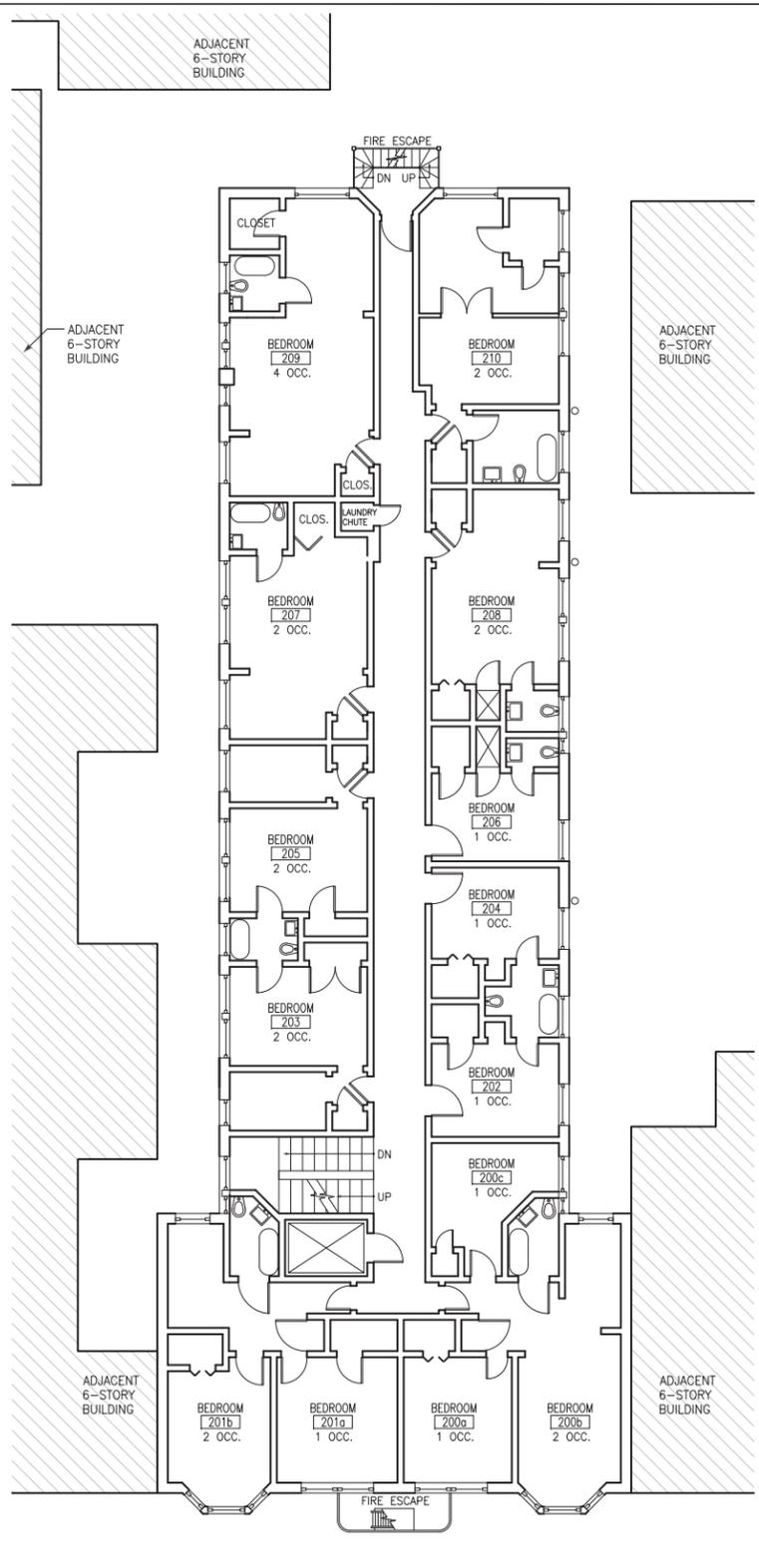
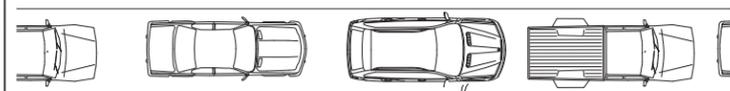
Num.	Date	Description
1	2/27/08	CONDITIONAL USE PERMIT

FIRST, SECOND AND THIRD FLOOR PLANS

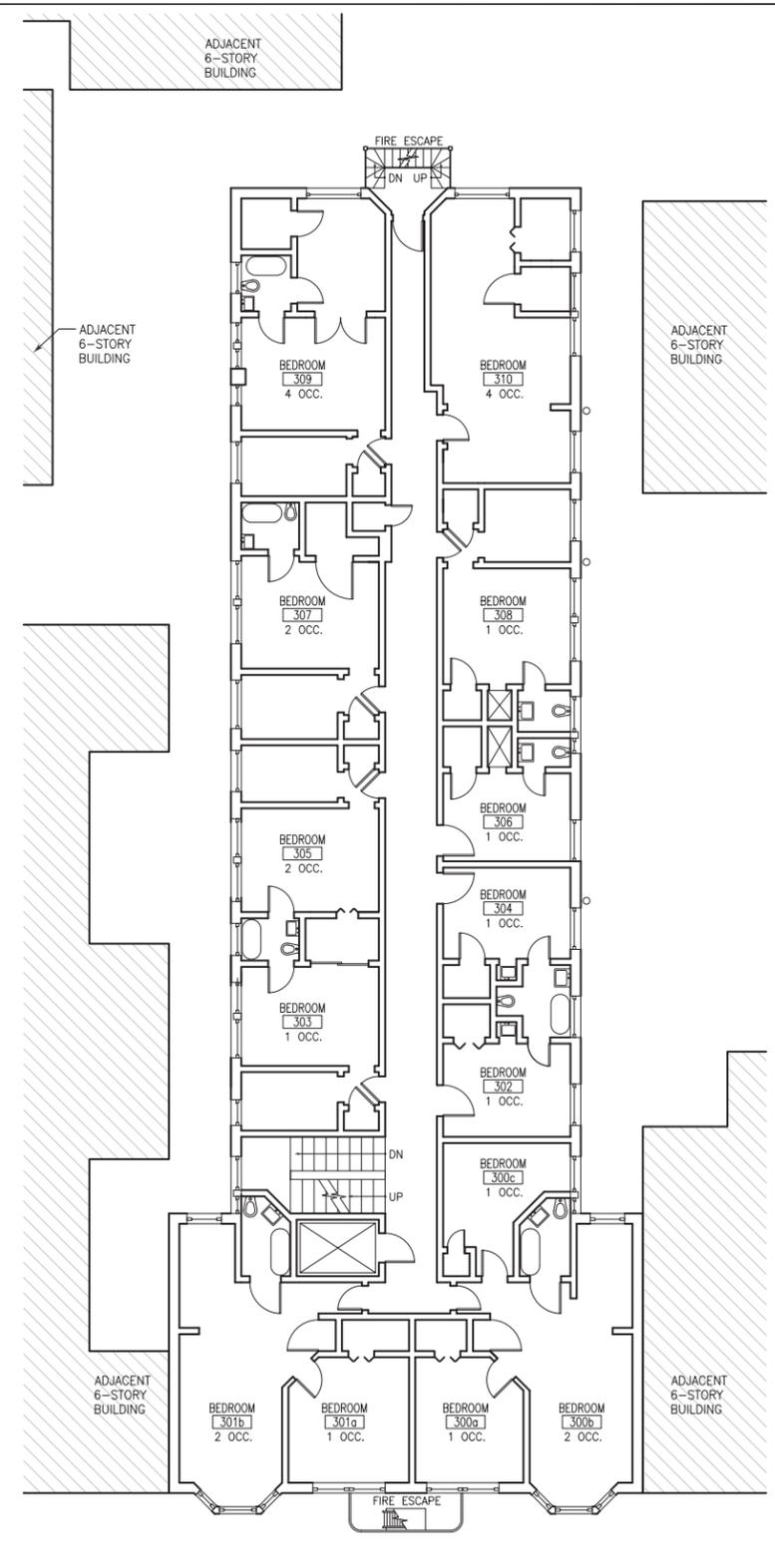
## A2.00



**1** FIRST FLOOR PLAN  
 1/8" = 1' - 0"



**2** SECOND FLOOR PLAN  
 1/8" = 1' - 0"



**3** THIRD FLOOR PLAN  
 1/8" = 1' - 0"



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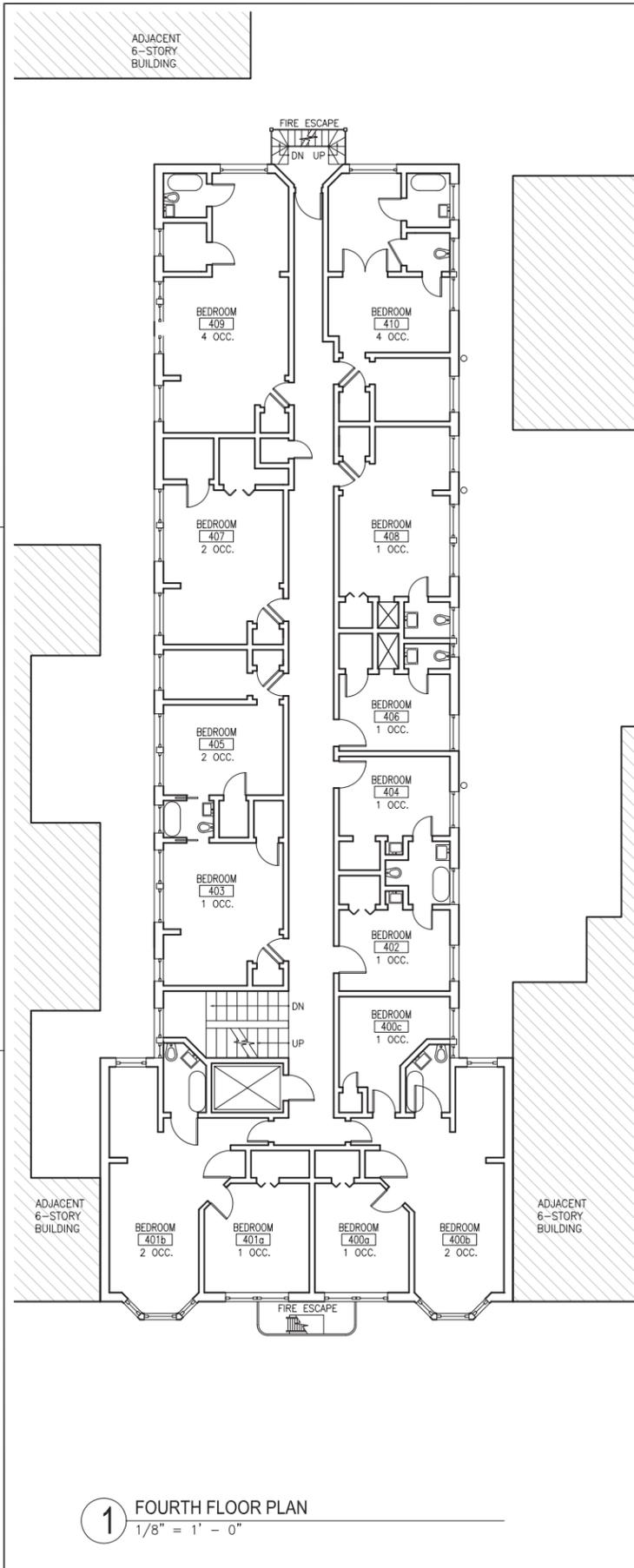
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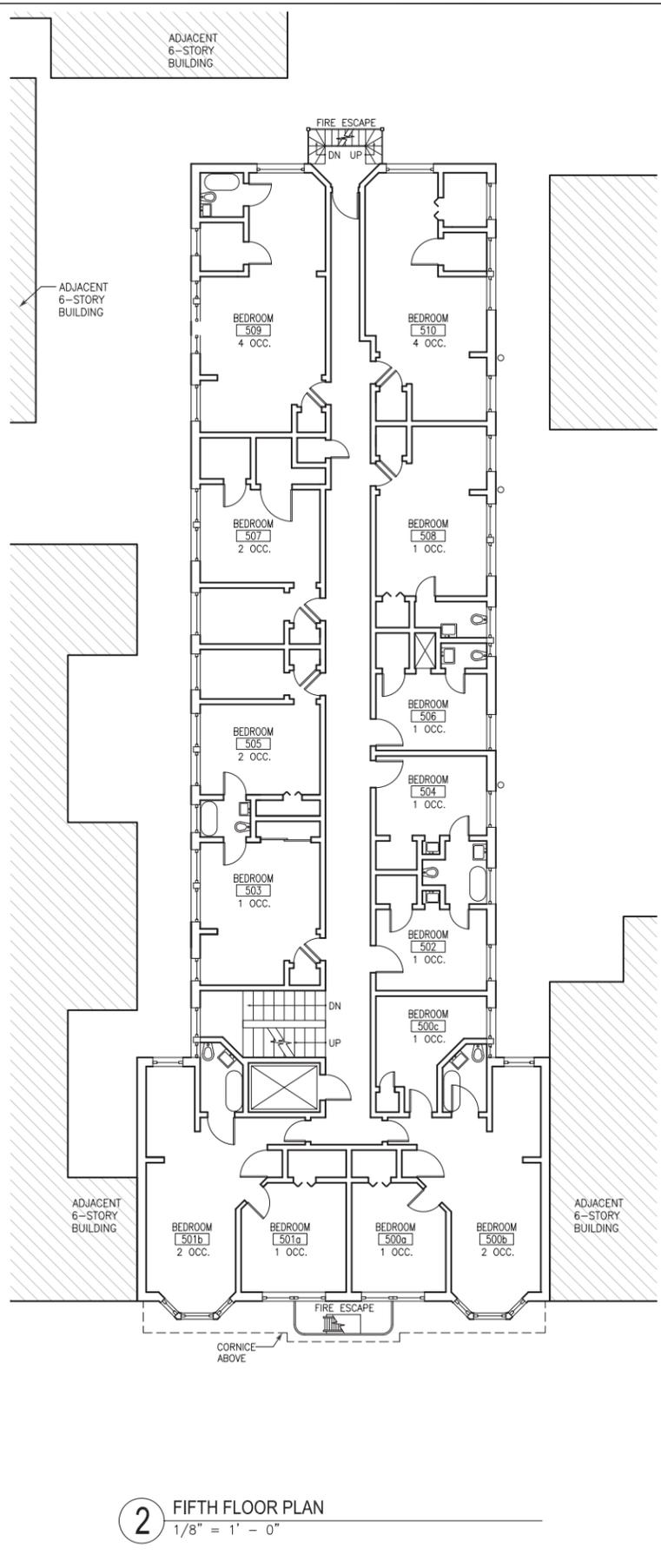
Job #	20780.01	Print Date	2/27/08
Drawn By	MM	Approved By	
Scale		Issue	<input type="checkbox"/> Revision <input checked="" type="checkbox"/>
Num.	Date	Description	
1	2/27/08	CONDITIONAL USE PERMIT	

FOURTH, FIFTH AND  
SIXTH FLOOR PLANS

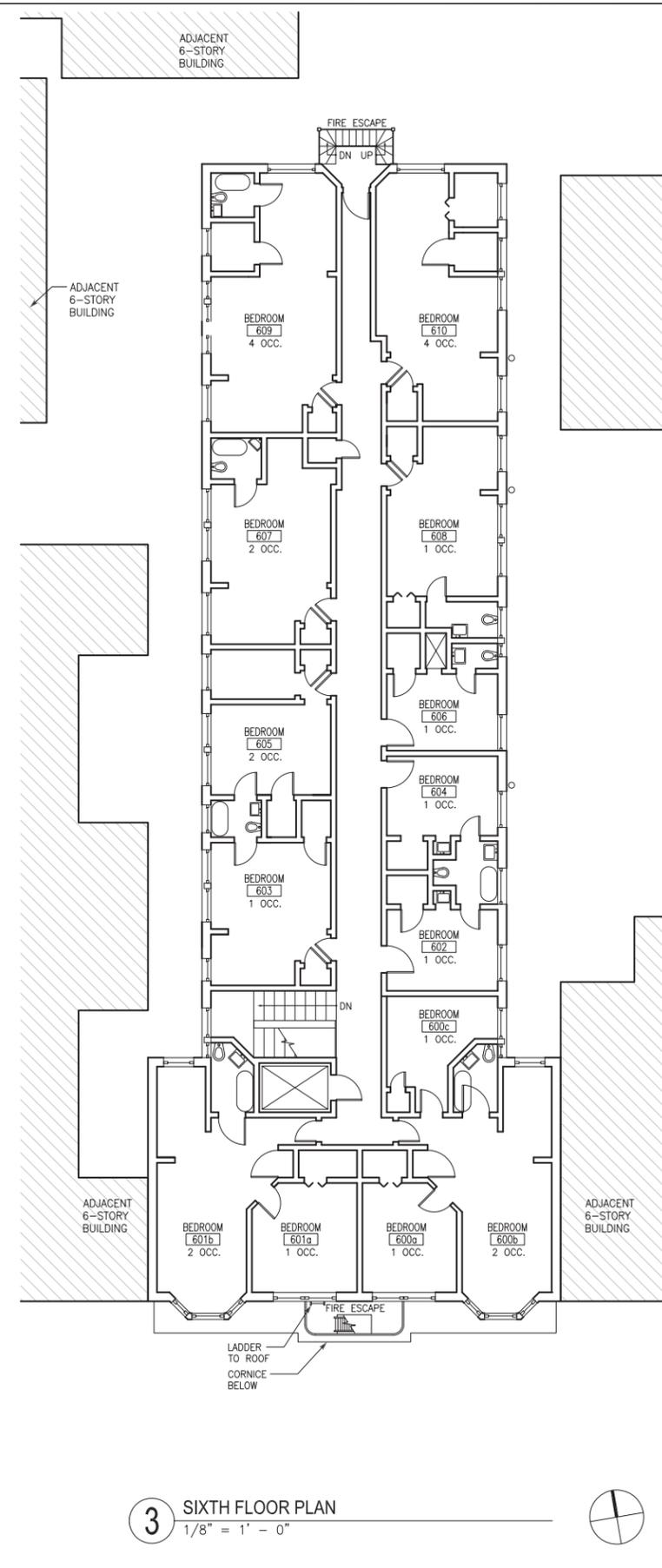
**A2.01**



**1** FOURTH FLOOR PLAN  
1/8" = 1' - 0"



**2** FIFTH FLOOR PLAN  
1/8" = 1' - 0"



**3** SIXTH FLOOR PLAN  
1/8" = 1' - 0"



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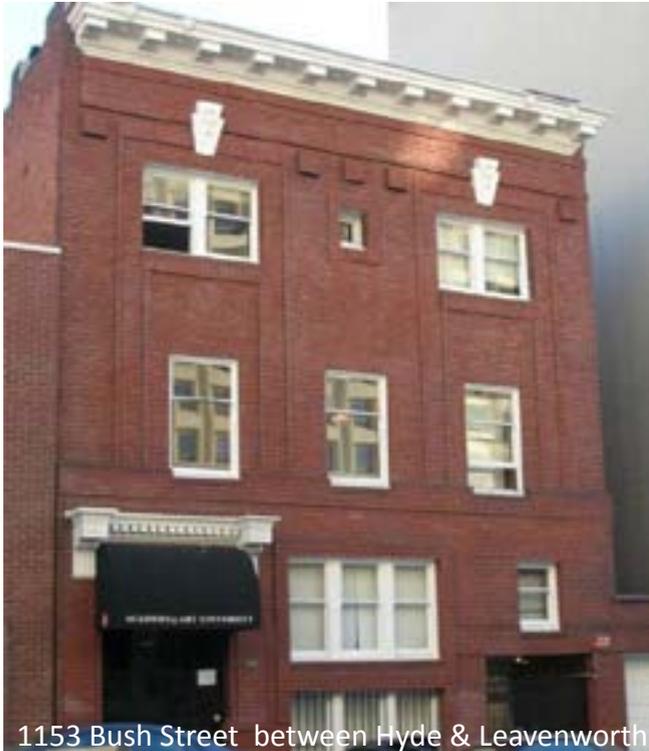
**1153 BUSH STREET**

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# #11 1153 BUSH STREET

Not Permitted by Code; Requires Planning Code Text Amendment



1153 Bush Street between Hyde & Leavenworth



### Required Entitlements:

- Requires Planning Code Amendment for conversion of housing to group housing (Section 317(e))
- Requires CUA for student housing in RC-4
- Requires HP Review
- Requires Building Permit

**Zoning:** RC-4

**Construction Date:** 1911

**Architect/Builder/Designer (if known):** Welsh & Carey

**Preservation:** Category A

**AAU Acquisition Date:** 1998

### Staff Recommendation:

**Inclined to recommend disapproval.** The Planning Department is inclined to be unsupportive of conversions that detract from the stated Citywide goal to protect the affordability of San Francisco's housing stock and require institutions to meet the housing demand generated by the institution with new housing.

EIR/ ESTM	Address	Block / Lot	Zoning	Quadrant	Desired Use	Current Use	Legal Use	Action Required
ESTM	1153 Bush Street*	0280/026	RC-4	NE (Civic Center)	Student Housing (15 rooms (37 beds))	Student Housing (15 rooms (37 beds))	Residential/ Residential Hotel (1 DU & 14 rooms) (10,456 sf)	Legislative Amendment to 317(e), CUA, HP, BP

\*An Application for Planning Code Amendment (Case No. 2016-000559PCA) was submitted on January 13, 2016 for the 7 properties in the Residential Zoning Districts. It is pending review by Department Staff.

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# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* **2007.1071C**  
*Project Address:* **1153 BUSH STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
65-A Height and Bulk District  
*Block/Lot:* 0280/026  
*Project Sponsor:* Corinne Quigley  
Morrison & Forester LLP  
425 Market Street  
San Francisco, CA 94105  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)  
*Recommendation:* **Disapproval**

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 sponsor proposes to convert 15 residential and residential hotel rooms to 15 student-housing rooms at its present location at 1153 Bush Street.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department's report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU's proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the southern side of Bush Street, Block 0280, Lot 026. The property is located within the RC-4 (Residential-Commercial, High Density) District with 65-A height and bulk district. The subject property is L-shaped in plan and set flush to the sidewalk, with primary elevation facing Bush Street. The subject site is a contributor to the National Register of Historic Places-listed historic district, the Lower Nob Hill Hotel Historic District, and thus considered a resource under the California Environmental Quality Act. The subject property is known as "Frank Lloyd Wright Hall" and has 15 group-housing rooms. <sup>1</sup>

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<sup>1</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-269

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

Between Jones and Leavenworth Streets, Bush Street is primarily characterized by multi-family apartments with some supporting ground-floor commercial uses. AAU occupies one other building on the street, 1080 Bush Street, which is located across the street to the east of the of the subject property. Surrounding buildings range from three to 14 stories, and buildings generally adjoin and extend to the sidewalk, creating a continuous urban façade. Bush Street is a three-lane, one-way eastbound street with parallel metered parking located on both sides of the street.

The project site is located in the Lower Nob Hill Apartment Hotel National Register Historic District, which has a high concentration of residential and ground-floor retail/commercial uses. The District consists of mainly three- to seven-story multi-unit residential buildings that were constructed between 1906 and 1925, giving them a remarkable consistency in style. The subject building is a contributing resource to the Lower Nob Hill Apartment Hotel District.<sup>2</sup>

## **ENVIRONMENTAL REVIEW**

The Project was reviewed under the Academy of Art University Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	September 2, 2016	August 31, 2016	23 days
Posted Notice	20 days	September 2, 2016	September 2, 2016	20 days
Mailed Notice	10 days	September 12, 2016	September 12, 2016	10 days

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

## **ISSUES AND OTHER CONSIDERATIONS**

- The project is not compliant with the Planning Code. Academy of Art University is seeking a legislative amendment to Planning Code Section 317 to allow the conversion of residential uses to student housing (2016-000559PCA).
- The project is associated with a Planning Code Amendment proposed by AAU that would enable the legalization of seven properties that have unwarranted conversions of Residential Units Student Housing. The Planning Department is unsupportive of the AAU proposed Planning

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<sup>2</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-271

Code Amendment and has proposed a different Planning Code Amendment that would only enable the legalization of 2209 Van Ness Avenue and 2211 Van Ness Avenue.

- **Initiation.** Planning Code Section 302 allows 3 methods for initiating Planning Code Amendments: 1.) by a member of the Board of Supervisors; 2.) by resolution of intention by the Planning Commission; or 3.) by application of property owners.
  - The Planning Commission initiated the Planning Department proposed Planning Code Amendment on July 28, 2016 per Resolution No. 19705.
  - AAU initiated their proposed Planning Code Amendment by virtue of their application.
- **Adoption.** The adoption hearing for both the Planning Department and AAU proposed Planning Code Amendments associated with this property will be heard on September 22, 2016, prior to the hearing for the subject Conditional Use Authorization. The Planning Commission must first adopt a recommendation of approval for either Planning Code Amendment before authorizing the subject Conditional Use.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, a legislative amendment to Planning Code Section 317 would be required to permit the conversion of Residential Units to Student Housing. The Commission must also grant Conditional Use authorization to permit Student Housing (Group Housing for a Postsecondary Educational Institution) on-site, pursuant to Planning Code Sections 209.3 and 303.

## **BASIS FOR RECOMMENDATION**

- The change in use of the site from Residential to Student Housing does not comply with the Planning Code.
- AAU's proposed legislative amendment is inconsistent with General Plan policies relating to displacement of affordable housing or residential hotel uses and policies to avoid the conversion of such affordable housing uses.<sup>3</sup>
- The Existing Sites Technical Memorandum found that the change in use would intensify AAU's presence in the vicinity, as an AAU building is located on the same street (1153 Bush Street). The intensification of AAU uses in the vicinity could change the character of the neighborhood and introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).
- The project does not meet all applicable requirements of the Planning Code.
- The project is not desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b> <b>Disapproval</b>
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### **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map

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<sup>3</sup> *Existing Sites Technical Memorandum, Academy of Art University, Volume I* (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-271-273

**Executive Summary**  
**Hearing Date: September 22, 2016**

**CASE NO. 2007.1071C**  
**1153 Bush Street**

Aerial Photographs  
Site Photograph  
Project Information Sheet  
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 type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                                                          |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility                                              |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report                                                         |
|                                                         | <input type="checkbox"/> Community Meeting Notice                                          |
|                                                         | <input type="checkbox"/> Housing Documents                                                 |
|                                                         | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

\_\_\_\_\_ SA \_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- 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: SEPTEMBER 22, 2016

*Date:* September 15, 2016  
*Case No.:* **2007.1071C**  
*Project Address:* **1153 BUSH STREET**  
*Zoning:* RC-4 (Residential-Commercial, High Density)  
 65-A Height and Bulk District  
*Block/Lot:* 0280/026  
*Project Sponsor:* Corinne Quigley  
 Morrison & Forester LLP  
 425 Market Street  
 San Francisco, CA 94105  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3, 303 AND 317 OF THE PLANNING CODE TO LEGALIZE THE CONVERSION OF 15 RESIDENTIAL AND RESIDENTIAL HOTEL ROOMS TO STUDENT HOUSING WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In 2006, the Department’s Code Enforcement Division issued a Notice of Violation to the Academy of Art University (AAU) for failure to submit an Institutional Master Plan (IMP) under Planning Code Section 304.5. AAU responded by submitting a draft IMP (Case No. 2006.07371) on June 8, 2006. In 2007, the Department provided AAU notice that most of its properties violate the Planning Code, typically for unauthorized changes of use and unpermitted signage (based upon a review of the draft IMP). The Department also presented AAU’s IMP to the Planning Commission (Commission), but the Commission determined that the IMP was incomplete because 1) AAU had not addressed outstanding enforcement issues, and 2) the Commission requested additional information, including a transportation study.

Since 2007, the Planning Department (hereinafter “Department), has devoted significant time and resources investigating and taking enforcement actions with respect to a number of properties owned and/or operated by the Academy of Art University (AAU) as a result of the unauthorized conversion of uses, unauthorized installation of signage, health and safety violations, and operation of those properties

without an accepted Institutional Master Plan (hereinafter "IMP"). The Board of Supervisors, Board of Appeals, Historic Preservation Commission and the Planning Commission held a number of hearings regarding enforcement of properties owned and/or operated by AAU.

In 2008, the Commission reviewed a revised and updated version of AAU's IMP; however, the Commission determined that the IMP was still incomplete because AAU had not addressed outstanding enforcement issues or provided the requested transportation study.

In 2008, the Department informed AAU that the City would require an Environmental Impact Report (EIR), including a Transportation Study, to process any permits to legalize unauthorized changes of use. On May 19, 2008, AAU submitted an EIR application, and on August 13, 2008, AAU submitted a Transportation Study Application (Case No. 2008.0586E!). The Department allowed existing violations to be placed "on hold" pending completion of the EIR and Transportation Study. The Department informed AAU that it could not acquire and convert or otherwise use any new properties in San Francisco until after the Department completed the EIR, including the Transportation Study, the Commission accepted AAU's IMP and the City processed necessary entitlements to legalize existing facilities based on the final certified EIR.

On September 17, 2011, the Department learned that despite the admonition not to acquire, convert or otherwise use new properties, AAU had acquired additional properties. This action further delayed the processing of the EIR.

On November 4, 2011, the Department notified AAU in writing that the Department could no longer keep existing violations "on hold" because "[e]very subsequent purchase of property necessitates analysis and possible revision of the EIR project description which necessarily delays the completion of that document. Without an EIR, neither the AAU nor the City can move forward with the appropriate permits to bring the pre-EIR properties into compliance with City codes, not to mention the post-EIR properties." On the same date, the Department continued enforcement proceedings against the AAU, including issuance of Enforcement Notices.

On November 17, 2011, the Planning Commission accepted AAU's IMP.

On January 17, 2013, the Department issued Notices of Violation and Penalty (NOVPs) for 22 AAU properties. Exercising his enforcement discretion, the Zoning Administrator also issued a written determination to voluntarily stay enforcement of these NOVPs and toll the NOVPs applicable compliance and appeal periods so long as AAU adhered to terms enumerated in the written decision. In the Stay, it was noted that: "The EIR process has been ongoing since 2008 and has continued beyond a reasonable period. The purpose of the Stay was to enable the Department to conclude the EIR process at an accelerated pace to allow AAU to come into full compliance with all applicable Planning Code provisions." At the time the Stay was issued, the Planning Department's AAU EIR schedule estimated issuance of the Draft EIR by September 28, 2013.

On April 25, 2014, the Department issued a Withdrawal Notice of Stay, providing an update on recent enforcement actions, status of environmental review and providing written notice of the withdrawal of the Stay and modification of penalty accrual terms for the NOVPs. In the Withdrawal, it was found that AAU violated multiple conditions of the Stay, including failure to meet its contractual obligations with

Atkins Global and respond promptly to Planning Department comments. As a result of such actions (or inactions), progress on the EIR ceased. The Withdrawal modified the penalty accrual terms of the NOVPs such that penalties would begin accruing on November 2, 2014, if the Draft EIR was not published by November 1, 2014.

On May 2, 2014, AAU appealed the Withdrawal to the Board of Appeals (Appeal No. 14-091).

On May 9, 2014, AAU submitted requests for Zoning Administrator Hearings on 20 properties that were issued NOVPs. On June 18, 2014, the Zoning Administrator held a consolidated hearing on the 20 NOVPs. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties were in violation of the Planning Code to be documented through final NOVP Decisions.

The Department and AAU subsequently agreed to reschedule the hearing for Appeal No. 14-091 provided that AAU continued to make progress on the Draft EIR.

On February 25, 2015, the Planning Department published the Draft EIR. On April 16, 2015, the Planning Commission held a public hearing on the Draft EIR. It was also noted that the Department will be preparing a separate informational document, called the Existing Sites Technical Memorandum (ESTM) to provide the Commission information about the environmental effects resulting from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operation at the 34 locations occupied prior to the September 2010 Notice of Preparation (NOP) for the EIR.

On October 29, 2015, AAU withdrew Appeal No. 14-091. As such, the Withdrawal Notice of Stay is final, and all issues raised in the Withdrawal are now res judicata. While the Stay is no longer in effect, the Department fully expects AAU to abide by the conditions set forth in the Stay to ensure timely completion of the FIR process and to allow AAU to come into full compliance with all applicable Planning Code provisions.

On January 13, 2016, AAU submitted a Planning Code Legislative Amendment Application to amend Section 317 to allow for Residential Conversion of certain AAU properties to Student Housing.

On March 17, 2016, a public hearing was held to update the Planning Commission on AAU's Institutional Master Plan, which was submitted to the Planning Department on November 17, 2015, with supplemental information submitted on March 3, 2016.

On July 28, 2016, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

**Timeline of Investigation for the Subject Property:**

On September 14, 2007, the AAU filed a CU (Case No. 2007.1071C) to seek authorization to establish the Group Housing use under then-Section 209.2©.

On June 8, 2010, the Department performed a site visit to the subject property and found that the approximately 10,456 sq.ft. building was fully occupied and operated by AAU.

On November 4, 2011, the Department issued an Enforcement Notification (EN) detailing the violations listed above with details on how to correct the violations by removing all business signs and to cease and desist the unauthorized use of the building.

On November 21, 2011, David Cincotta, Attorney for AAU, responded to the EN. The response noted that AAU does not believe that a change of use occurred because the units in the property contain individual cooking facilities.

City records indicate that the property contains 14 residential hotel rooms. In 2007, the Department of Building Inspection's Housing Inspection Services listed 1153 Bush Street under "Active Residential hotels" with 14 residential hotel rooms. Further the Department understands that these 14 rooms do not have kitchen facilities and therefore AAU's use of the 14 rooms must be considered as Group Housing as defined in Section 102. It should also be noted that page 93 of the AAU's IMP describes the building as having "a communal kitchen".

On January 17, 2013, a Notice of Violation and Penalty (NOVP) was issued for the Subject Property in conjunction with the Stay (see above) that voluntarily tolled applicable compliance and appeal periods.

On April 25, 2014, the Withdrawal Notice of Stay was issued. The Withdrawal became final upon withdrawal of Appeal No. 14-091, as noted above.

On May 19, 2014, AAU requested a Zoning Administrator Hearing for the NOVP.

On June 18, 2014, the Zoning Administrator held a hearing on the NOVP. At this hearing, AAU stated that it "does not contest the issuance of the NOVPs" and summarized their efforts towards complying with the NOVPs. The Zoning Administrator closed the public hearing and determined that the properties, including the Subject Property, were in violation of the Planning Code to be documented through final NOVP Decisions.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1071C.

The Project was reviewed under the Academy of Art University's Environmental Impact Report, which was certified as final on July 28, 2016, and the Existing Sites Technical Memorandum, which was published on June 3, 2016.

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 does not authorize the Conditional Use requested in Application No. 2007.1071C, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the southern side of Bush Street, Block 0280, Lot 026. The property is located within the RC-4 (Residential-Commercial, High Density) District with 65-A height and bulk district. The subject property is L-shaped in plan and set flush to the sidewalk, with primary elevation facing Bush Street. The subject site is a contributor to the National Register of Historic Places-listed historic district, the Lower Nob Hill Hotel Historic District, and thus considered a resource under the California Environmental Quality Act. The subject property is known as “Frank Lloyd Wright Hall” and has 15 group-housing rooms.<sup>1</sup>
3. **Surrounding Properties and Neighborhood.** The project site is located in the Downtown/Civic Center neighborhood. Directly across Bush Street to the north is the Nob Hill neighborhood in San Francisco. The primary land use on Bush Street between Hyde and Leavenworth streets is residential; however, Saint Francis Memorial Hospital and a large medical building are located on the northeastern and southeastern corners of Bush and Hyde streets, respectively. The zoning in this district is RC-4 (Residential-Commercial, High Density), intended to provide high-density housing with supporting commercial uses.<sup>2</sup>
4. **Project Description.** The applicant proposes to convert 15 Residential and Residential Hotel rooms to 15 Student Housing rooms in the building.

The project is associated with a Planning Code Amendment proposed by the Academy of Art University that seeks to amend Section 317 such that the prohibition on the conversion of existing Residential Units to Student Housing would be lifted for projects which had filed for Planning entitlements prior to October 11, 2012. As described under the Planning Department’s report for Case Number 2016-000559PCA, Planning Department Staff does not recommend that the Planning Commission adopt a resolution of approval of AAU’s proposed Ordinance. The Adoption Hearing for the subject Planning Code Amendment is scheduled for September 22, 2016.

5. **Public Comment.** To date, the Department has not received any public comment on the proposed legalization of the change of use to student housing at the subject property.

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<sup>1</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-269

<sup>2</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-271

6. **Planning Code Compliance:** The Commission finds that the Project is inconsistent with the relevant provisions of the Planning Code in the following manner:

- A. **Conversion to Student Housing.** Planning Code Section 317(e) states that the conversion of Residential Units to Student Housing is prohibited.

*The project sponsor is seeking to convert 15 Residential and Residential Hotel rooms to Student Housing. The proposed conversion would not be permitted by the Planning Code. The project sponsor is seeking a legislative amendment to modify Section 317 in conjunction with this Conditional Use Application. However, the Planning Department is not supportive of conversions that detract from the stated citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new housing.*

- B. **Student Housing.** Planning Code Section 209.3 states that group housing rooms that are associated with post-secondary educational institutions require Conditional Use Authorization.

*Student Housing is also considered Group Housing that is operated by a Post-Secondary Educational Institution. Group housing at a density of one unit per 70 square feet of lot area is principally permitted in the RC-4 Zoning District, however, Conditional Use Authorization is required if the group housing is affiliated with an Institutional Educational use. The project sponsor is seeking to legalize the conversion of 15 Residential and Residential Hotel rooms to Student Housing, and to provide 15 total Student Housing rooms. The applicant is seeking Conditional Use Authorization for the use of the Group Housing at the subject property by a Post-Secondary Institution.*

7. **Planning Code Section 303** establishes criteria for the Planning 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, which would convert residential units to student housing were not found necessary or desirable for the neighborhood or community. The unwarranted conversions detract from the stated Citywide goal to protect the affordability of San Francisco's housing stock and policy to require institutions to meet the housing they generate with new, authorized housing.*

- 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 existing building will remain the same as the project does not propose changes to the building envelope. However, the addition of awnings and signage, industrial in nature, disrupt the fairly uniform facades of the neighborhood buildings, and were found to be inappropriate for the neighborhood, considered a landmark under the National Register of Historic Districts.*

- 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 proposed use was not found to generate significant amounts of vehicular trips from the immediate neighborhood or citywide. However, the proposed use does not provide the adequate amount of bicycle parking as required by the Planning Code Sections 155.1-155.4.*

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

*The change of use to Student Housing would not have exceeded the standards established by the City for noise effects on sensitive receptors. AAU occupation of the subject property has not resulted in increased health risks related to air quality, and would not create dust or debris, as there is no construction proposed.*

*However, AAU currently does not comply with the Residential Energy Conservation Ordinance, Residential Water Conservation Ordinance, and required bicycle parking infrastructure<sup>3</sup>.*

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

*The proposed project would require additional improvements such as compliance with signage, canopy removal, and removing/replacing windows.*

- 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 does not comply with all applicable requirements and standards of the Planning Code.*

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<sup>3</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I, (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-319

8. **General Plan Compliance.** The Project is inconsistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### **Policy 1.9:**

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

*Academy of Art University is seeking to legalize the conversion of existing Residential and Residential Hotel rooms into Student Housing. AAU has not proposed to construct any new housing, nor has the University proposed alternatives to meet the housing demand created by their students. By illegally converting Residential and Tourist Hotel rooms to Student Housing, the University has removed affordable units from the housing stock. Therefore, the project is not consistent with Policy 1.9 of the Housing Element.*

#### **OBJECTIVE 3:**

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

#### **Policy 3.1:**

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

#### **Policy 3.5:**

Retain permanently affordable residential hotels and single room occupancy (SRO) units.

*AAU seeks to legalize the conversion of 15 rent-controlled Group Housing rooms to Student Housing, which would remove these rooms from the existing housing stock. The project is not consistent with Objective 3 of the Housing Element of the General Plan.*

9. **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.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

- 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 a high concentration of AAU buildings within the vicinity, including buildings on the same street (1080 Bush Street). The intensification of AAU uses in the vicinity could change the character of the neighborhood and introduce new patterns of use at the site (i.e. student populations would replace hotel guests and/or longer-term residents).<sup>4</sup> The proposed conversion would not protect neighborhood character nor would it preserve cultural and economic diversity of the Nob Hill neighborhood.*

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

*The proposed change of use at 1153 Bush Street would convert 1 Residential Unit and 14 Group Housing rooms to Student Housing, thereby removing affordable units from the housing stock. The project is not consistent with this priority-planning policy as it does not enhance or preserve affordable housing.*

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

*The residents of the subject property utilize a 47-foot-long shuttle stop located at 860 Sutter Street. Seven shuttle routes currently run through this shuttle zone at a combined frequency of every 3.5 minutes. AAU shuttle buses have been reported to occasionally arrive in groups with some shuttle vehicles double parking in the adjacent transit-only lane. Additionally, the existing shuttle zone at 860 Sutter utilized by residents of the subject property is subject to No Stopping Tow Away regulations between the hours of 4:00pm and 6:00pm. Thus, continued use of the shuttle zone during the PM peak period hours on Sutter Street by residents at 1080 Bush Street is in violation of the City's regulations during PM peak period. The traffic generated by students using private shuttles in this area of the city, impedes transit services and overburdens streets.*

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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<sup>4</sup> Existing Sites Technical Memorandum, Academy of Art University, Volume I (San Francisco: City and County of San Francisco, Planning Department, 2016), 4-333

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

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

- G. That landmarks and historic buildings be preserved.

*The subject property is considered a historic resource under CEQA and is also located within the Lower Nob Hill Apartment Hotel Historic District. Although the conversion of residential and tourist hotel uses to student housing would not negatively impact the existing resource, the owner has made property modifications such as the installation of awnings without a permit or preservation review.*

- 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.*

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 **DISAPPROVES Conditional Use Application No. 2007.1071C.**

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

# Block Book Map

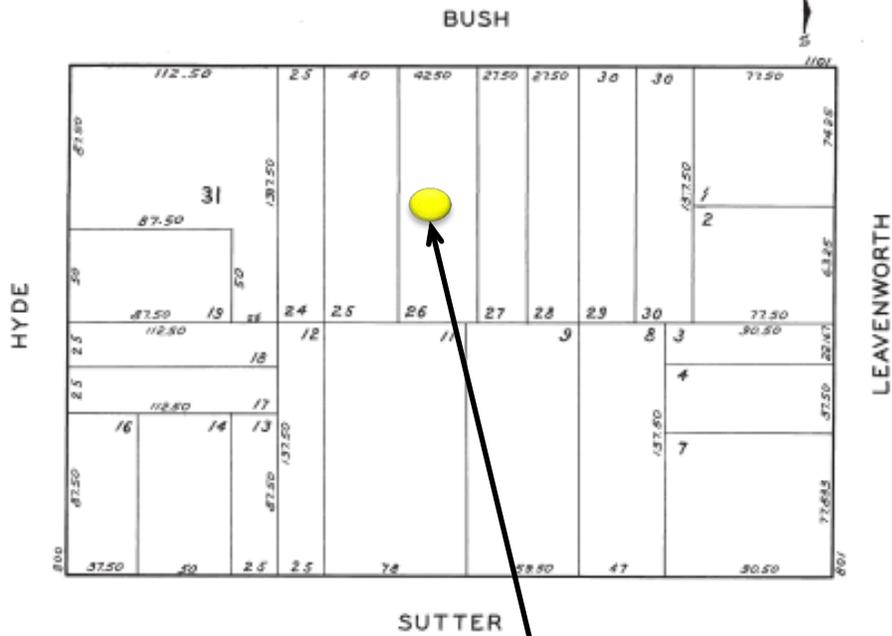
280

50 VARA BLK. 279

REVISED 1974

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CITY & COUNTY ASSESSOR 1995

LOTS MERGED  
 Lot 6 INTO Lot 7 32  
 Lot 5 merged into lot 4 43  
 - 10 - - - 14 -  
 - 15 - - - 19 -  
 - 20 - - - 19 -  
 - 23 - - - 22 -



**SUBJECT PROPERTY**



SAN FRANCISCO  
PLANNING DEPARTMENT

Case Number 2007.1071C  
 Conversion to Group Housing  
 1153 Bush Street

# Sanborn Map\*

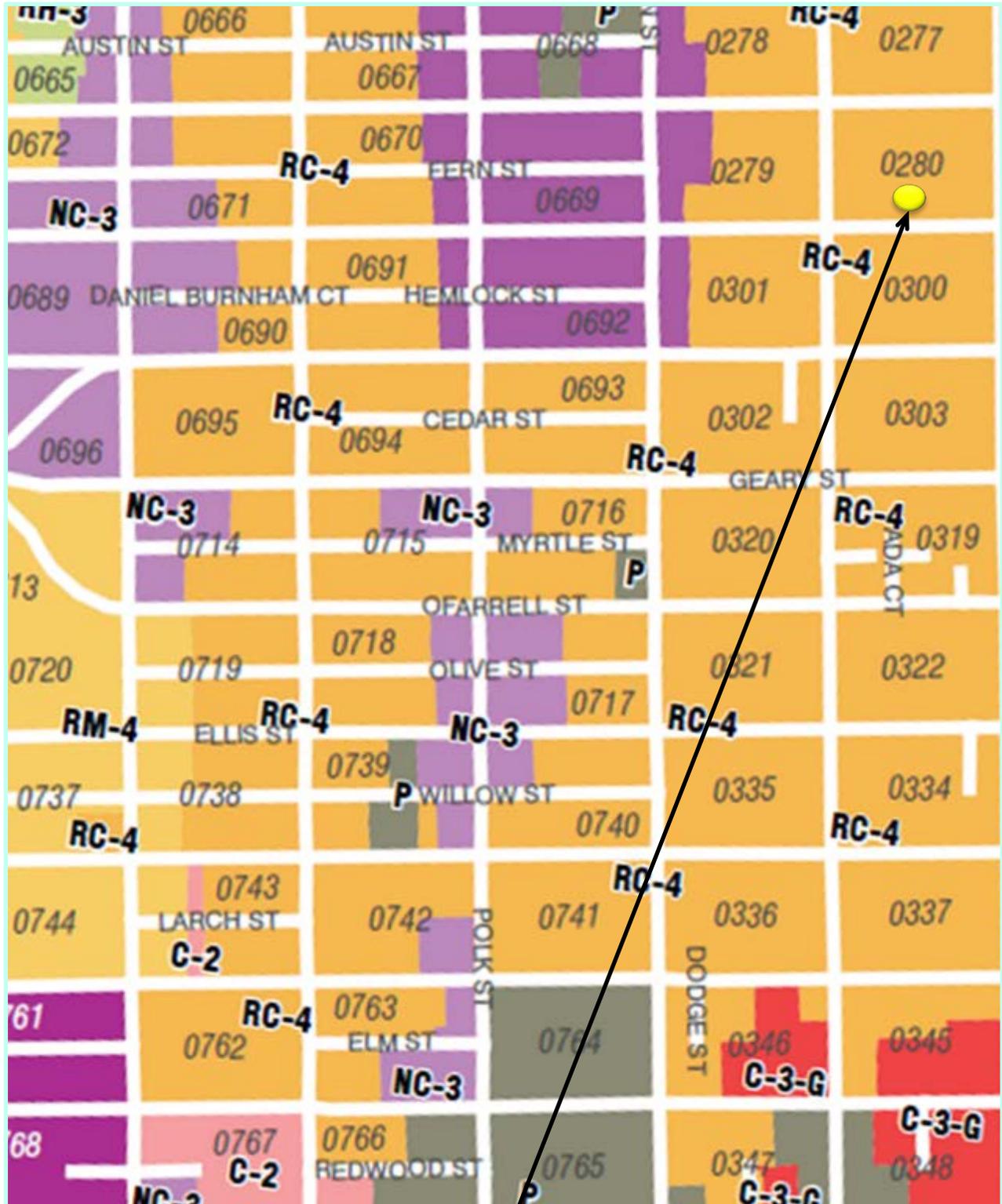


**SUBJECT PROPERTY**

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



# Zoning Map

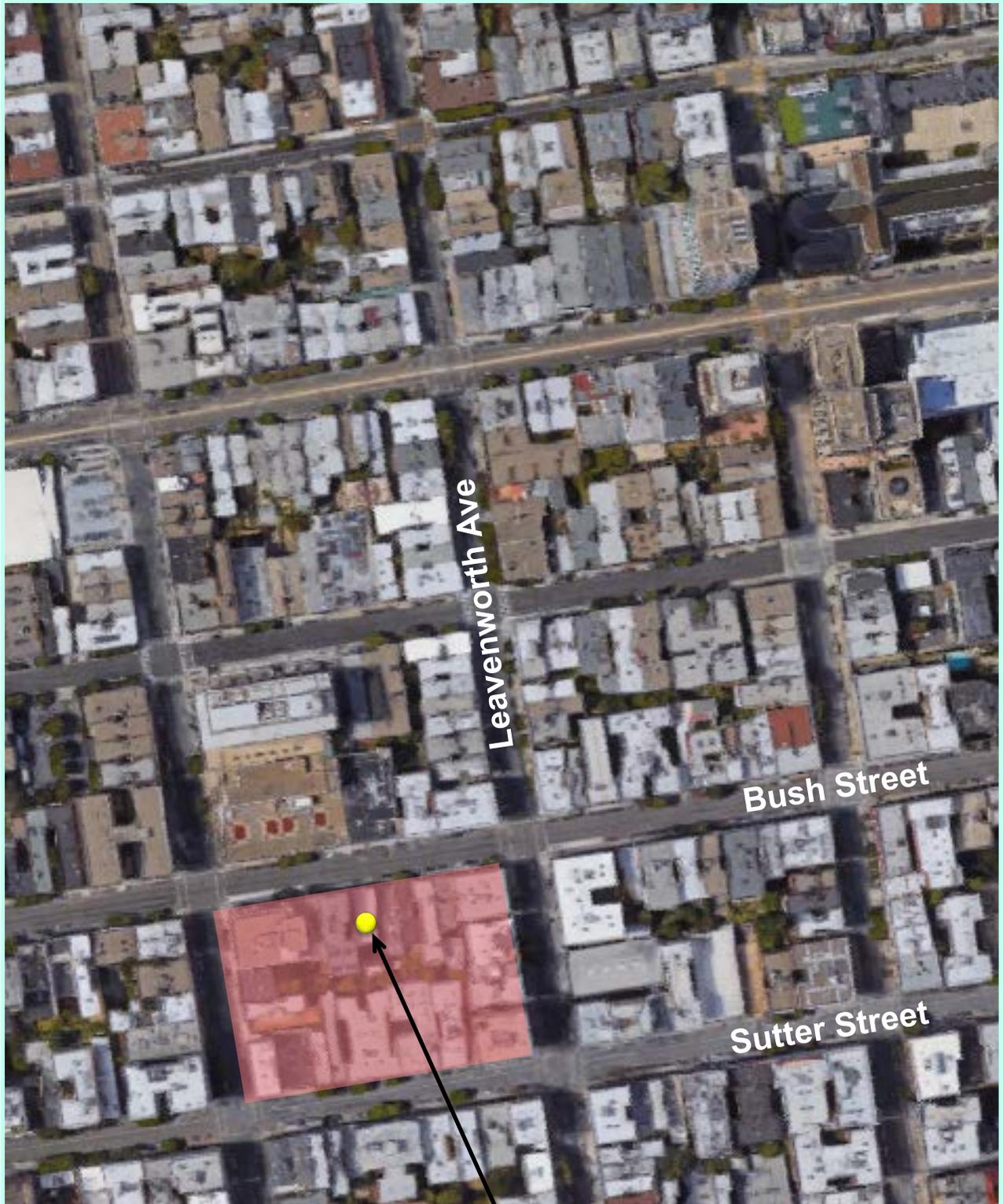


SUBJECT PROPERTY

Case Number 2007.1071C  
Conversion to Group Housing  
1153 Bush Street



# Aerial Photo



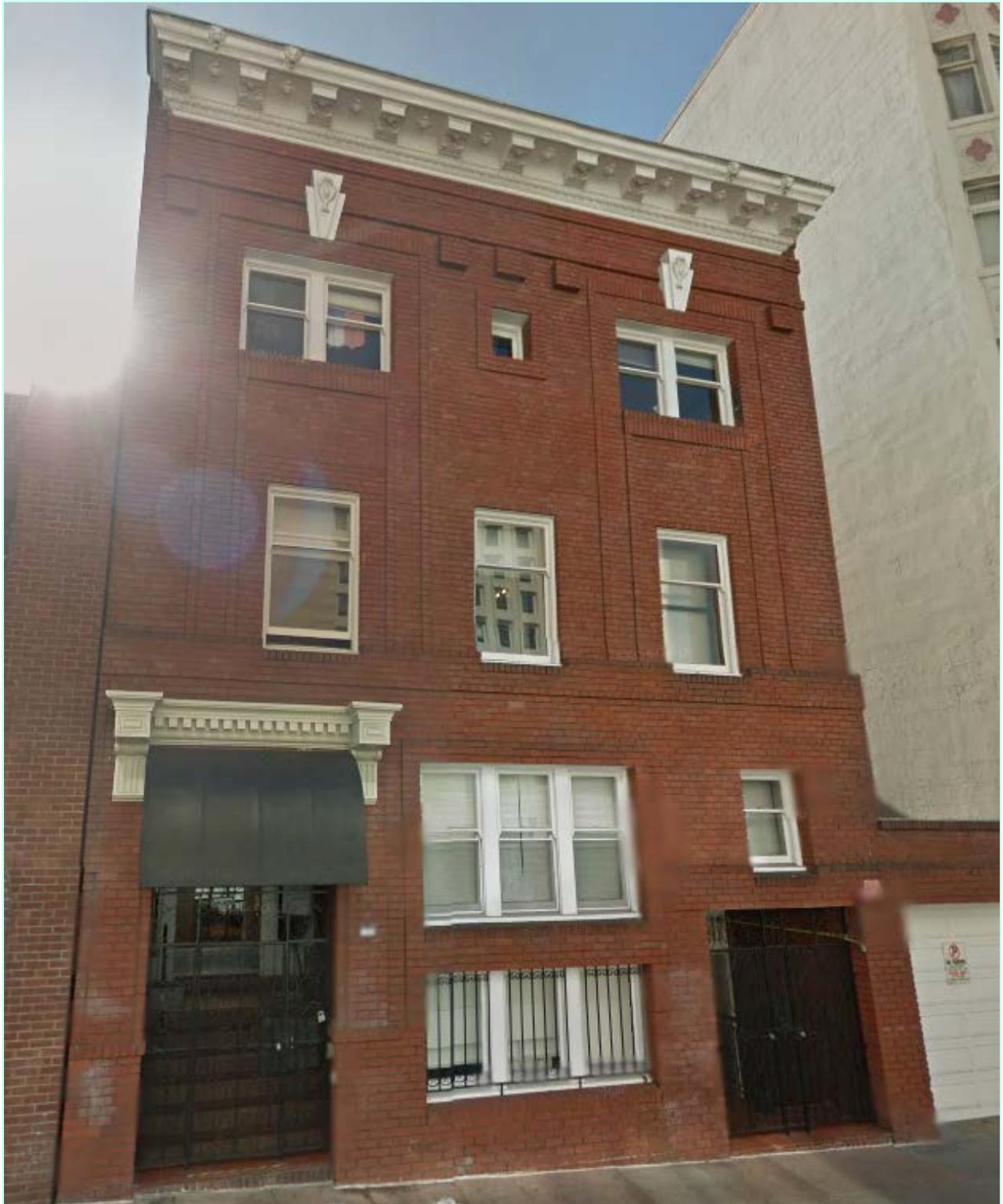
SUBJECT PROPERTY



SAN FRANCISCO  
PLANNING DEPARTMENT

Case Number 2007.1071C  
Conversion to Group Housing  
1153 Bush Street

# Site Photo



SAN FRANCISCO  
PLANNING DEPARTMENT

Case Number 2007.1071C  
Conversion to Group Housing  
1153 Bush Street

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# **EXHIBIT B:**

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ABBREVIATIONS

&	And	F.A.	Fire Alarm	PH	Phase
>	Greater Than	F.D.	Floor Drain	PL	Plate
<	Less Than	FDM	Foundation	PLAM	Plaster Laminated
CH	Channel	F.E.	Fire Extinguisher	PLAS	Plaster
PL	Property Line	F.E.C.	Fire Extinguisher Cab.	PLYWD.	Plywood
∠	Angle	F.H.C.	Fire Hose Cabinet	PCP.	Portland Cement Plaster
//	Parallel	F.H.	Flat Head	PF	Pair
⊥	Perpendicular	FIN.	Finish	PT.	Point or Point
⊙	Centerline	FL	Floor	PTCLBD.	Particle Board
∅	Diameter	FLUOR.	Fluorescent	PTD.	Painted
□	Found or Number	F.O.C.	Face of Concrete	PTDF.	Pressure Treated Douglas Fir
⊕	Existing	F.O.F.	Face of Finish	PTN	Partition
(N)	New	F.O.S.	Face of Sluds	RAD.	Radius
ABV.	Above	F.P.F.	Fingproof	R.C.P.	Reflected Ceiling Plan
A.C.B.	Acoustical Board	FR.	Full Size	R.D.	Road
A.C.P.	Acoustical Panel	FT.	Foot or Feet	RE.	Refer To
ACOUS.	Acoustical	G.A.	Gauge	REF.	Reference
A.C.T.	Acoustical Tile	GALV.	Galvanized	REFR.	Refrigerator
A.D.	Area Drain	G.L.	Grid Line	REIN.	Reinforced
ADJ.	Adjustable	G.S.	Grid Bar	REG./ROD.	Rebar
A.F.	Access Flooring	GND.	Ground	RESL.	Resilient
AGGR.	Aggregate	GYP.	Gypsum	RM.	Room
ALUM.	Aluminum	G.W.B.	Gypsum Wall Board	R.O.	Rough Opening
APPROX.	Approximate	H.B.	Hose Bibb	RND.	Round
ARCH.	Architectural	H.C.	Hollow Core	R.W.L.	Rain Water Leader
ASPH.	Asphalt	HDP.	Handicapped	REFL.	Reflected
A.F.F.	Above Finished Floor	H.M.	Hollow Metal	REFL.	Reflected
B.D.	Board	HORIZ.	Horizontal	REFL.	Reflected
BTUM.	Brumium	H.P.	High Point	REF.	Refer To
BKP.	Backing Plate	H.R.	Hour	REV.	Reversed
BLDG.	Building	HGT./HT.	Height	S.	South
BM	Beam	I.D.	Inside Diameter (Dim)	S.C.	See Civil Drawings
BOT./B.O.	Bottom/ Bottom of	I.E.	Invert elevation	S.C.D.	Solid Core
CAB.	Cabinet	INFO.	Information	S.D.	Schedule
C.B.	Catch Basin	INSUL.	Insulation	SECT.	Section
CBM.	Cement	INT.	Interior	SER.	Shower
CER.	Ceramic	INV.	Invert	SHIT.	Shed
C.C.	Cast Iron	JAN.	Janitor	SH.	Sheet
C.I.	Control Joint	J.B.	Junction Box	SH.	Sheet
C.L.	Cast Iron	J.O.H.	Jamb Opening Height	S.I.	See Structural Drawings
C.L.G.	Callig	J.O.W.	Jamb Width	SIL.	Stainless Steel
CLGD.	Coaling	JT.	Joint	STD.	Standard
CLD.	Closest	KIT.	Kitchen	STR.	Storage
CLR.	Clear	LAM.	Laminata	STR.	Structural
CLMU.	Concrete Masonry Unit	LAV.	Lavatory	SUSP.	Self Tapping Screw
C.O.	Cased Opening	L.P.	Low Point	SYM.	Symmetrical
COL.	Column	LT.	Light	TRD.	Tread
CONC.	Concrete	MAX.	Maximum	T.B.	Top of Barb
CONF.	Conference	M.C.	Medicine Cabinet	T.C.	Top of Curb
CONN.	Connection	M.D.F.	Medium Density Fiber Board	TEL.	Telephone
CONSTR.	Construction	M.D.O.	Medium Density Overlay	T&G	Tongue and Groove
CONT.	Continuous	MECH.	Mechanical	TRK.	Track
CORR.	Corridor	MEMB.	Membrane	T.P.	Top of Pavement
CPT.	Carpet	MEMB.	Membrane	T.V.	Television
CTSK.	Countersunk	MFR.	Manufacturer	T.M.	Top of Wall
CW.	Ceramic Tile	MH.	Manhole	TYP.	Typical
CTR.	Center	MIN.	Minimum	UNF.	Unfinished
DBL.	Double	MISC.	Miscellaneous	U.O.N.	Unless Otherwise Noted
DEPT.	Department	MISC.	Miscellaneous	VERT.	Vertical
D.F.	Drinking Fountain	M.O.	Masonry Opening	VEST.	Vestibule
DET.	Detail	M.P.	Miscellaneous	V.F.	Verify in Field
DIA.	Diameter	M.S.	Machine Screw	V.T.R.	Vent through Roof
DIM.	Dimension	M.TD.	Mounted	W.	West
DISP.	Dispenser	M.U.	Multifunction	W/W.	With
DN.	Down	MTL.	Metal	W.C.	Water Closet
DR.	Drawer	N.	North	W.D.	Wood
DWR.	Downspout	N.A.	Not Applicable	W.O.	Window Opening
D.S.P.	Dry Standpipe	N.I.C.	Not In Contract	W/O	Without
DWG.	Drawing	NOM.	Nominal	WP.	Waterproof
E.	East	N.T.S.	Not To Scale	W.S.	Wood Screw
E.A.	Expansion Joint	Obs.	Obscure	WT.	Weight
E.L.	Elevation	O.C.	On Center		
ELEC.	Electrical	O.C.D.	Overhead Ceiling Door		
ELEV.	Elevator	O.C.G.	Overhead Ceiling Grit		
EMER.	Emergency	O.D.	Outside Diameter (Dim.)		
ENCL.	Enclosure	O.F.C.I.	Owner Furnished, Contractor Installed		
EQ.	Equipment	OFF.	Office		
EQPT.	Equipment	O.F.D.	Overflow Drain		
EXPO.	Exposed	O.F.O.I.	Owner Furnished, Owner Installed		
EXP.	Expansion	OH.	Opposite Hand		
EXT.	Exterior	OPNG.	Opening		
		OPP.	Opposite		

HEIGHT AND BULK MAP



SITE



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CONDITIONAL USE PERMIT  
for  
**FRANK LLOYD WRIGHT DORMITORY**  
Group Housing in RC-4 District  
1153 Bush Street  
San Francisco, CA 94109

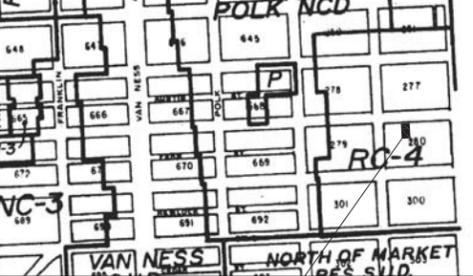


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fax 415 546-6415  
Principal: Suhel Shatara

ZONING MAP



SITE

ZONING INFORMATION

Address and Parcel	Assessor's Block Number
Assessor's Lot Number	0290
Low Street Number	026
High Street Number	1183
Street Name	BUSH ST.
1/4" GR ST. etc.	ST.
Zip Code	94109
Length of lot frontage	
Depth of lot	5841
Lot area	1911
Year Built	

Zoning Information	
Zoning Classification	RC-4 (RESIDENTIAL - COMMERCIAL, HIGH DENSITY)
Special Use District	not within a special use district
Signage District	not within a signage district
Code for Redevelopment Area	1000 (NOT IN PER PROJECT AREA)
Set Back	
Quadrant	NORTHEAST
zoning Map Quadrant	02

HEIGHT AND BULK LIMITS: 65-A	
District Symbol	6
Height Above Which Maximum Dimensions Apply	40
Maximum Length	110
Maximum Diagonal Dimension	110

PROJECT DESCRIPTION

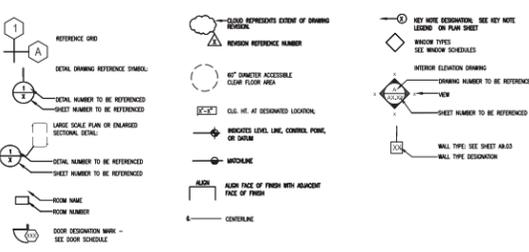
Application for Conditional Use Authorization per PC Section 209.2(c) to allow group housing for students in an RC-4 zoning district.

San Francisco Planning Code Section 209.2 allows group housing as a conditional use in the RC-4 District where such facility is affiliated with and operated by an educational institution.

Group housing is defined as "providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit."

The Frank Lloyd Wright Dormitory houses men under 21 years old

ARCHITECTURAL SYMBOLS



VICINITY MAP



DORM ROOM INFORMATION

DENSITY LIMITATION: 1 Bedroom per 70 sq. ft. of Lot Area  
LOT AREA: 5,841 sq. ft.  
ALLOWABLE BEDROOMS: 5,841/sq.ft. lot area / 70sq.ft. = 83 Bedrooms Allowed

BUILDING INFORMATION

A. Occupancy Classification/Use (Per CBC Table 3-A):  
Type R-1 Dormitory

B. Construction Type:  
Masonry exterior walls with wood floor and roof structure  
Building is sprinklered

C. Project Size  
Basement: 2485 sf (includes garage area)  
First floor: 2403 sf  
Second floor: 2457 sf  
Third floor: 2468 sf  
Total Area: 9811 sf

NO. OF STORIES: THREE (3) STORY, WITH BASEMENT

Year Built: 1911



Job # 20780.02 Print Date 02.27.08

Drawn By MM Approved By

Scale	Date	Description
1" = 1'-0"	02.27.08	CONDITIONAL USE PERMIT

SHEET INDEX

GENERAL:	TITLE SHEET
SITE:	
A1.00	PROJECT SITE PLAN
A1.01	SITE PHOTOS
ARCHITECTURAL:	
A2.00	SITE PLAN
A2.01	BASEMENT AND FIRST FLOOR PLANS
A2.02	SECOND AND THIRD FLOOR PLANS
A3.01	EXTERIOR ELEVATIONS
A3.02	EXTERIOR ELEVATIONS

TITLE SHEET

G.01

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CONDITIONAL USE PERMIT  
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Group Housing in RC-4 District  
1153 Bush Street  
San Francisco, CA 94109



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Principal: Suhail Shatara



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Scale Base  Radikin

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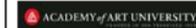
1 PROJECT SITE PLAN  
NO SCALE



A1.01

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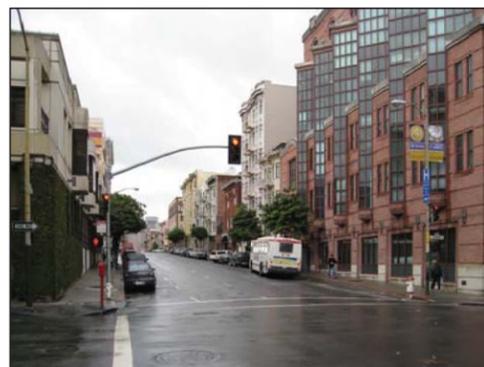
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1 SOUTH SIDE OF BUSH, LOOKING WEST  
NO SCALE



2 SOUTH SIDE OF BUSH, LOOKING EAST  
NO SCALE



3 NORTH SIDE OF SUTTER, LOOKING WEST  
NO SCALE



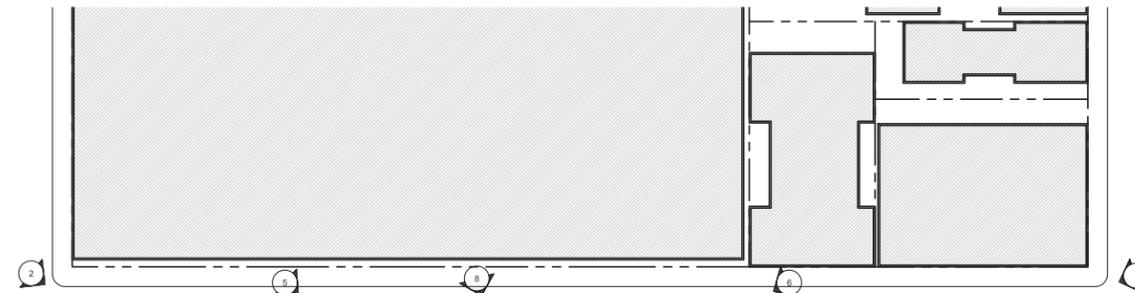
4 NORTH SIDE OF SUTTER, LOOKING EAST  
NO SCALE



5 FRONT FACADE AND ADJACENT BUILDINGS  
NO SCALE



6 FRONT FACADE AND ADJACENT BUILDINGS  
NO SCALE



BUSH ST.



7 REAR FACADE WITH BASKETBALL HOOP  
NO SCALE



8 FRONT FACADE SHOWING ABOVE GARAGE  
NO SCALE



9 PHOTO KEY PLAN  
1" = 50'



Job # 20780.02 First Date 02.27.08

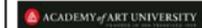
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Item	Date	Description
1	02.27.08	CONDITIONAL USE PERMIT

PROJECT SITE PHOTOS

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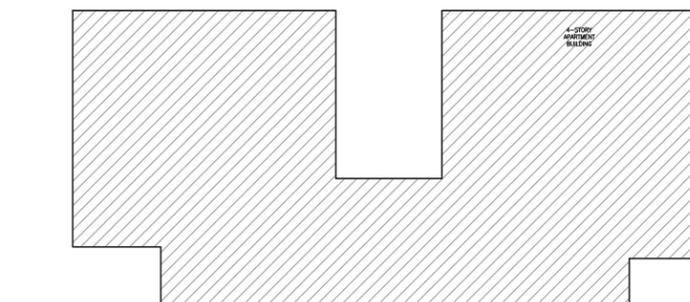
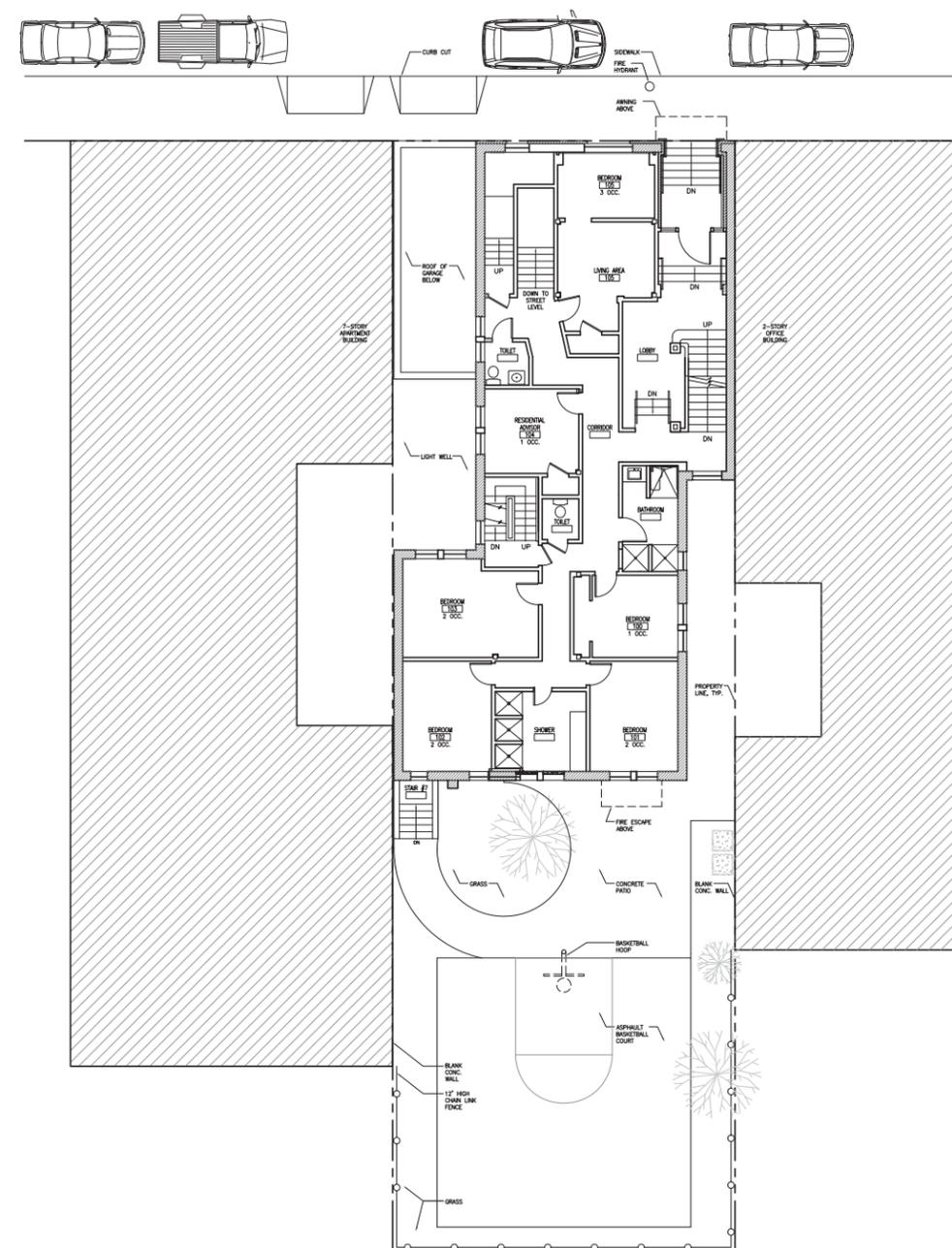


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f



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Drawn By	MM	Approved By	
Scale		Issue	<input type="checkbox"/> Revision <input type="checkbox"/> <input type="checkbox"/>
Item	Date	Description	
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SITE PLAN

2 SITE PLAN  
1/8"=1'-0"

fir\_01.dwg

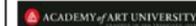


A2.00

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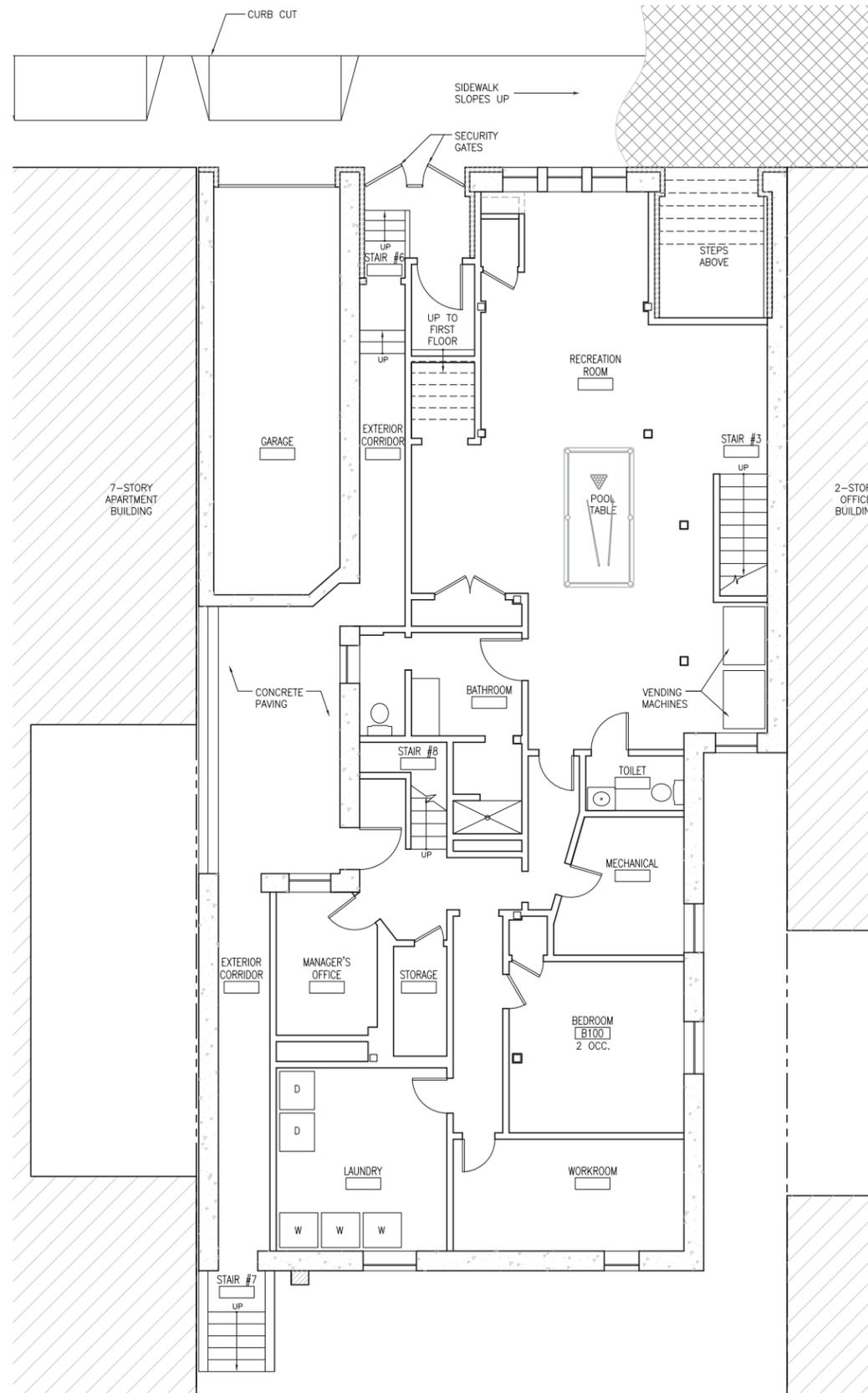
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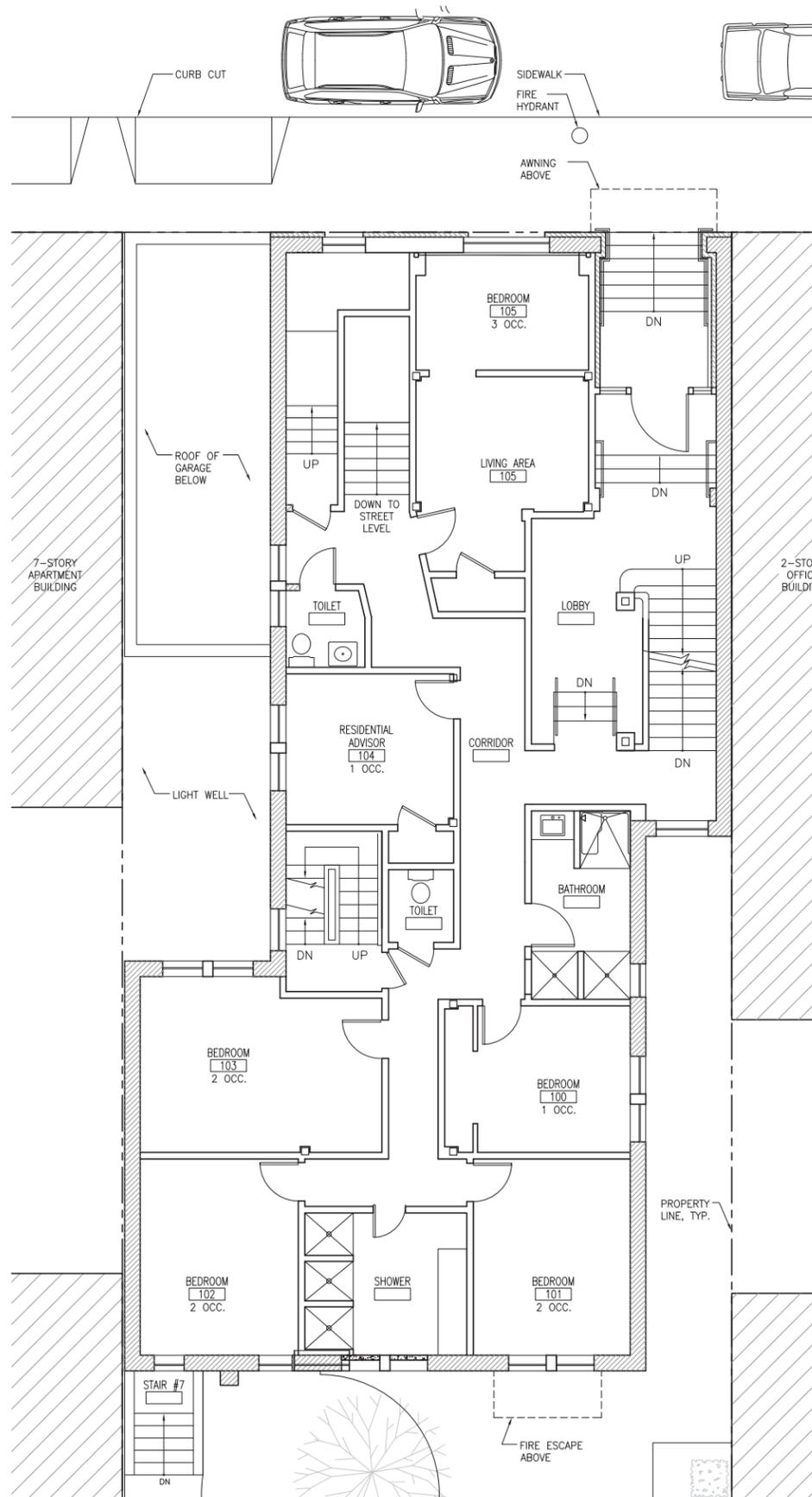
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**BASEMENT AND  
FIRST FLOOR PLANS**

**A2.01**



**1** BASEMENT FLOOR PLAN  
1/4"=1'-0"  
basement.dwg



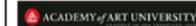
**2** FIRST FLOOR PLAN  
1/4"=1'-0"  
flr\_01.dwg

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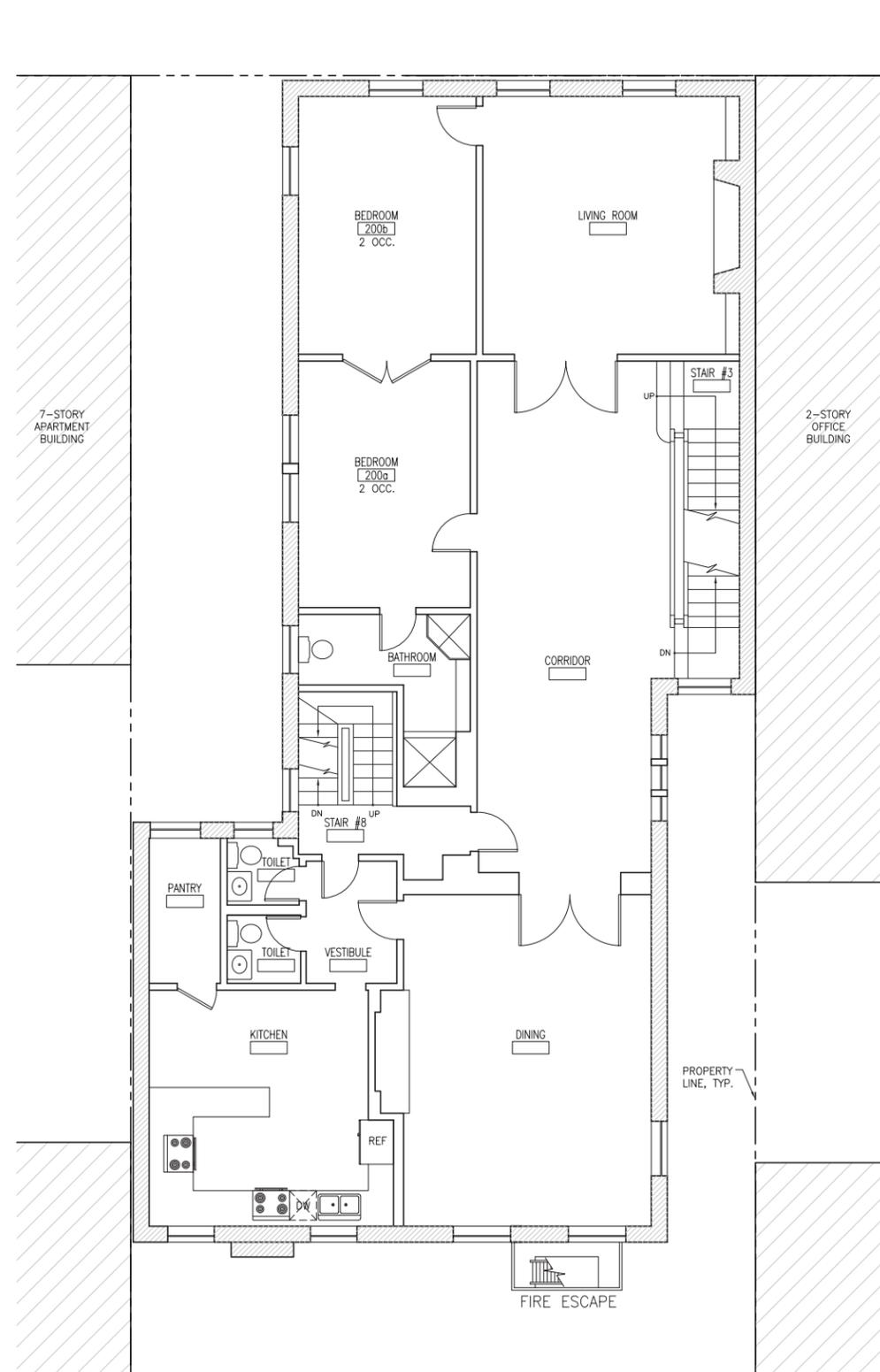
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Rev. Date Description

1 02.27.08 CONDITIONAL USE PERMIT

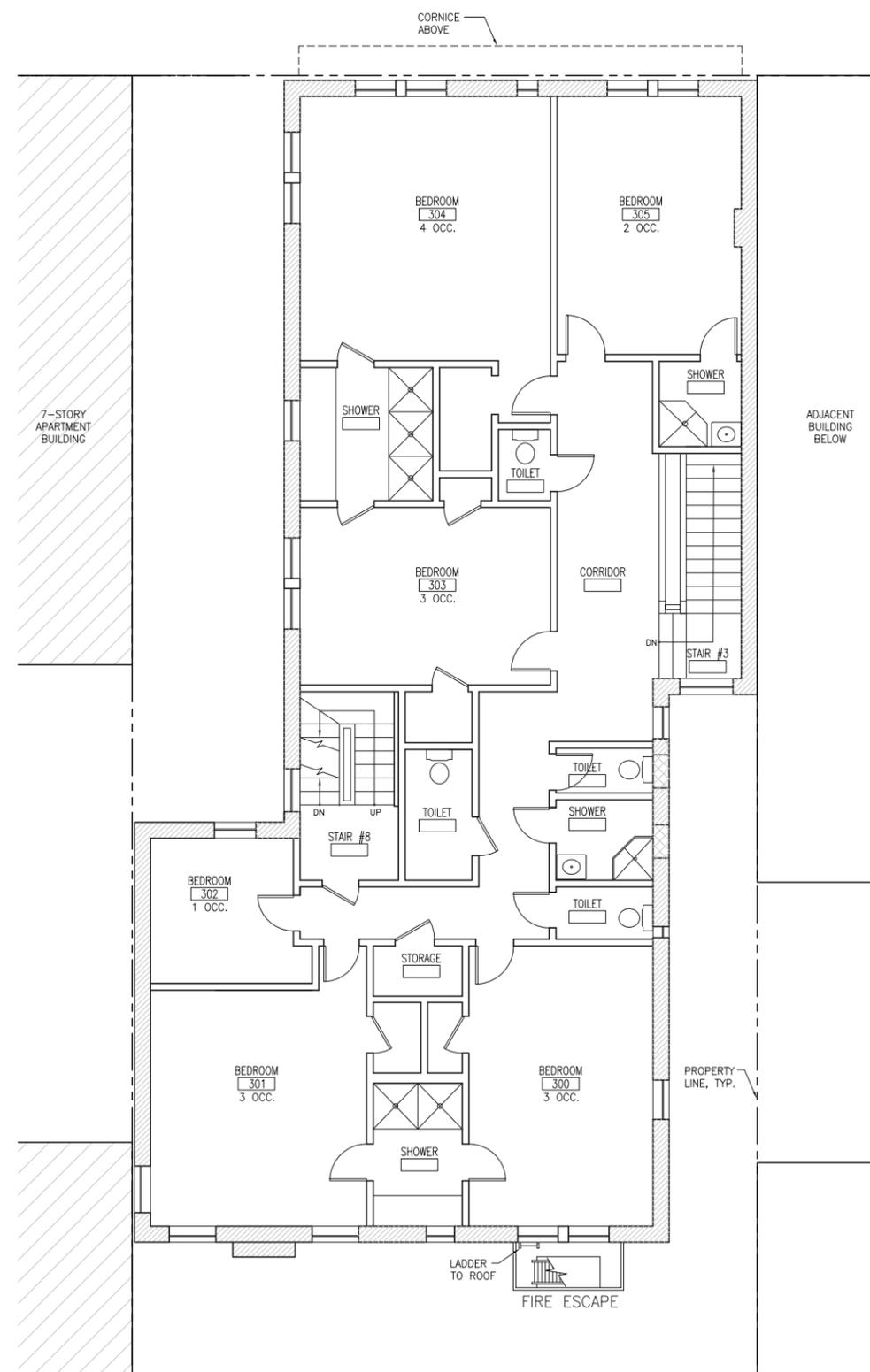
SECOND AND  
THIRD FLOOR PLANS

**A2.02**



**2** SECOND FLOOR PLAN  
1/4"=1'-0"

fir\_03.dwg



**1** THIRD FLOOR PLAN  
1/4"=1'-0"

fir\_02.dwg

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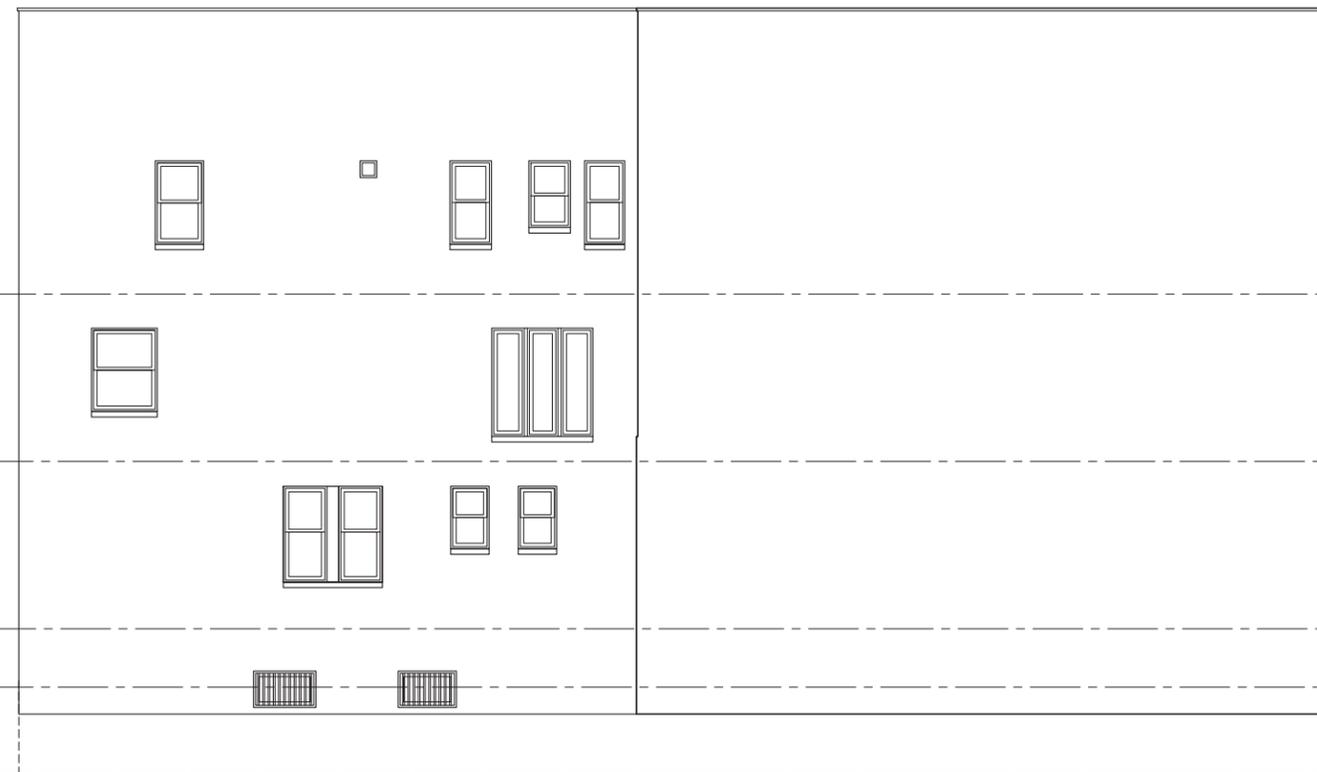


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**1** EAST ELEVATION  
1/4"=1'-0"  
ext\_elevs.dwg



**2** NORTH ELEVATION  
1/4"=1'-0"  
ext\_elevs.dwg

23'-7"  
THIRD FLOOR  
13'-6 1/2"  
SECOND FLOOR  
3'-6"  
FIRST FLOOR  
0'-0"  
-5'-2 1/2"  
BASEMENT FLOOR



Job # 20780.02 Plot Date 02.27.08

Drawn By MM Approved By

Scale Base  Ruled  Triangular

Num. Date Description

02.27.08 CONDITIONAL USE PERMIT

EXTERIOR ELEVATIONS

**A3.01**

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If this drawing is not 30"x42", then this drawing has been reduced from its original size. Noed scales must be adjusted. This line should be equal to one inch.

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E L I O T  
F I S C H**

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CONDITIONAL USE PERMIT  
for  
**FRANK LLOYD  
WRIGHT  
DORMITORY**  
Group Housing in RC-4 District  
1153 Bush Street  
San Francisco, CA 94109



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**1 WEST ELEVATION**  
1/4"=1'-0" ext\_elevs.dwg



**2 SOUTH ELEVATION**  
1/4"=1'-0" ext\_elevs.dwg



job # 20780.02 Print Date 02.27.08

Drawn By MM Approved By

Scale: Base  Revision

Num. Date Description

02.27.08 CONDITIONAL USE PERMIT

EXTERIOR ELEVATIONS

**A3.02**