



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Large Project Authorization & Shadow Findings

HEARING DATE: MAY 18, 2017

*Date:* May 11, 2017  
*Case No.:* 2013.0538ENX/SHD  
*Project Address:* 301 6<sup>th</sup> STREET  
*Zoning:* MUR (Mixed Use-Residential) Zoning District  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Block/Lot:* 3753/122  
*Project Sponsor:* Jody Knight, Rueben, Junius & Rose LLP  
1 Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
ella.samonsky@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 proposed project includes demolition of the existing single-story carwash and surface parking lot and construction of an eight-story (82-feet tall) mixed-use residential building (measuring approximately 88,250 gross square feet) with up to 84 dwelling units, approximately 5,868 square feet of ground floor commercial space, 36 off-street vehicular parking spaces, 85 Class 1 bicycle parking spaces and 16 Class 2 bicycle parking spaces. The proposed project includes approximately 6,802 square feet of common open space via a second floor courtyard and a roof deck.

### SITE DESCRIPTION AND PRESENT USE

The project site is located at the north side of 6<sup>th</sup> Street, spanning the block between Folsom and Shipley Streets on a rectangular corner lot (with a lot area of 16,389 square feet) with approximately 165-foot of frontage along 6<sup>th</sup> Street and 99-foot of frontage along Folsom and Shipley Streets. Currently, the subject property is occupied by a surface parking lot and a single-story car wash with small office (measuring approximately 1,800 gross square feet). Two general advertising signs are also located on the lot.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the MUR Zoning District along a mixed-use corridor in the East SoMa Area Plan. The surrounding neighborhood is a mix of low rise industrial and commercial building, offices and residential building, with recently constructed mixed use buildings of four to nine stories. Immediately to the north is a four-story office building, while to the south, across 6th Street, are residential and commercial buildings of one to four stories. To the west, across Folsom Street, is a single-story

automotive repair shop and an automotive paint shop that is proposed for a mixed use development with 33 dwelling units (See Case No. 2013.0977ENX– 980 Folsom Street). On the opposite side of Shipley Street, the existing parking lot is slated for a mixed use development with 102 Single Room Occupancy (SRO) dwelling units (See Case No. 2013.1773X – 345 6<sup>th</sup> Street). The project site is in proximity to Gene Friend Recreation Center and Victoria Manolo Davies Park, which are properties owned and managed by the San Francisco Recreation and Parks Commission. Other zoning districts in the vicinity of the project site include: MUG (Mixed Use-General), P (Public), and SoMa NCT (SoMa Neighborhood Commercial Transit).

## **ENVIRONMENTAL REVIEW**

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on May 10, 2017, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR 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 Final EIR.

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 28, 2017	April 28, 2017	20 days
Posted Notice	20 days	April 28, 2017	April 28, 2017	20 days
Mailed Notice	20 days	April 28, 2017	April 28, 2017	20 days

The proposal requires a Section 312 Neighborhood notification, which was conducted in conjunction with the required hearing notification for the Large Project Authorization.

## **PUBLIC COMMENT**

As of May 11 2017, the Planning Department has received three letters from residents in opposition, expressing concern for the effects of the Project on shadow and traffic, and one letter from the San Francisco Housing Action Coalition in support of the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- Large Project Authorization Exceptions: As part of the Large Project Authorization (LPA), the Commission may grant exceptions from certain Planning Code requirements for projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The proposed project requests exceptions from the Planning Code

requirements for: 1) rear yard (Planning Code Section 134); 2) dwelling unit exposure (Planning Code Section 140) and; 3) and off-street parking (Planning Code Section 151.1). Department staff is generally in agreement with the proposed modifications given the project's overall massing and design.

- Shadow: Per Planning Code Section 295, the Commission must grant authorization to new construction projects that will cast shade or shadow upon any property under the jurisdiction of the Recreation and Park Commission. On May 18, 2017, the Planning Commission and Recreation and Parks Commission will host a joint hearing to consider the shadow impacts upon Gene Friend Recreation Center. The Project will cast new shadow upon Gene Friend Recreation Center. Since Gene Friend Recreation Center possesses a shadow budget, the two Commissions must take joint action to increase the shadow budget of the center, and also adopt a motion that the additional shadow caused by the Project would not be adverse to the use of Gene Friend Recreation Center.
- Entertainment Commission: In compliance with Ordinance No. 70-15, the Project Sponsor reviewed the Project at the Entertainment Commission on May 2, 2017. The Entertainment Commission's recommendations are included as a condition of approval.
- Inclusionary Affordable Housing: The Project has elected the on-site rental affordable housing alternative, identified in Planning Code Section 415.6. The project site is located within the MUR Zoning District, which requires 13.5% of the total number of units to be designated as part of the inclusionary affordable housing program, since the project filed an Environmental Evaluation Application on August 8, 2014. The Project contains 84 dwelling units and the Project Sponsor will fulfill this requirement by providing the 11 affordable units on-site, which will be available for rent. As part of the project, the Project Sponsor has entered into a Costa-Hawkins Agreement with the City. A copy of this agreement will be provided at the Planning Commission Hearing.
- Transportation Demand Management (TDM): In compliance with Planning Code Section 169 and the Project submitted a Transportation Demand Management Plan to achieve a target of 8 points through measures including but not limited to parking supply, unbundled parking, bicycle parking, bicycle repair station, delivery supportive amenities, and family TDM amenities.
- Development Impact Fees: The Project would be subject to the Eastern Neighborhood Impact Fees, the Transportation Sustainability Fees and the Residential Child Care Fee. Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application, as based upon the annual updates managed by the Development Impact Fee Unit of the Department of Building Inspection.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant a Large Project Authorization pursuant to Planning Code Section 329 to allow the demolition of the existing car wash structure and the new construction of a eight-story (82-foot tall) mixed use building with 84 dwelling units and ground floor retail, and to allow exceptions to the Planning Code requirements for rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140) and off-street parking (Planning Code Section 151.1).

## **BASIS FOR RECOMMENDATION**

The Department believes this project is approvable for the following reasons:

- The Project is in general compliance with the applicable requirements of the Planning Code.
- The Project is, on balance, consistent with the Objectives and Policies of the General Plan.
- The Project is consistent with the intent of the Mixed Use—Residential District to develop high-density, mid-rise housing and expanded retail and commercial space.
- The Project exhibits overall quality design, which relates to the surrounding context and neighborhood, and provides an appropriate massing and scale for a corner parcel and on a narrow street.
- The Project adds 84 new dwelling units to the City's housing stock.
- The Project would create a continuous pedestrian-oriented ground floor commercial frontage and provide 5,868 square feet of floor commercial space.
- The Project's shadow on the nearby Gene Friend Recreation Center would not be adverse to the use and enjoyment of the public park.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
------------------------	---------------------------------

### **Attachments:**

Draft Motion-Large Project Authorization  
Draft Resolution-Raise Shadow Budget of Gene Friend Recreation Center  
Draft Motion-Shadow Findings  
Shadow Analysis  
Parcel Map  
Sanborn Map  
Zoning Map  
Height and Bulk Map  
Aerial Photograph  
Site Photos  
Affidavit for Compliance with the Inclusionary Affordable Housing Program  
Affidavit for First Source Hiring Program  
Affidavit for Anti-Discriminatory Housing Policy  
Costa Hawkins Agreement  
Certificate of Determination: Exemption from Environmental Review  
Exhibit C: Mitigation Monitoring & Reporting Program  
Community Plan Exemption Checklist  
Project Sponsor Brief  
Architectural Drawings

Attachment Checklist

- |                                                                 |                                                                                                          |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project Sponsor Submittal                                            |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>                                                                     |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility                                                 |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>                                                                        |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility                                                 |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Health Dept. Review of RF levels                                                |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> RF Report                                                                       |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Community Meeting Notice                                                        |
| <input checked="" type="checkbox"/> Context Photos              | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos                 |                                                                                                          |

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

\_\_\_\_\_  
ES  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |                                                                   |                                                                                    |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code)              |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414A)             |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Other (EN Impact Fees, Sec 423; TSF, Sec 411A) |

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 Motion No.

HEARING DATE: MAY 18, 2017

*Case No.:* 2013.0538ENX  
*Project Address:* 301 6<sup>th</sup> STREET  
*Zoning:* MUR (Mixed Use-Residential) Zoning District  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Project Block/Lot:* 3753/122  
*Project Sponsor:* Jody Knight, Rueben, Junius & Rose LLP  
1 Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
[ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140 AND, 3) OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTION 151.1, FOR THE CONSTRUCTION OF A NEW EIGHT-STORY, 82-FOOT TALL, MIXED-USE BUILDING (MEASURING APPROXIMATELY 88,250 GROSS SQUARE FEET) WITH 84 DWELLING UNITS AND APPROXIMATELY 5,868 GROSS SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, LOCATED AT 301 6<sup>TH</sup> STREET, LOT 122 IN ASSESSOR'S BLOCK 3753, WITHIN THE MUR (MIXED USE-RESIDENTIAL) ZONING DISTRICT, SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, AND A 85-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On November 2, 2015, Rueben, Junius & Rose LLP (hereinafter "Project Sponsor") filed Application No. 2013.0538ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new eight-story mixed use building with 84 dwelling units and 5,868 gross square feet of ground floor commercial space at 301 6<sup>th</sup> Street (Block 3753 Lot 122) in San Francisco, California.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public

hearing on August 7, 2008, by Motion No. 17661, 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 Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On May 10, 2017, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR 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 Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On May 18, 2017, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2013.0538ENX.

The Planning Department Commission Secretary is the custodian of records; the file for Case No. 2013.0538ENX is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2013.0538ENX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at the north side of 6th Street, spanning the block between Folsom and Shipley Streets on a rectangular corner lot (with a lot area of 16,389 square feet) with approximately 165-foot of frontage along 6th Street and 99-foot of frontage along Folsom and Shipley Streets. Currently, the subject property is occupied by a surface parking lot and a single-story car wash with small office (measuring approximately 1,800 gross square feet). Two general advertising signs are also located on the lot.
3. **Surrounding Properties and Neighborhood.** The project site is located in the MUR Zoning District along a mixed-use corridor in the East SoMa Area Plan. The surrounding neighborhood is a mix of low rise industrial and commercial building, offices and residential building, with recently constructed mixed use buildings of four to nine stories. Immediately to the north is a four-story office building, while to the south, across 6th Street, are residential and commercial buildings of one to four stories. To the west, across Folsom Street, is a single-story automotive repair shop and an automotive paint shop that is proposed for a mixed use development with 33 dwelling units (See Case No. 2013.0977ENX– 980 Folsom Street). On the opposite side of Shipley Street, the existing parking lot is slated for a mixed use development with 102 Single Room Occupancy dwelling units (See Case No. 2013.1773X – 345 6th Street). The project site is in proximity to Gene Friend Recreation Center and Victoria Manolo Davies Park, which are properties owned and managed by the San Francisco Recreation and Parks Commission. Other zoning districts in the vicinity of the project site include: MUG (Mixed Use-General), P (Public), and SoMa NCT (SoMa Neighborhood Commercial Transit).
4. **Project Description.** The proposed project includes demolition of the existing single-story carwash and surface parking lot and construction of an eight-story (82-feet tall) mixed-use

residential building (measuring approximately 88,250 gross square feet) with up to 84 dwelling units, approximately 5,868 square feet of ground floor commercial space, 36 off-street vehicular parking spaces, 85 Class 1 bicycle parking spaces and 16 Class 2 bicycle parking spaces. The proposed project includes approximately 6,802 square feet of common open space via a second floor courtyard and a roof deck.

5. **Public Comment.** As of May 11 2017, the Department has received three letters from residents in opposition, expressing concern for the effects of the Project on shadow and traffic, and one letter from the San Francisco Housing Action Coalition in support of the 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. **Permitted Uses in MUR Zoning District.** Planning Code Sections 841.20 and 841.45 states that residential and retail uses are principally permitted use within the MUR Zoning District.

*The Project would construct new residential and retail uses within the MUR Zoning District; therefore, the Project complies with Planning Code Sections 841.20 and 841.45.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 6.0 to 1 for properties within the MUR Zoning District and an 85-X Height and Bulk District.

*The subject lot is 16,389 square feet, thus resulting in a maximum allowable floor area of 98,334 square feet for non-residential uses. The Project would construct a total of 5,868 gross square feet of non-residential space, and would comply with Planning Code Section 124.*

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 24 feet -9 inches from the rear lot line.

*The Project is seeking an exception to the rear yard requirement as part of the Large Project Authorization. The proposed building encroaches into the required rear yard at the second level and above along Folsom Street. The Project would provide a rear yard (measuring approximately 4, 111 square feet) that is greater than the 25 percent of the lot area, at the second level and above. However, this open area does not extend the full width of the lot (as required by the Planning Code), though it does aligns with the mid-block open space on the subject block and is open to Shipley Street.*

- D. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 square feet of open space per dwelling units, or a total of 6,720 square feet of open space for the 84 dwelling units.

*The Project satisfies this requirement with a 4,111 square-foot roof deck at the second level and a 2,690 square-foot roof deck on top of the building for a total of 6,801 square feet. This exceeds the open space requirement for a project containing 84 dwelling units.*

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, code compliant rear yard or other open area that meets minimum area and horizontal dimensions. Planning Code Section requires that an open area be a minimum of 25 feet in every horizontal dimension and at the level of the dwelling unit and the floor above and then increase of five feet in every horizontal dimension at each subsequent floor above the fifth floor.

*Under the Large Project Authorization, the Project is seeking an exception to the dwelling unit exposure requirements for the dwelling units at the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> floors that face onto the courtyard, which does not meet the dimensional requirements of the Planning Code. Otherwise, all other dwelling units face onto a public street.*

- F. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires that active uses occupy the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street; that non-residential uses have a minimum floor-to-floor height of 14 feet; that off-street parking be set back a minimum of 25 feet from any street facing facade and screened from the public right-of-way; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

*The Project meets the requirements of Planning Code Section 145.1. The Project features active uses on the ground floor with a 5,868 square feet commercial space on Folsom, 6<sup>th</sup> and Shipley Streets, and the residential lobby along Folsom Street, and residences on the upper floors. The ground floor ceiling height for the commercial space, as well as the residential lobby, is 14 feet -11 inches, which exceeds the requirements for ground floor ceiling height. The ground floor parking is setback approximately 29 feet from the face of the building and screened by active uses. Finally, the Project features appropriate the ground level transparency and fenestration requirements.*

- G. **Off-Street Parking.** Off-Street vehicular parking is not required within the MUR Zoning District. Rather, per Planning Code Section 151.1, off-street parking is principally permitted within the MUR Zoning District at a ratio of one car for each four dwelling units (0.25) or conditionally permitted at a ratio of three cars for each four dwelling units (0.75). For projects subject to Planning Code Section 329 which that requests residential accessory parking in excess of that which is principally permitted, but does not exceed the maximum permitted, shall be reviewed as a Large Project Authorization exception.

*The project proposes 36 residential off-street parking spaces, which is equivalent to a parking ration of 0.43. Therefore, the Project exceeds the amount of principally permitted off-street parking specified in Planning Code Section 151.1. Therefore, the Project is seeking an exception to the off-street residential parking requirement as part of the Large Project Authorization.*

- H. **Bicycle Parking.** Per Planning Code Section 155.2, one Class 1 bicycle parking space for each dwelling unit and one Class 2 bicycle parking space for each 20 dwelling units. For retail use below 7,500 sq ft, a minimum of two Class 2 bicycle parking spaces are required, as well as one Class 2 bicycle parking space for every 2,500 sq ft. of occupied floor area.

*The Project includes 84 dwelling units and 5,868 square feet of retail use; therefore, the Project is required to provide 85 Class 1 bicycle parking spaces and 8 Class 2 bicycle parking spaces. The Project will provide 85 Class 1 bicycle parking spaces and 716 Class 2 bicycle parking spaces. Therefore, the proposed project complies with Planning Code Section 155.2.*

- I. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

*The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units.*

- J. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 15 points.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 8 points. As currently proposed, the Project will achieve its required 8 points through the following TDM measures:*

1. *Unbundled Parking*
2. *Parking Supply*
3. *Bicycle Parking (Option B)*
4. *Bicycle Repair Station*
5. *Car-share Parking (Option A)*
6. *Delivery Supportive Amenities*
7. *Family TDM Amenities (Option A)*
8. *On-Site Affordable Housing*

- K. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

*For the 84 dwelling units, the Project is required to provide either 34 two-bedroom units or 25 three-bedroom units. Currently, the Project provides 34 two bedrooms units; therefore, the proposed project complies with Planning Code Section 207.6.*

- L. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a “narrow street,” which is defined as a public right of way less than or equal to 40-ft in width. Shipley Street is 35-ft wide, and is considered a “narrow street.” All subject frontages onto a narrow street that is more than 60 feet from an intersection with a street wider than 40 feet shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street.

*The Project features an open courtyard at the second floor for the length of the Shipley Street frontage greater than 60 feet from the intersection with 6<sup>th</sup> Street. Therefore, the proposed project complies with Planning Code 261.1.*

- M. **Shadow.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

*Based upon a detail shadow analysis, the Project would cast new shadow upon Gene Friend Recreation Center, which is a property under the jurisdiction of the Recreation and Parks Commission. Based upon the recommendation of the General Manager of the Recreation and Parks Department, in consultation with Recreation and Park Commission, the net new shadow would not be adverse to the use of Gene Friend Recreation Center. The Commission has adopted findings regarding an increase to the shadow budget of this recreation center and park, and the impact of the new shadow on Gene Friend Recreation Center, as documented in Motion Nos. XXXX and XXXX.*

- N. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on August 29, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must*

*submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on March 14, 2017. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on August 29, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the total proposed dwelling units as affordable. Eleven units (seven one-bedroom and four two-bedroom) of the total 84 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

- O. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

*The Project includes approximately 80,151 gross square feet of new residential use and 5,868 gross square feet of retail use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project shall receive a prior use credit for the 1,800 square feet of existing non-residential space.*

- P. Residential Child-Care Impact Fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

*The Project includes approximately 80,151 gross square feet of new residential use associated with the new construction of 84 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A.*

- Q. Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the MUO (Mixed Use Office) Zoning District that results in the addition of gross square feet of non-residential space.

*The Project includes approximately 88,250 gross square feet of new development consisting of approximately 80,151 square feet of new residential use and 5,868 square feet of new retail use. These*

*uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.*

7. **Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine design criteria that must be considered by the Planning Commission when considering LPAs. The Planning Commission finds that the project is compliant with these nine criteria as follows:

A. Overall building mass and scale.

*The Project's mass and scale are appropriate for a large corner lot and the surrounding context, which is a mix of one to four story residential and commercial buildings and four to eight story mixed-use buildings. As part of the Eastern Neighborhoods Area Plan, this portion of 6<sup>th</sup> Street was rezoned to increase the overall height and density. The Project complies with the East SoMa Area, which is part of the Eastern Neighborhoods Area Plan, by providing for a new eight-story, 82-foot tall mixed-use building and introducing new height along this portion of 6<sup>th</sup> Street. The Project defines the corners of Folsom and 6<sup>th</sup> Streets and Shipley and 6<sup>th</sup> Street with the full eight-story massing, and orients the second floor courtyard towards Shipley Street, which reduces the scale along the narrow street. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood, which is transitioning to a higher density mixed-use area as envisioned by the East SoMa Area Plan.*

B. Architectural treatments, facade design and building materials.

*Overall, the Project offers a contemporary architectural treatment for a mixed-use building, which is compatible with the surrounding neighborhood. The facades create visual interest and depth with strong vertical orientation to the fenestration, stacked recessed balconies and architectural elements such as the decorative window trim. The design provides for variation of materials and colors throughout the building while using a limited palette of materials that includes cast stone and glossy and satin metal panels.*

C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.

*Overall, the design of the lower floors enhances the pedestrian experience and will promote street activity by providing new ground floor retail uses on all three frontages and a prominent residential lobby on Folsom Street. The vehicular access is on Shipley Street, with a single curb cut. The Project's rear courtyard aligns and terminates the established mid-block open space.*

D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site.

*The Project exceeds the required open space for the 84 dwelling units through common open space on the roof and a courtyard on the second floor.*

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2.

*Planning Code Section 270.2 does not apply to the Project, since the project does not possess more than 200-ft of frontage along any single street.*

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

*The Project provides the required number of new street trees, as well as new sidewalks and bicycle racks. These improvements will enhance the public realm. The ground floor is recessed 3 feet from the property line, adjacent the 6- foot wide sidewalk on Shipley Street to provide additional space for pedestrian circulation.*

- G. Circulation, including streets, alleys and mid-block pedestrian pathways.

*The Project provides easy and open circulation, since the subject lot has three street frontages, with the vehicular entrance on Shipley Street, the primary entry for the residents on Folsom Street and a secondary residential lobby on 6th Street. The ground floor layout provides internal connections between the garage, bicycle parking and residential lobbies.*

- H. Bulk limits.

*The Project is within an 'X' Bulk District, which does not restrict bulk.*

- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

*On balance the Project meets the Objectives and Policies of the General Plan. See Below.*

8. **Large Project Authorization Exceptions.** Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

- A. Exception for rear yards, pursuant to the requirements of Section 134(f):

(1) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329.

(A) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

*The Project provides for a comparable amount of open space, in lieu of the required rear yard. The Project site is 16,390 square feet and would be required to provide a rear yard measuring 4,098 square feet, or 25 percent of the lot depth. The Project provides a second level courtyard, open to Shipley Street, of 4,112 square feet and a roof deck of 2,690 square feet. The common open space provided by the project exceeds the amount of area that would have been provided in a code-conforming rear yard.*

(B) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

*The Project is located on corner lot that spans the block between Folsom and Shipley Streets. The courtyard is designed to connect with and appropriately terminate the established pattern of mid-block open space. The configuration also maximizes light and air to the adjacent low rise buildings on Shipley Street in the 45-X height and bulk district.*

(C) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

*The Project is not seeking an exception to the open space requirements; however, the Project is seeking an exception to the exposure requirements for 9 of the 84 dwelling units. The majority of the Project meets the intent of exposure requirements defined in Planning Code Section 140, since all of the other dwelling units face onto a public right-of-way. The nine dwelling units that require the exception to the exposure requirements face onto the sizeable second floor courtyard, 40 feet in depth, by 108 feet in width, which will provide access to light and air. Given the overall design and composition of the Project, the Commission finds this exception is warranted, due to the Project's quality of design and comparable amounts of open space, provided at the second floor and roof level, in place of a code complaint rear yard.*

B. Exceeding the principally permitted accessory residential parking ratio described in Section [151.1](#) and pursuant to the criteria therein;

(1) In granting such Conditional Use or exception per 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(A) Parking for All Uses.

(i) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

*The Project would not unduly impact pedestrian movement or transit in the neighborhood. Entrances to off-street parking are limited to one opening off of Shipley Street. The location of the garage opening is sensitive to the movement of pedestrians, bikes and public transit. Currently, Muni operates multiple lines on Folsom and 6<sup>th</sup> Streets and does not operate a transit line along Shipley Street near the exit to the off-street parking. Furthermore, Folsom Street is identified as a bike route under the San Francisco Bicycle Plan and is the primary east/west route through SOMA connecting the Embarcadero to the Mission District.*

(ii) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

*The Project is principally permitted 21 off-street parking spaces for the 84 dwelling units and conditionally permitted up to a maximum of 65 parking spaces. Currently, the Project provides 36 off-street parking spaces. The accommodation of the additional 15 parking spaces does not degrade or impact the overall Project and its urban design quality as the parking is provided by utilizing triple mechanical stackers and does not occupy additional ground floor space. The Project maintains a strong ground floor level and encourages/facilitates pedestrian circulation around and through the project site.*

(iii) All above-grade parking is architecturally screened and lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

*All the parking at the ground floor level is setback more than 30 feet from the street and appropriately screened by commercial spaces and the residential lobby. The Project is not seeking an exception or variance to the ground floor street frontage requirements of Planning Code Section 145.1.*

(iv) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*The proposed 15 excess parking spaces do not diminish the quality of the streetscape improvements; the Project would remove four existing curb cuts and driveways to the site and provide sidewalk improvements, new street trees and bicycle racks.*

(B) Parking for Residential Uses.

(i) For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

*The Project does not propose residential accessory parking in excess of 0.5 spaces per unit; however the project utilizes triple mechanical stackers to minimize the footprint of vehicle parking. Given the design of the ground floor and quality of the active street frontage, the Commission supports the provided amount of off-street parking.*

- C. Where not specified elsewhere in Planning Code Section 329(d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located;

*In addition to the exceptions for rear yard and off-street parking, the Project is seeking an exception to the requirements for dwelling unit exposure (Planning Code Section 140).*

*Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, code-complaint rear yard or other open space no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. As proposed, nine dwelling units (three on the second, third and fourth floors) do not face onto an open area which meets the dimensional requirements to increase in area at upper floors. These dwelling units still face onto the second-floor courtyard that provides reasonable access to light and air. Given the overall design and composition of the Project, the Commission finds this exception is warranted, due to the Project's quality of design and suitable access to light and air provided by the courtyard that is comparable in area to a code complaint rear yard.*

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

## **HOUSING**

### **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 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

*The Project is a mixed-use building containing 84 dwelling units in an area that was rezoned to MUR as part of a long term objective to create a cohesive, higher density residential and mixed-use neighborhood. The Project provides a mix of studio, one-bedroom and two-bedroom units, which will suite a range of households. The Project includes 11 on-site affordable dwelling units, which complies with the inclusionary affordable housing requirements.*

#### **OBJECTIVE 11**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

##### **Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.4**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

*The design of this Project responds to the site's location within a mixed-use area with industrial, commercial and residential uses, and proximity to existing and proposed eight-story buildings along the 6<sup>th</sup> Street corridor. The massing and scale are appropriate for a corner parcel on 6<sup>th</sup> Street and is in keeping with the development controls applicable to this site. The Project design includes an active ground floor commercial frontage with space for outdoor seating and or tables, landscape and lighting that will continue the commercial character of the surrounding neighborhood. The Project utilizes a limited palette of quality materials, stacked residential balconies and decorative window frames to create a contemporary building that is compatible with the diverse character of the neighborhood and visually interesting.*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

**OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.2:**

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

**Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along Folsom, 6<sup>th</sup> and Shipley Streets, as permitted by the Department of Public Works (DPW). The proposed building will provide active spaces, commercial*

*storefronts and residential lobby space, at the ground floor on all street frontages. The proposed street frontage will improve the pedestrian experience as compared to the surface parking lot and carwash which were disengaged from the street.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The Project includes 85 Class 1 bicycle parking spaces in a secure and convenient location, and 16 Class 2 bicycle parking spaces, which are publically-accessible.*

**OBJECTIVE 34:**

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

**Policy 34.1:**

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

**Policy 34.5:**

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

*The Project propose accessory vehicular parking at a rate of 0.43, which is below the average neighborhood parking rate of 0.68, and includes transportation demand management measures in compliance with Planning Code Section 169, and thereby promotes the City's transit first policies and strategies that encourage the use of alternative modes of transportation.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.7:**

Recognize the natural boundaries of districts, and promote connections between districts.

*The Project is located within the East SoMa neighborhood. The surrounding area is mixed in character with industrial, commercial and residential uses. The Project provides an appropriate pedestrian oriented commercial ground floor with seven floors of residences above, which responds to the transitioning form and scale of the neighborhood. The Project sensitively locates the massing away from Shipley Street, which is identified as a narrow street.*

**OBJECTIVE 4:**

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

**Policy 4.5:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*Currently, the site is used as a surface parking lot with five driveway entrances to the site. The Project provides active commercial and residential uses located near the property line that will engage the street and will reduce the number of curb cuts and driveway on-site to one driveway from Shipley Street. The pedestrian experience will be improved along all three street frontages of the project site and the potential for pedestrian and vehicle conflict will be reduced.*

**EAST SOMA AREA PLAN**

**Objectives and Policies**

**Land Use**

**OBJECTIVE 1.1**

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

**Policy 1.1.8**

Permit small and moderate retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

**OBJECTIVE 1.2**

MAXIMIZE HOUSING POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER

**Policy 1.2.1**

Encourage development of new housing throughout East SoMa.

**Policy 1.2.2**

Ensure that in-fill housing development is compatible with its surroundings.

**Policy 1.2.3**

For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

**Policy 1.2.4**

In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

*The Project proposes replacement of a carwash and surface parking lot with a mixed-use building containing 84 new dwelling units and 5,868 square feet of ground floor commercial space within the prescribed height and bulk guidelines. Over forty percent of the dwelling units will have two or more bedrooms and the ground floor commercial space will be divided into multiple small scale retail spaces.*

**Housing**

**OBJECTIVE 2.3**

**ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES**

**Policy 2.3.5**

Explore a range of revenue- generating tools including impact fees, public funds and grants, assessment districts, and other private funding sources, to fund community and neighborhood improvements.

**Policy 2.3.6**

Establish an Eastern Neighborhoods Public Benefit Fund to mitigate the impacts of new development on transit, pedestrian, bicycle, and street improvements, park and recreational facilities, and community facilities such as libraries, child care and other neighborhood services in the area.

*The Project will pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees, Transportation Sustainability Fee and the Residential Child-Care Fee.*

**Built Form**

**OBJECTIVE 3.1**

**PROMOTE AN URBAN FORM THAT REINFORCES THE EAST SOMA'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER**

**Policy 3.1.1**

Adopt heights that are appropriate for SoMa's location in the city, the prevailing street and block pattern, and the anticipated land uses, while preserving the character of its neighborhood enclaves.

**Policy 3.1.8**

New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

**Policy 3.1.11**

Establish and require height limits along alleyways to create the intimate feeling of an urban room.

**OBJECTIVE 3.2**

**PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM**

**Policy 3.2.1**

Require high quality design of street-facing building exteriors.

**Policy 3.2.4**

Strengthen the relationship between a building and its fronting sidewalk.

**Policy 3.2.5**

Building form should celebrate corner locations.

*The Project provides a mix of uses encouraged by the Area Plan for this location and is within the prescribed height and bulk guidelines. The Project massing and 82-foot height is appropriately emphasized on the corners of Folsom and 6<sup>th</sup> Streets and Shipley and 6<sup>th</sup> Street, and along the Folsom Street frontage. The facades are contemporary and residential in character, with strong vertical orientation to the fenestration and recessed private balconies that enhance the connection to the street. The Project located a second floor courtyard to connect with and appropriately terminate the established pattern of mid-block open space. The configuration also reduces the building mass adjacent to the low rise buildings on Shipley Street, which is identified as Narrow Street. The Project architecture creates an active ground floor commercial frontage with space for outdoor seating and or tables, landscape and lighting that will engage the street.*

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.

*The current use is a parking lot and car wash. The Project proposed 5,868 square feet of new ground floor retail space that can enhance opportunities for existing and future residents' employment and ownership in the businesses that will occupy the retail spaces.*

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

*No housing exists on the project site. The Project will provide 84 dwelling units, thus resulting in an increase in the neighborhood housing stock. The Project would also provide new commercial space that is compatible with the mix of existing residential, industrial and commercial uses.*

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

*The Project will not displace any affordable housing because there is currently no housing on the site. The Project will provide 11 on-site affordable dwelling units, thus increasing the City's stock of affordable housing units.*

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

*The project site is well-served by public transportation. The Project is located within walking distance (.25 mile) of several Muni bus stops, including the 8-Bayshore, 12-Folsom/Pacific, 14X-Mission Express, 14R –Mission Rapid, 19-Polk , 30- Stockton and 47 –Van Ness and within a half mile of the Civic Center BART and MUNI train stations. The Project also provides off-street parking at a ratio of 0.43 per dwelling unit, as well as sufficient bicycle parking for residents and their guests.*

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

*The Project does not display an industrial or service sector use for commercial office development. The Project is consistent with the East SoMa Area Plan, which encourages new residential development with ground floor commercial uses. The Project would enhance opportunities for resident employment and ownership by providing new housing and commercial spaces, which will provide new potential neighborhood-serving uses.*

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

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

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site or within the immediate vicinity.*

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

*The Project will cast additional shadow on the nearby Gene Friend Recreation Center and will have an effect on a property managed and owned by the Recreation and Parks Commission. As noted in Planning Commission Motion No. XXXXX, the additional shadow cast by the Project would not compromise the usability of Gene Friend Recreation Center.*

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.*

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 Large Project 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 Large Project Authorization Application No. 2013.0538ENX** under Planning Code Section 329 to allow the new construction of an eight-story (82-foot tall) residential building with up to 84 dwelling units and approximately 5,868 square feet of ground floor commercial space, and exceptions to the requirements for: 1) rear yard (Planning Code Section 134); 2) dwelling unit exposure (Planning Code Section 140) and; 3) off-street parking (Planning Code Section 151.1); within the MUR (Mixed Use-Residential) Zoning District, SoMa Youth and Family Special Use District, and a 85-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 8, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 329 Large 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.

**Motion No.**  
**May 18, 2017**

**CASE NO. 2013.0538ENX**  
**301 6<sup>th</sup> Street**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 18, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

ABSENT:

NAYS:

ADOPTED: May 18, 2017

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Large Project Authorization to construct a new eight-story (82-ft tall) mixed use building with 84 dwelling units and 5,868 gross square feet of ground floor commercial space at 301 6<sup>th</sup> Street (Block 3753 Lot 081) within the MUR (Mixed Use-Residential) Zoning District, SoMa Youth and Family Special Use District, and a 85-X Height and Bulk District, in general conformance with plans dated May 8, 2017 and stamped "EXHIBIT B" included in the docket for Case No. 2013.0538ENX and subject to conditions of approval reviewed and approved by the Commission on May 18, 2017 under Motion No. XXXX. 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 May 18, 2017 under Motion No. XXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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 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.

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

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2013.0538ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to 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)*

7. **Additional Project Authorization.** Per Planning Code Section 295, the Project Sponsor must obtain an approval from the Planning Commission to adopt a finding that the net new shadow cast upon the nearby Gene Friend Recreation Center would not be adverse to the use of the park, and satisfy all the conditions thereof. 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)*

## DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application for each building. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

## ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

The Project Sponsor shall comply with the "Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects," which were recommended by the Entertainment Commission on May 2, 2017. These conditions state:

12. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
13. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
14. **Design Considerations.**
  - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.

- b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
15. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
16. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.
17. In addition to the Entertainment Commission standard "*Recommended Noise Attenuation Conditions for Chapter 116 Projects*", the project sponsor shall comply with the following:
  - a. The Project Sponsor shall re-do a sound test to ensure that readings are taken on a weekend during entertainment for both 1015 Folsom and The End Up.
  - b. The Project Sponsor shall send a copy of the updated sound report to the Entertainment Commission and 1015 Folsom once completed.
  - c. The Project Sponsor shall adjust the STC ratings of materials for the building design based on the more current sound test.
  - d. The Project Sponsor shall reach out to nightlife venue The End Up located at 401 6<sup>th</sup> Street.

*For information about compliance, contact the Entertainment Commission, at 415-554-7793, [maggie.weiland@sfgov.org](mailto:maggie.weiland@sfgov.org)*

## PARKING AND TRAFFIC

1. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **thirty-six (36)** off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **one (1)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
18. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than **102** Class 1 bicycle parking spaces and **7** Class 2 bicycle parking spaces. Currently, the Project provides 102 Class 1 bicycle parking spaces and 7 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)*

19. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

20. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

21. **Managing Loading Activities.** The project sponsor shall coordinate with the SFMTA to minimize traffic congestion during residential move-in/move-out activities and freight loading activities associated with the retail space.

## PROVISIONS

22. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

23. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

24. **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)*

25. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

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

26. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 the Project Sponsor shall contribute to the Eastern Neighborhoods Public Benefit Fund through payment of an Impact Fee.

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

## MONITORING

27. **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)*

28. **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

29. **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>*

30. **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>*

31. **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)*

32. **Lighting.** All Project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

## INCLUSIONARY HOUSING

**Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

33. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 84 units; therefore, 11 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 11 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

34. **Unit Mix.** The Project contains 1 studios, 49 one-bedroom, and 34 two-bedroom units; therefore, the required affordable unit mix is 7 one-bedroom and 4 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

35. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

36. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than thirteen and one half percent (13.5%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

37. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

38. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market

- units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
  - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
  - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
  - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
  - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.



# 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 (EN Impact Fees)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## DRAFT Planning Commission Resolution No. HEARING DATE: MAY 18, 2017

*Case No.:* **2013.0538SHD**  
*Project Address:* **301 6<sup>th</sup> STREET**  
*Project Zoning:* MUR (Mixed Use-Residential) Zoning District  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Block/Lot:* 3753/122  
*Project Sponsor:* Jody Knight  
Rueben, Junius & Rose LLP  
1 Bush Street, Suite 600  
San Francisco, CA 94104  
*Park Property:* Gene Friend Recreation Center  
*Park Block/Lots:* 3731/010, 011, 012 and 111  
*Staff Contact:* Ella Samonsky – (415) 575-9112; [ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
(Planning Department)  
Jordan Harrison – 415-575-5609; [jordan.harrison@sfgov.org](mailto:jordan.harrison@sfgov.org)  
(Recreation and Park Department)

**JOINT RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON GENE FRIEND RECREATION CENTER IN ORDER TO ALLOW THE PROPOSED PROJECT FOR A NEW EIGHT-STORY, 82-FOOT TALL, BUILDING (APPROXIMATELY 88,250 GROSS SQUARE FEET) WITH 84 DWELLING UNITS AND APPROXIMATELY 5,868 GROSS SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AT 301 6<sup>TH</sup> STREET (ASSESSOR'S BLOCK 3753 LOT 122).**

### PREAMBLE

The people of the City and County of San Francisco, in June 1984, adopted an initiative ordinance, commonly known as Proposition K, codified as Section 295 of the Planning Code.

Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure that will cast shadow on property under the jurisdiction of the Recreation and Park Department, unless it is determined that the shadow would not be significant or adverse. The Planning

Commission and the Recreation and Park Commission must adopt criteria for the implementation of that ordinance.

Section 295 is implemented by analyzing park properties that could be shadowed by new construction, including the current patterns of use of such properties, how such properties might be used in the future, and assessing the amount of shadowing, its duration, times of day, and times of year of occurrence. The Commissions may also consider the overriding social or public benefits of a project casting shadow.

Pursuant to Planning Code Section 295, the Planning Commission and the Recreation and Park Commission, on February 7, 1989, adopted standards for allowing additional shadows on the greater downtown parks (Resolution No. 11595). The quantitative standard that was established for Gene Friend Recreation Center (or “Rec Center”) was zero percent or no net new shadow.

Gene Friend Recreation Center is a 1.02 acre park (44,367 square feet) located at 270 6<sup>th</sup> Street in the SoMa neighborhood. It is bounded by a two-story, 26-ft tall private property on the northwest, Harriet Street to the west, Folsom Street to the south, and 6<sup>th</sup> Street to the east. Gene Friend Recreation Center provides a mix of outdoor and indoor recreation space. It includes a sports court, playground and green field to the west along Harriet Street and a 24- to 34-foot-high structure (with a 16,835 square-foot footprint (the “Rec Center Building”) to the east along 6<sup>th</sup> Street. The Rec Center Building includes a full indoor gymnasium, activity room, weight room and auditorium and occupies approximately  $\frac{3}{4}$  of the 6<sup>th</sup> Street frontage. A 9-foot-tall fence and guardrails encircles Gene Friend Recreation Center and is locked at night. Access to the park is provided via three gates: one at the corner of Folsom and 6<sup>th</sup> Streets, another on Harriet Street, and the third on 6<sup>th</sup> Street. Gene Friend Recreation Center is managed by the Recreation and Park Department (“RPD”). The park is open from 9:00am until 9:00pm from Tuesday to Friday. In addition, the Rec Center is open from 9:00am to 5:00pm on Saturdays. The facility is available for rentals on Sunday and Mondays and offers after school programming for children on Mondays from 3pm to 5pm. On December 15, 2015, the Trust for Public Land and the San Francisco Recreation and Parks Department presented a plan for redesign of the Gene Friend Recreation Center property. Final design of the Recreation Center is still awaiting approval.

Gene Friend Recreation Center is located within a mixed-use neighborhood in the South of Market (SoMa) neighborhood. The scale of development varies greatly in the vicinity of the project site. The immediate area is characterized by one-and-two-story commercial and industrial properties on the adjacent street corners at 6<sup>th</sup> and Folsom Streets, three-to-four-story live/work and residential buildings further west along Folsom Street, and two-story commercial buildings and an eight-story apartment complex farther north along 6<sup>th</sup> Street. Within a short distance of the Rec Center is Victoria Manalo Draves Park, which is a 2.52 acres accessible park, bounded by Columbia Square, Folsom Street, Sherman Street and Harrison Street.

On an annual basis, the Theoretically Available Annual Sunlight (“TAAS”) on Gene Friend Recreation Center (with no adjacent structures present) is approximately 165,108,210 square-foot-hours of sunlight. Existing structures, including the shadow from the Rec Center Building, currently shade Gene Friend Recreation Center 47.8922% of the year, with an existing shadow load of 79,074,104.19 square-foot-hours (“sfh”).

On June 2, 2015, Rueben, Junius & Rose LLP (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Shadow Impact Study and on November 3, 2015

an application for a Large Project Authorization on the property at 301 6<sup>th</sup> Street, located on the north side of 6th Street, spanning the block between Folsom and Shipley Streets; Lot 122 in Assessor's Block 3753, (hereinafter "Subject Property") to construct **a new eight-story, 82-foot tall, building (approximately 88,250 gross square feet ) with 84 dwelling units and approximately 5,868 gross square feet of ground floor commercial space** (hereinafter "the Project"). The Project is located within the MUR (Mixed Use-Residential) Zoning District, SoMa Youth and Family Special Use District, and an 85-X Height and Bulk District.

A technical memorandum, prepared by Adam Noble of CADP, finalized on April 27, 2017, analyzed the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2013.0538SHD).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, 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 Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On May 10, 2017 the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern

Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR 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 Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 18, 2017 to consider whether to raise the absolute cumulative shadow limit equal to 0.8895% of the TAAS for Gene Friend Recreation Center.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

Therefore, the Commission hereby resolves:

## **FINDINGS**

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Park, for the following reasons:
  - The new shadow would increase the shadow load on Gene Friend Recreation Center on passive recreational areas such as the Folsom entry pathways and grassy area south of the Rec Center Building.
  - New shadows would be cast upon Gene Friend Recreation Center mostly within the morning prior to the opening of the Recreation Center. All net new shadow would be gone by 9:14 am. New shadow after the park is open would be located at the southeast corner of the property near the intersection of Folsom Street and 6<sup>th</sup> Street.
  - When new shadows occur, they would range in duration from 5 minutes 24 seconds to 1 hour 55 minutes, and an average duration of approximately 1 hour 16 minutes for 41 weeks from mid-January to late November.
  - The proposed project would result in a total shadow load of 1,468,742.77 sfh annually, or 0.8895 % of the park's TAAS.
3. The Project at 301 6<sup>th</sup> Street provides 84 dwelling units to the City's housing stock, and would pay the appropriate impact fees for the new residential development. The Project includes 11

inclusionary affordable housing units for rent. Streetscape improvements would include new street trees, new sidewalks and new bicycle racks.

4. Planning Department staff recommends raising a cumulative shadow limit for the Park of 0.8895% of the TAAS, equal to approximately 1,468,742.77 annual square-foot-hours of net new shadow.

### **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department and the Recreation and Park Department, the oral testimony presented to the Planning Commission and Recreation and Park Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby **ADOPTS**, under Shadow Analysis Application No. **2013.0538SHD**, the proposal to raise the cumulative shadow limit for Gene Friend Recreation Center by 0.8895%.

I hereby certify that the foregoing Resolution was **ADOPTED** by the Planning Commission at its regular meeting on May 18, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

ABSENT:

ADOPTED: May 18, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |                                                                   |                                                                       |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Other (EN, TSF Impact Fees)       |

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 Motion No. HEARING DATE: MAY 18, 2017

*Case No.:* 2013.0538SHD  
*Project Address:* 301 6<sup>th</sup> STREET  
*Project Zoning:* MUR (Mixed Use-Residential) Zoning District  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Project Block/Lot:* 3753/122  
*Project Sponsor:* Jody Knight  
Rueben, Junius & Rose LLP  
1 Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
[ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS, WITH THE RECOMMENDATION FROM THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON GENE FRIEND RECREATION CENTER BY THE PROPOSED PROJECT FOR A NEW EIGHT-STORY, 82-FOOT TALL, BUILDING (APPROXIMATELY 88,250 GROSS SQUARE FEET) WITH 84 DWELLING UNITS AND APPROXIMATELY 5,868 GROSS SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AT 301 6<sup>TH</sup> STREET WOULD NOT BE ADVERSE TO THE USE OF GENE FRIEND RECREATION CENTER.**

### **PREAMBLE**

Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595). The quantitative standard that was established for Gene Friend Recreation Center (or "Rec Center") was zero percent or no net new shadow.

Gene Friend Recreation Center is a 1.02 acre park (44,367 square feet) located at 270 6<sup>th</sup> Street in the SoMa neighborhood. It is bounded by a two-story, 26-ft tall private property on the northwest, Harriet Street to the west, Folsom Street to the south, and 6<sup>th</sup> Street to the east. Gene Friend Recreation Center provides a mix of outdoor and indoor recreation space. It includes a sports court, playground and green field to the west along Harriet Street and a 24- to 34-foot-high structure (with a 16,835 square-foot footprint (the "Rec Center Building") to the east along 6th Street. The Rec Center Building includes a full indoor gymnasium, activity room, weight room and auditorium and occupies approximately  $\frac{3}{4}$  of the 6th Street frontage. A 9-foot-tall fence and guardrails encircles Gene Friend Recreation Center and is locked at night. Access to the park is provided via three gates: one at the corner of Folsom and 6th Streets, another on Harriet Street, and the third on 6th Street. Gene Friend Recreation Center is managed by the Recreation and Park Department ("RPD"). The park is open from 9:00am until 9:00pm from Tuesday to Friday. In addition, the Rec Center is open from 9:00am to 5:00pm on Saturdays, and is closed on Sunday and Mondays.

Gene Friend Recreation Center is located within a mixed-use neighborhood in the South of Market (SoMa) neighborhood. The scale of development varies greatly in the vicinity of the project site. The immediate area is characterized by one-and-two-story commercial and industrial properties on the adjacent street corners at 6<sup>th</sup> and Folsom Streets, three-to-four-story live/work and residential buildings further west along Folsom Street, and two-story commercial buildings and an eight-story apartment complex farther north along 6<sup>th</sup> Street. Within a short distance of the Rec Center is Victoria Manalo Draves Park, which is a 2.52 acres accessible park, bounded by Columbia Square, Folsom Street, Sherman Street and Harrison Street.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Gene Friend Recreation Center (with no adjacent structures present) is approximately 165,108,210 square-foot-hours of sunlight. Existing structures, including the shadow from the Rec Center Building, currently shade Gene Friend Recreation Center 47.8922% of the year, with an existing shadow load of 79,074,104.19 square-foot-hours ("sfh").

On June 2, 2015, Rueben, Junius & Rose LLP (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Shadow Impact Study and on November 3, 2015 an application for a Large Project Authorization on the property at 301 6<sup>th</sup> Street, located on the north side of 6th Street, spanning the block between Folsom and Shipley Streets; Lot 122 in Assessor's Block 3753, (hereinafter "Subject Property") to demolish a single-story car wash and surface parking lot and construct a new eight-story, 82-foot tall, building (approximately 88,250 gross square feet) with 84 dwelling units and approximately 5,868 gross square feet of ground floor commercial space (hereinafter "the Project"). The Project is located within the MUR (Mixed Use-Residential) Zoning District, SoMa Youth and Family Special Use District, and an 85-X Height and Bulk District.

A technical memorandum, prepared by Adam Noble of CADP, finalized on April, 27, 2017, analyzed the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2013.0538SHD). The memorandum concluded that the Project would cast approximately 1,468,742.77square-foot-hours of new shadow on Gene Friend Recreation Center, equal to approximately 0.8895percent of the theoretically available annual sunlight ("TAAS") on Gene Friend Recreation Center. The memorandum concluded that the Project would add no new square foot hours of shadow to the Victoria Manalo Draves Park.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, 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 Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On May 10, 2017 the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR 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 Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

On May 18, 2017, the Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing and raised the absolute cumulative shadow limit equal to 0.8895% of the TAAS for Gene Friend Recreation Center as noted in Planning Commission Resolution No. XXXXX.

On May 18, 2017, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project on Gene Friend Recreation Center will/will not be adverse to the use of Gene Friend Recreation Center.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

## **FINDINGS**

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Park, for the following reasons:
  - a. The proposed project would cast net new shadow within the allocated shadow budget for Gene Friend Recreation Center.
  - b. The proposed project would result in a total shadow load of 1,468,742.77 square foot hours equivalent to a shadow load of 0.8895 percent of the TAAS. New shadows would range in duration from 5 minutes 24 seconds to 1 hour 55 minutes and an average duration of approximately 1 hour 16 minutes for 41 weeks from mid-January to late November.
  - c. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow is below one percent, and amounts to a reasonable loss of sunlight for a park in an area slated for increased building heights and residential density.
  - d. The net new shadow cast upon Gene Friend Recreation Center from the Project occurs mostly within the morning prior to the opening of the Recreation Center. All net new shadow would be gone by 9:14 am.
  - e. The new net shadow is localized to the pathways and field adjacent to the corner of 6<sup>th</sup> and Folsom Streets. The net new shadow that occurs after 9:00 am, during park hours, is small in area and localized in the south-eastern corner of the Recreation Center.
  - f. The largest shadow, occurring near sunrise, would be cast on 39 percent of the area of Gene Friend Recreation Center and would recede rapidly by 8:45 am. During the hours of operation, new shadow would not exceed 1.0 percent of the total area, with an average area of new shadow coverage of less than 0.57 percent.
  - g. The Project would produce new public benefits, including, but not limited to, new housing, new on-site affordable housing units for rent, streetscape improvements and payment of development impact fees.

**DECISION**

That based upon the Record, the submissions by the Project Sponsor, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. **2013.0538SHD**, that the net new shadow cast by the Project on Gene Friend Recreation Center will not be adverse to the use of Gene Friend Recreation Center.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on May 18, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

ABSENT:

ADOPTED: May 18, 2017



34 Corte Madera Avenue  
Mill Valley, CA 94941

Erika Jackson  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
April 27, 2017

SUBJECT: 999 Folsom Street Revised Shadow Analysis

## OVERVIEW

The Planning Department prepared an initial shadow fan that indicated the proposed project at 999 Folsom Street may cast a shadow on Gene Friend Recreation Center and Victoria Manalo Draves Park (collectively the “Recreation Center and Park”), each a property under the jurisdiction of the San Francisco Recreation and Park Department (“Recreation and Park Department”). Under *Planning Code Section 295*, a shadow analysis is required to measure and quantify any potential shadow impact of the proposed project on the Recreation Center and Park since the proposed project is over 40 feet in height and the Recreation Center and Park are within the jurisdiction of the Recreation and Park Department.

CADP was retained to prepare a shadow analysis for the proposed project at 999 Folsom. The following is a summary of CADP’s findings.

## BACKGROUND ON PLANNING CODE SECTION 295

*Planning Code Section 295* was adopted in 1985 in response to voter-approved Proposition K which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission finds the shadow would not be significant. To implement *Planning Code Section 295* and Proposition K, the Planning Commission and Recreation and Park Commission in 1989 jointly adopted a memorandum establishing qualitative criteria for evaluating shadow impacts as well as Absolute Cumulative Limits (“ACLs”) for certain parks. ACLs are “shadow” budgets that establish absolute cumulative limits for additional shadows expressed as a percentage of Theoretically Available Annual Sunlight (“TAAS”) on a park with no adjacent structures present. To date, ACL standards have been established for fourteen (14) downtown parks. An ACL standard of zero percent (0%) has been adopted for Gene Friend Recreation Center<sup>1</sup>. An ACL standard has not been adopted for Victoria Manalo Draves Park.

The 1989 Memorandum sets forth qualitative criteria to determine when a shadow would be significant as well as information on how to quantitatively measure shadow impacts. Qualitatively, shadow impacts are evaluated based on (1) existing shadow profiles, (2) important times of day, (3) important seasons in the year, (4) location of the new shadow, (5) size and duration of new shadows, and (6) the

---

<sup>1</sup> At the time the ACL standard was imposed, the Gene Friend Recreation Center was known as the South of Market Park.



34 Corte Madera Avenue  
Mill Valley, CA 94941

public good served by buildings casting a new shadow. Quantitatively, new shadows are to be measured by the additional annual amount of shadow-square foot-hours as a percent of TAAS.

Where an ACL has not been adopted for a park, the Planning Commission's decision on whether a structure has a significant impact on property under the jurisdiction of the Recreation and Park Department is based on a review of qualitative and quantitative factors. Where an ACL has been adopted for a park, the Planning Commission may, upon recommendation of the General Manager of the Recreation and Park Department and in consultation with the Recreation and Park Commission, adopt a resolution raising the ACL for additional shadow on the park. A determination to raise an ACL for a park is also based on qualitative factors and whether the additional shadow cast would have an adverse impact on the park.

## **PROPOSED PROJECT**

### *Site Description and Present Use*

The Project site is located at 999 Folsom Street in San Francisco, California (Assessor's Block 3753, Lot 122), at the corner of 6th Street and Folsom Street. The Project site has approximately 100 linear feet of frontage along Folsom Street and 160 linear feet of frontage along 6th Street. It is currently occupied by a 60 foot by 30 foot and approximately 12 foot tall garage structure that provides car washing services as well as parking. The site currently contains 66 parking spaces. The site also contains a large billboard structure at its southeast edge along Shipley.

### *Surrounding Properties and Neighborhood*

The Project site is located in the South of Market ("SOMA") neighborhood. The Project site is at the southeast corner of Folsom and 6th Street. To the southwest, across 6th Street is a row of multi-story mixed-use structures with heights ranging from 13 to 52 feet. To the southeast is a parking lot with a single story structure occupied by City Life Church. An area map showing the project is included below as **Figure 1**.



34 Corte Madera Avenue  
Mill Valley, CA 94941



**Figure 1.** Area Map

### *Project Description*

The Project proposes to demolish the existing building on site and construct an 82-foot-high, seven-story mixed-use building. The Project would include 84 residential units, with 34 two-bedroom units, 49 one-bedroom units, and one studio unit. The Project would also include, at ground level, 36 residential parking spaces, one car share space, and 101 bicycle parking spaces, as well as 5,868 gross square feet of new commercial space on 6th Street, Folsom Street and a portion of Shipley Street. Open space would include a 4,112 square foot rear yard and a 2,690 square foot roof deck.



34 Corte Madera Avenue  
Mill Valley, CA 94941

The 6th Street frontage, Folsom Street frontage, and a portion of the Shipley Street frontage, will be commercial tenant space. The residential lobby entrance will also be located on Folsom Street. The parking and loading entry will be located on Shipley Street.

The building would extend along 6th Street and Folsom Street and accentuate the corner across from the Gene Friend Recreation Center. Architectural description of the proposed building is included in **Exhibit A**.

The proposed building would be approximately 82-feet tall. It includes a 4-foot parapet at the perimeter of the roof, and a 16-foot elevator penthouse enclosure in the middle of the structure. Because the structure is greater than 40 feet in height, a shadow analysis under Proposition K is required. The shadow analysis was modeled based on the building, parapet, and penthouse enclosure dimensions identified on the elevations and roof plan supplied by the client. (See **Exhibit A**).

#### **POTENTIALLY AFFECTED PROPERTIES**

The proposed Project would potentially cast a shadow on two properties under the jurisdiction of the Recreation and Park Department. A discussion of each property is included below.

##### **Victoria Manalo Draves Park**

Victoria Manalo Draves Park is a 2.52 acre accessible park located three blocks from the proposed project site (Assessor's Block 3754, Lot 016). It covers an entire block and is bounded by Columbia Square to the northeast, Folsom Street to the northwest, Sherman Street to the southwest and Harrison Street on the southeast.

Victoria Manalo Draves Park contains landscaped areas, walkways and areas for active and passive uses, including a basketball court, community garden, two children's play areas, and picnic areas. A 5 to 10-foot-tall fence and guardrails encircle the park and is locked at night. Access to the park is through three points: one at the corner of Folsom Street and Columbia Square, another on Sherman Street, and the third one on Columbia Square. An Image of Victoria Manalo Draves Park is included in **Figure 2** below.



34 Corte Madera Avenue  
Mill Valley, CA 94941



**Figure 2.** Victoria Manalo Draves Park

Hours of operation for the park are from sunrise to midnight, every day of the year.<sup>2</sup>

### **Gene Friend Recreation Center**

Gene Friend Recreation Center is a 1.02<sup>3</sup> acre park (44,367.23 square feet) located at 270 6th Street (Assessor's Block 3731, Lots 010, 011, 012 and 111), two blocks from the proposed project site. It is bounded by a two-story, 26-foot-high private property on the northwest, Harriet Street on the west, Folsom Street on the south, and 6th Street on the east.

Gene Friend Recreation Center provides a mix of outdoor and indoor recreation space. It includes a sports court, playground and green field to the west along Harriet Street and a 24- to 34-foot-high structure (with a 16,835 square-foot footprint (the "Rec Center Building") to the east along 6th Street. The Rec Center Building includes a full indoor gymnasium, activity room, weight room and auditorium and occupies approximately  $\frac{3}{4}$  of the 6th Street frontage.

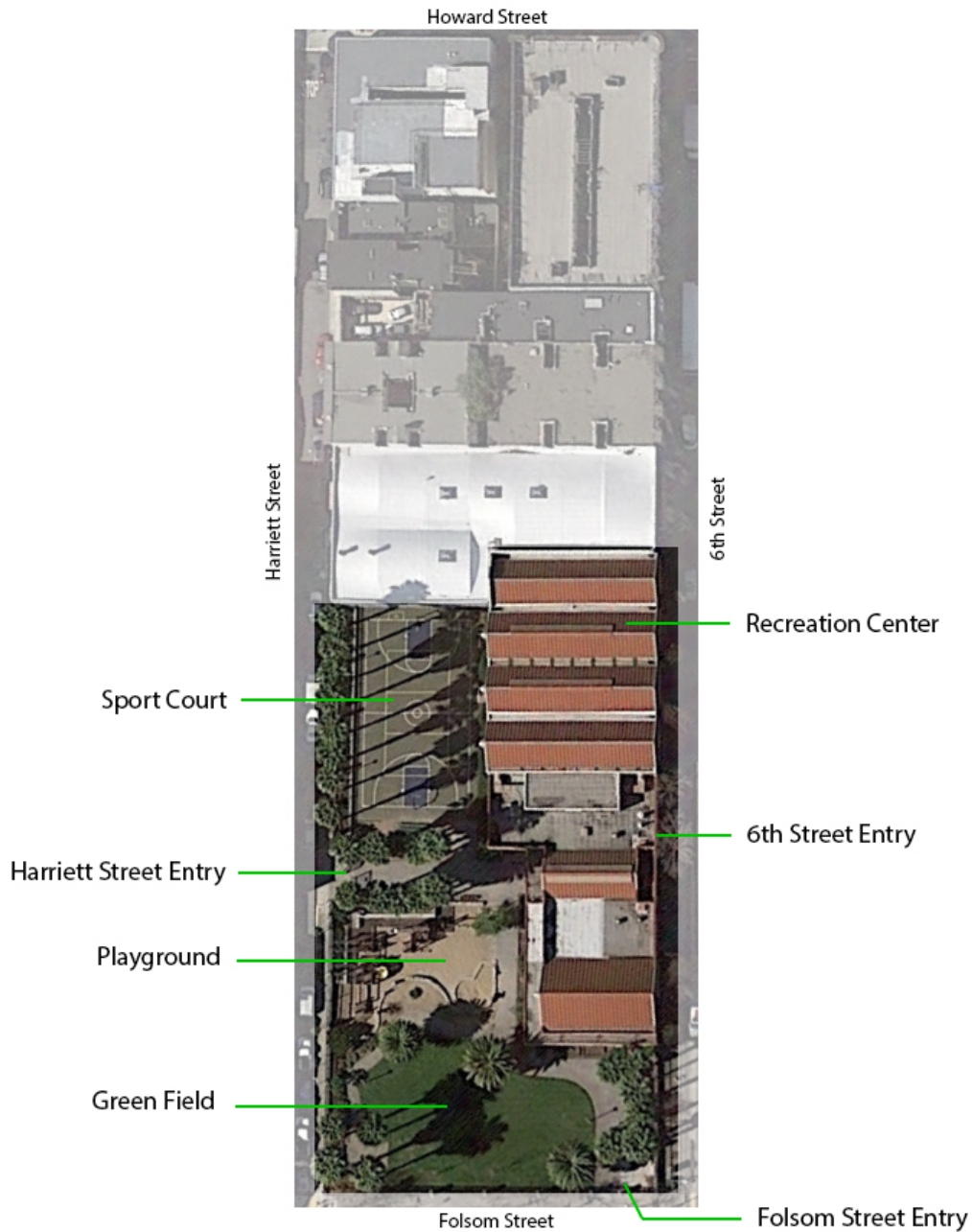
<sup>2</sup> [www.sfrecpark.org/destination/victoria-manalo-draves-park](http://www.sfrecpark.org/destination/victoria-manalo-draves-park)

<sup>3</sup> [www.sfrecpark.org/destination/gene-friend-rec-center-soma/](http://www.sfrecpark.org/destination/gene-friend-rec-center-soma/)



34 Corte Madera Avenue  
Mill Valley, CA 94941

A 9-foot-tall fence and guardrails encircles Gene Friend Recreation Center and is locked at night. Access to the park is provided via three gates: one at the corner of Folsom and 6th Streets, another on Harriett Street, and the third on 6th Street. An Image of Gene Friend Recreation Center is included in **Figure 3** below.



**Figure 3.** Gene Friend Recreation Center



34 Corte Madera Avenue  
Mill Valley, CA 94941

Gene Friend Recreation Center is open from 9 AM to 9 PM Tuesday through Friday.<sup>4</sup> It is open from 9 AM to 5 PM on Saturdays and is closed on Sundays and Mondays. **When closed, the park gates are locked, and access is not allowed.**

## SHADOW METHODOLOGY AND RESULTS

A shadow analysis was prepared to quantify the amount of new shadow that would be cast by the proposed Project on the Recreation Center and Park. The analysis was based on a “solar year” to provide a sample of representative sun angles throughout the entire calendar year. The solar year is from June 21<sup>st</sup> through December 20<sup>th</sup>. The sun angles from December 21<sup>st</sup> through June 20<sup>th</sup> mirror the solar year sun angles.<sup>5</sup> **Since the angles are mirrored, an analysis of the remaining time period is not conducted and, instead, a multiplier is used to put the sample results into calendar year units. Using a multiplier does not change the percentages.**

Shadow impacts are calculated based on square-foot hours recorded. To ensure a complete and accurate description of the proposed projects’ potential shadow impacts, this analysis identifies the days when shadow cast by the proposed projects: (1) would be at its largest size by area, and (2) would result in the overall greatest shadow impacts in terms of size and duration (i.e., the maximum net new shadow as measured in square-foot hours).

### Victoria Manalo Draves Park

Victoria Manalo Draves Park has 407,841,294.38-square-foot hours (“sfh”) of TAAS, which is the amount of theoretically available sunlight on the park, annually, if there were no shadows from structures, trees, or other facilities. Shadows currently exist on Victoria Manalo Draves Park, predominately in the morning and evening hours. The existing shadow load for Victoria Manalo Draves Park is 24,081,517.08 sfh annually.<sup>6</sup> This is approximately 5.904 percent of the total TAAS for Victoria Manalo Draves Park.

The proposed Project would not cast new shadow on Victoria Manalo Draves Park. The location of the proposed Project’s new shadow falls on areas of the park that are already shaded by the adjacent or nearby structures. As a result, the **proposed Project would add no new square foot hours of shadow on the park.** This conclusion is based on higher resolution terrain data obtained by CADP, building information provided to CADP, and the precise positioning of the project. An excel spreadsheet summarizing the findings of the shadow analysis and a diagram showing the shadow of the proposed Project is attached to this report as **Exhibit B & Exhibit C** respectively). A complete copy of the findings is included under separate cover.<sup>7</sup> A graphical depiction of the shadow that is cast and would be cast by the proposed Project on an hourly basis from sunrise +1 hour till sunset -1 for four days, the Summer

<sup>4</sup> <http://sfrecpark.org/destination/gene-friend-rec-center-soma/>

<sup>5</sup> The “solar year” dates and the mirror dates are both provided. Mirror dates are shown in *italics*.

<sup>6</sup> The existing shadow load for Victoria Manalo Draves Park has been calculated by CADP for purposes of this analysis only, and should not be considered a “baseline” of shadow on the park. The Planning Department is currently conducting baseline shadow analyses for all parks under the control of the Recreation and Park Department.

<sup>7</sup> A copy of the data findings is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.0793E.



34 Corte Madera Avenue  
Mill Valley, CA 94941

Solstice (June 21st), the Winter Solstice (December 21st) and the Spring/Fall Equinox (March 21/September 21) is provided under separate cover due to its size.

**Because the proposed Project does not cast any shadow on Victoria Manalo Drive's Park, no further discussion or analysis is required.**

#### **Gene Friend Recreation Center**

Gene Friend Recreation Center has 165,108,209.72 sfh of TAAS. Shadows currently exist on Gene Friend Recreation Center in the morning and evening hours. The existing shadow load, including the shadow from the Rec Center Building, is 79,074,104.19 sfh annually. This is 47.89222 percent of the total TAAS for Gene Friend Recreation Center.

The proposed project would add **1,468,742.77 sfh** of shadow on Gene Friend Recreation Center. This is a **0.8895 percent increase** in shadow as a percentage of TAAS.

New shadow would be cast by the proposed project 10 months of the year (excluding January and December) from Sunrise +1 hour (6:46 AM June to 7:36 AM November) **with all shadows gone no later than 9:14 AM**. The longest duration of new shadow would be in August / May for approximately 1 hour and 55 minutes and the average shadow would be cast for less than approximately 1 hour 16 minutes. **Nearly all new shadow cast occurs before the park opens** and is mostly projected on walkways, a portion of the green field adjacent to the corner of 6th Street and Folsom Street. A short time during the first 30 minutes after sunrise a portion of the play area and ball court receive shadow however they pull off to the south eastern corner of the park quickly as the sun rises.

Shadows that occur after 9:00 AM are very small in square footage and localized in the south eastern corner of the Recreation Center.

The maximum net new shadow day (sfhr) would occur on the weeks of August 16<sup>th</sup> / April 26<sup>th</sup>. On these days, the proposed project would cast new shadow on Gene Friend Recreation Center for approximately 1 hour and 43 minutes from Sunrise +1hr (7:25 AM) to approximately 9:14 AM. The new shadow load on those days would be approximately 9,791.68 sfh per day and would be localized to the southern quarter of the park, along walkways, a portion of the green field south of the Rec Center Building and the south eastern corner of the playground in the sand box area.

The largest new shadow by area would also occur on September 20<sup>th</sup> / March 22<sup>nd</sup> at Sunrise + 1hr (7:57 AM). At its maximum, the new shadow area would be 17,317.84 square feet. A figure showing the maximum net new shadow by area is included in **Exhibit C**.

\* \* \* \* \*



34 Corte Madera Avenue  
Mill Valley, CA 94941

Because the proposed project would cast new shadow on Gene Friend Recreation Center, under *Planning Code Section 295*, the Planning Commission can only approve the proposed project if it finds that its net new shadow is not significant and it raises the ACL limit on Gene Friend Recreation Center.

The 1989 Memorandum sets forth quantitative and qualitative criteria to assist the Planning Commission in reaching its determination as to whether the net new shadow is significant. The quantitative and qualitative criteria are described below.

\* \* \* \* \*

## SHADOW EVALUATION

### Gene Friend Recreation Center

#### Quantitative Criteria

##### *Proposed Annual Available Sunlight*

The existing shadow load for the Gene Friend Recreation Center is approximately 47.9 percent of the total TAAS.<sup>8</sup> The proposed project would increase the total percentage of TAAS from 47.892 percent to 48.781 percent. **Table 1** is a summary of those findings. A complete copy of the findings is included under a separate cover.<sup>9</sup>

<b>Table 1</b>	
<b>SUMMARY OF RESULTS (Gene Friend Recreation Center)</b>	
Annualized net new shadow	1,468,742.77 sfh
Theoretical Annual Available Sunlight	165,108,209.72 sfh
<b>TOTAL New Shadow as a Percentage of TAAS</b>	<b>0.8895%</b>
Annualized Existing Shadows on Park (with footprint)	79,074,104.19
Percentage of Existing Shadow as a Percentage of TAAS	47.89222%
<b>TOTAL New + Existing Shadow as a Percentage of TAAS</b>	<b>48.7817%</b>

<sup>8</sup> This analysis only includes a quantitative analysis of the open areas of Gene Friend Recreation Center as the area of the park where the Rec Center Building is located is already in shadow 100 percent of the time and new shadow would not impact uses of that area. As noted above, with the Rec Center Building the total existing shadow load of Gene Friend Recreation Center is approximately 47.89 percent of the total TAAS annually.

<sup>9</sup> A copy of the data findings is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2012.0793E.



34 Corte Madera Avenue  
Mill Valley, CA 94941

### *Recommended Permitted Additional Shadow*

Under the 1989 Memorandum, new shadow is not recommended to be permitted on small parks (i.e., those less than two acres) if the park is already shadowed 20 percent of the time. The 1989 Memo also adopted an ACL limit of 0 percent for Gene Friend Recreation Center.

Gene Friend Recreation Center has an ACL standard of zero (0) percent. Additional shadow load is not recommended unless qualitative criteria can be met, and the ACL standard is increased by 0.8895 percent.

### **Qualitative Criteria**

#### *Time of Day (morning, mid-day, afternoon) – Important Times of Day*

Gene Friend Recreation Center is an enclosed park that is locked when not in operation. Gene Friend Recreation Center is open from 9 AM to 9 PM Tuesday through Friday.<sup>10</sup> It is open from 9 AM to 5 PM on Saturdays and is closed on Sundays and Mondays. **When closed, the park gates are locked, and access is not allowed.** Site visits were conducted to evaluate the use of the open areas of the park.<sup>11</sup> In the morning, the number of individuals using the open areas varied from 6 to 17 people with most visitors using the lawn area and surrounding benches to rest or sleep. As the day progresses, the playground and basketball court become more active with children and youth utilizing the open areas in the afternoon. The peak use of Gene Friend Recreation Center's open areas is in the afternoon.

**The proposed project casts new shadow on Gene Friend Recreation Center in the morning, with most of the shadow gone before the park opens.** All shadow would be gone no later than 9:14 AM, 14 minutes after the gates open. Although shadow data is generally provided in 15 minute increments, attached is a detailed analysis to show the size of the shadow between 9:00 a.m. and 9:14 a.m. **Attached as Exhibit D.** The new shadow cast is not during an important time of day for the park and would not adversely affect the usage pattern of Gene Friend Recreation Center.

New shadows impacting the park after opening would occur approximately 20 weeks from August 2<sup>nd</sup> to October 4<sup>th</sup> and May 10<sup>th</sup> to March 8<sup>th</sup>, 38.5 percent of the year. Assuming, only days when the park is open (Tuesday-Saturday), new shadow would only be cast on approximately 27.4 percent of the days of the year that the park is open. In other words, there is new shadow after 9:00 for only 100 days over the entire year.

#### *Time of Year (Spring, Summer, Fall, Winter) – Important Times of Year*

---

<sup>10</sup> <http://sfrecpark.org/destination/gene-friend-rec-center-soma/>



34 Corte Madera Avenue  
Mill Valley, CA 94941

Gene Friend Recreation Center is active throughout the year with a combination of outdoor and indoor recreational space. San Francisco has a temperate climate that allows outdoor recreational spaces to be used year round. Based on San Francisco's historic weather patterns, the important times of year for Gene Friend Recreation Center, when individuals are more likely to use the open areas, are spring and fall which historically have the most sunshine and lowest levels of rain and/or fog.

New shadows from the project would occur 41 weeks or 79 % of the year from early February through late November.

### *Size of Shadow*

The proposed project would cast a 17,317.84 square-foot shadow at its largest. This shadow occurs at 7:57 AM Sunrise + 1 hr on September 20<sup>th</sup>/March 22<sup>nd</sup>. At its largest the new shadow would be cast on 39% of the total area of the Gene Friend Recreation Center. While shadow coverage is large during mid-April and mid-August the shadows occur during the sunrise minutes and recede rapidly by 8:45 AM before the recreation center opens at 9:00 AM.

The largest shadow from the proposed project that would occur after opening at 9:00 AM would be 439.68 square-feet. This shadow would occur at 9:00 AM on September 13<sup>th</sup>/ March 29<sup>th</sup> and would represent approximately 1.0 percent of the total area of Gene Friend Recreation Center. Therefore, it can be concluded that any new shadow added to the recreation center from the proposed project during its hours of operation would not exceed 1.0 percent of the total area. The average area of new shadow coverage of the recreation center from the proposed project during the hours of operation would be less than 0.57 percent.

### *Duration of Shadow*

New shadow cast by the proposed project would have an average duration of approximately 1 hour and 16 minutes. At its shortest, new shadow would be cast for 5 minutes and 24 seconds, and at its longest, new shadow would be cast for 1 hour 55 minutes.

The proposed project would cast new shadow on Gene Friend Recreation Center not exceeding 1 hour and 55 minutes and on average 1 hour and 16 minutes. New shadows lasting no more than an hour would occur 29 weeks from March 15 to September 27<sup>th</sup>.

### *Location of Shadow*

The proposed project would cast a majority of new shadow on passive recreational areas such as the walkways and a portion of the green field south of the Rec Center Building and portions of the play area for short periods of times during the first minutes of sunrise. New shadow cast on the green field is also in the corner, adjacent to existing trees and a 3-foot tall wall that encloses the park and new shadow on the playground is adjacent to trees. Both the trees and 3-foot wall cast existing shadows on these portions of the park. Some shadow is also cast on the south eastern corner of the playground and the



34 Corte Madera Avenue  
Mill Valley, CA 94941

sandbox area. It should be noted that a significant portion of the area where new shadow is occurring is also receiving shadow coverage from existing stands of palm trees present in the southeastern corner of the recreation center.

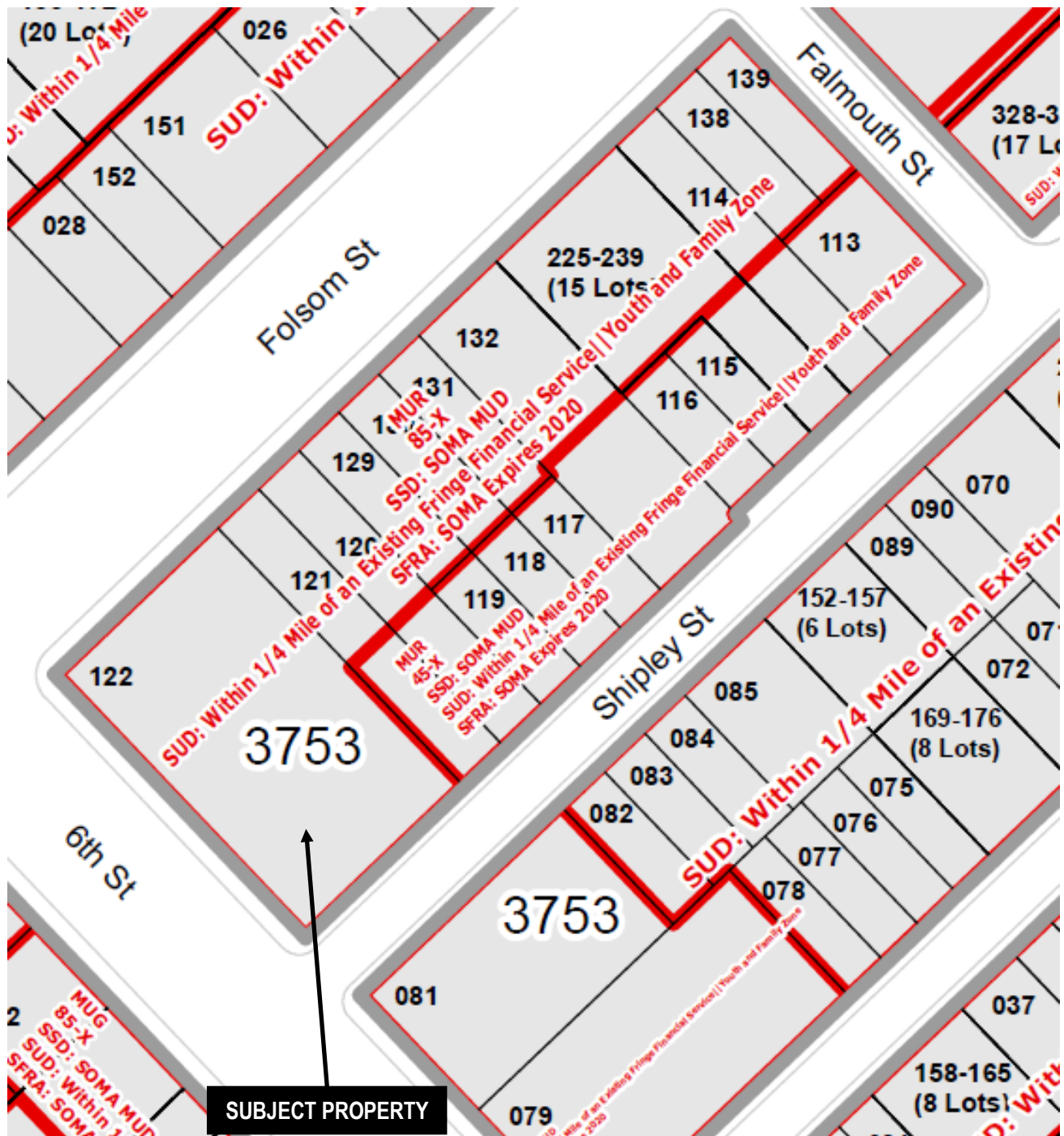
\* \* \* \* \*

Please direct questions regarding this report directly to Adam Noble.

Regards,

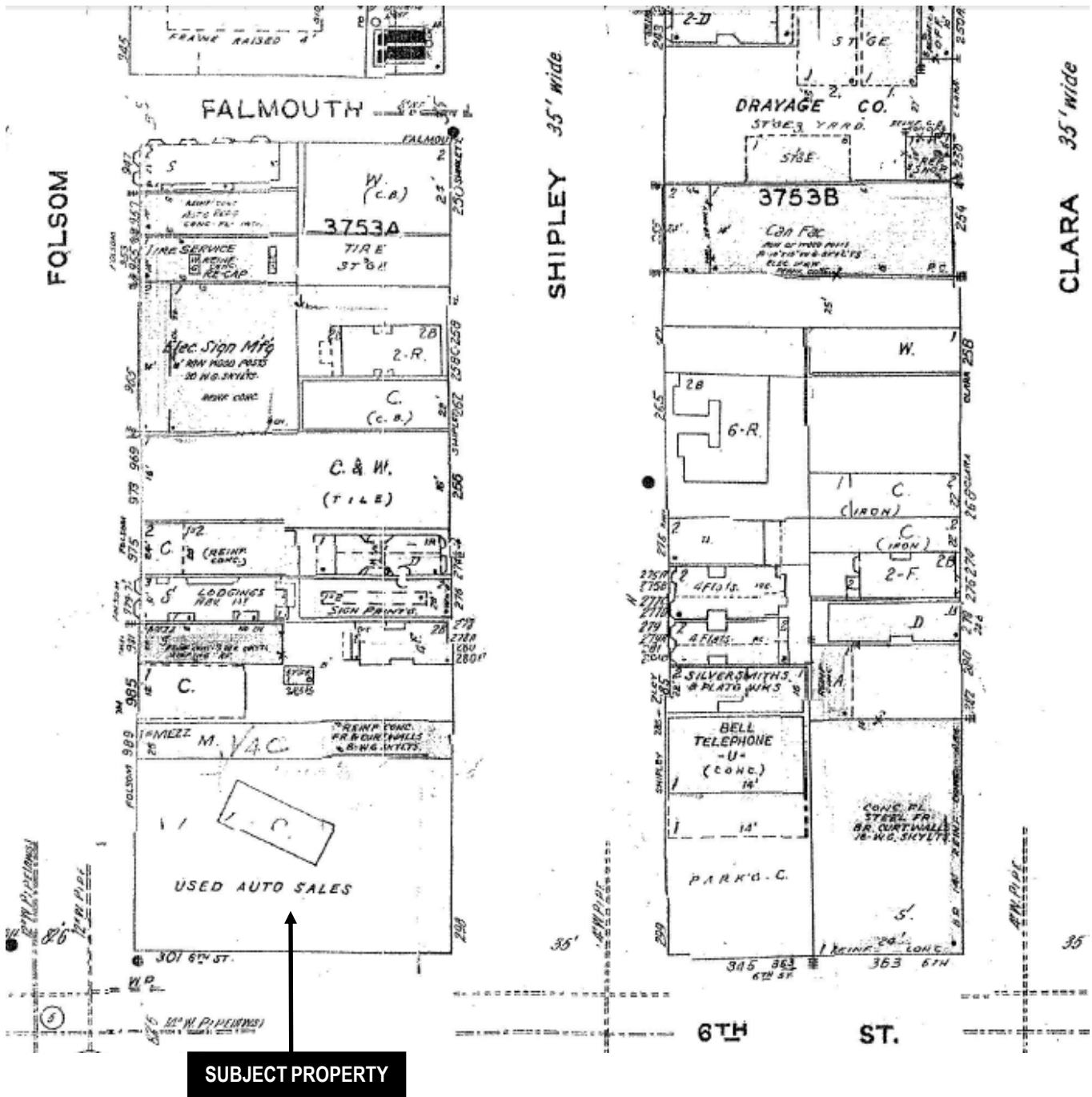
Adam Noble  
President

# Parcel Map



Planning Commission Hearing  
May 18, 2017  
Case Number 2013.0538ENX SHD  
301 6<sup>th</sup> Street

# Sanborn Map\*

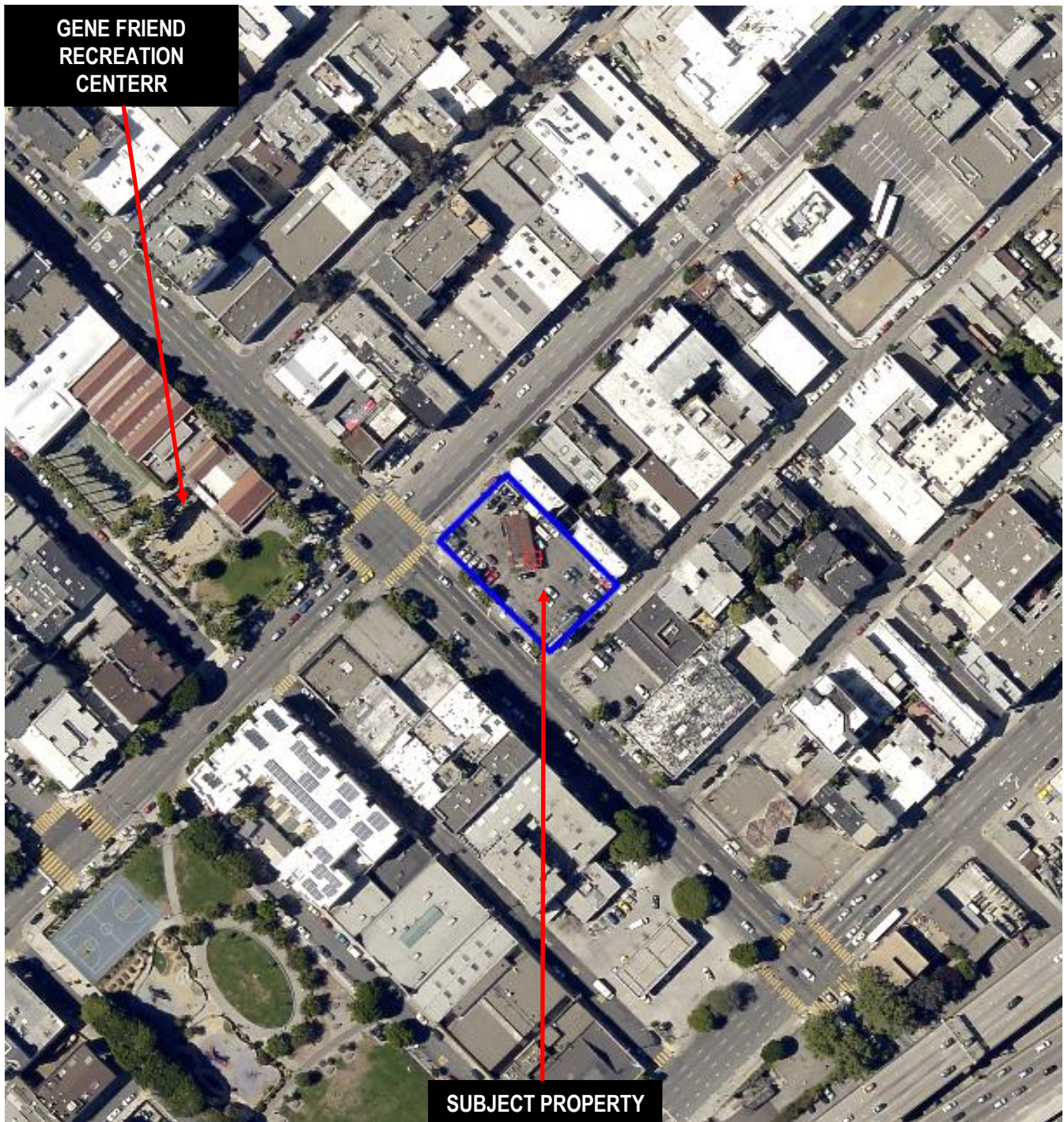


*\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*

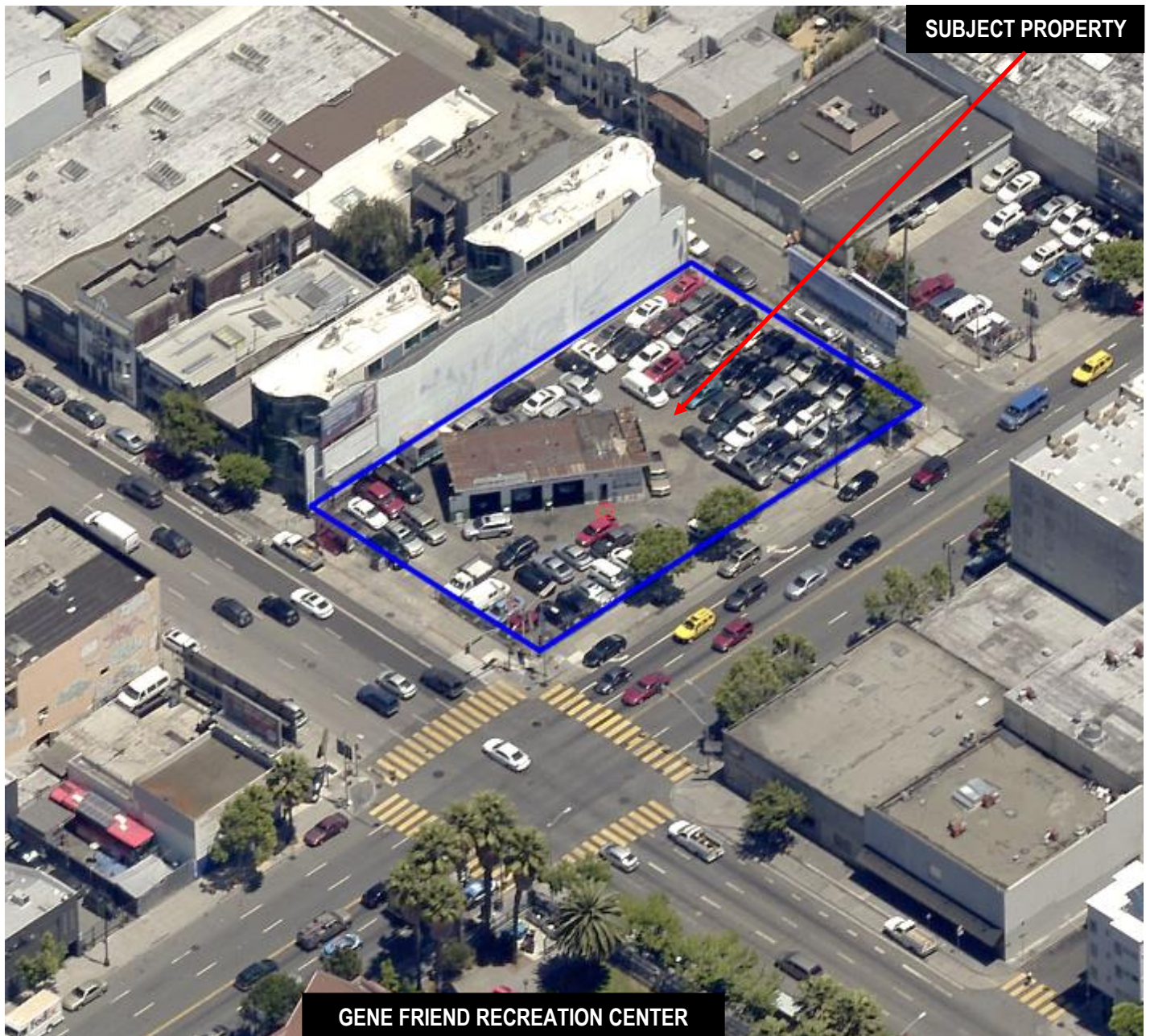


Planning Commission Hearing  
May 18, 2017  
**Case Number 2013.0538ENX SHD**  
301 6<sup>th</sup> Street

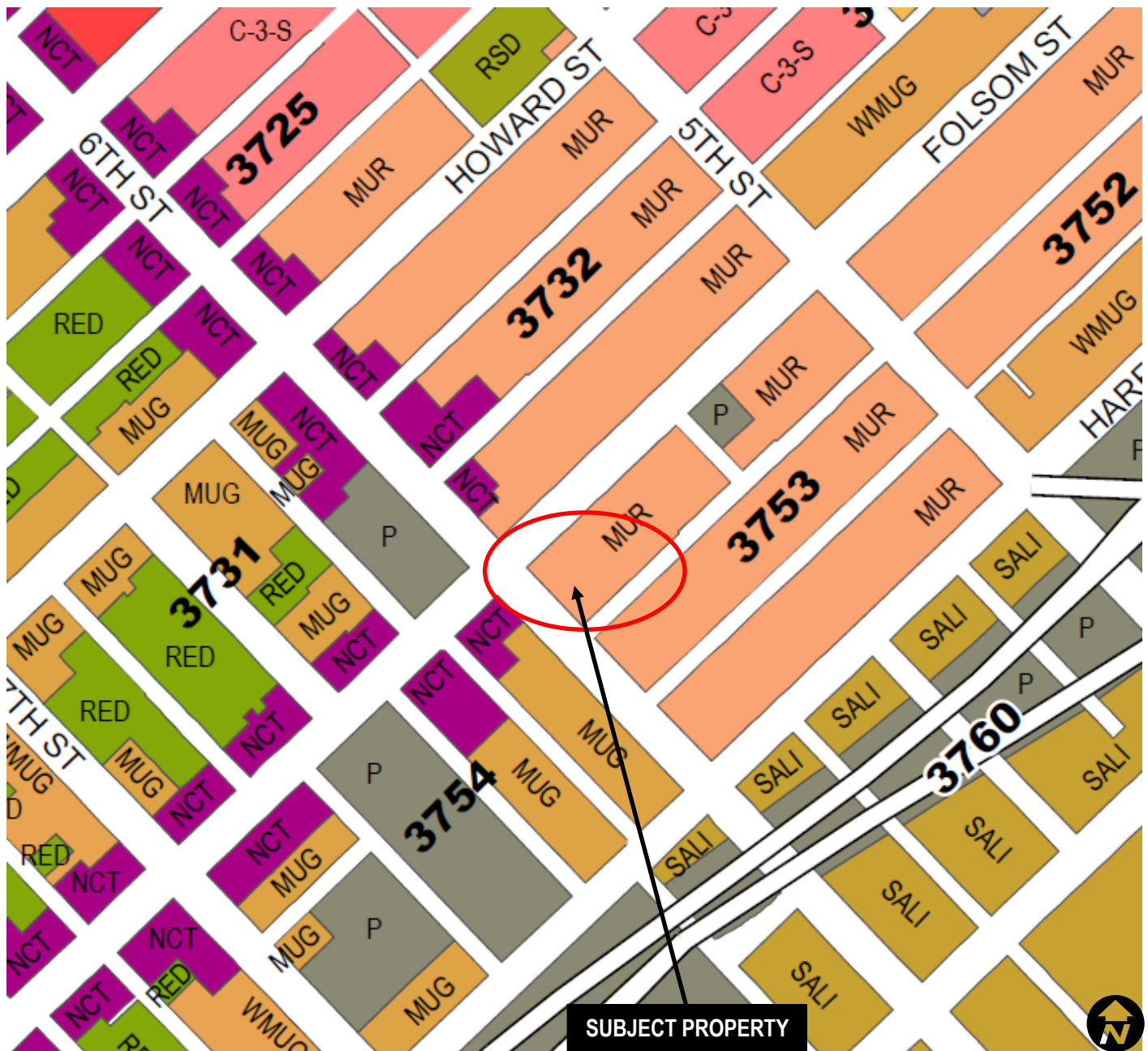
# Aerial Photo



# Aerial Photo

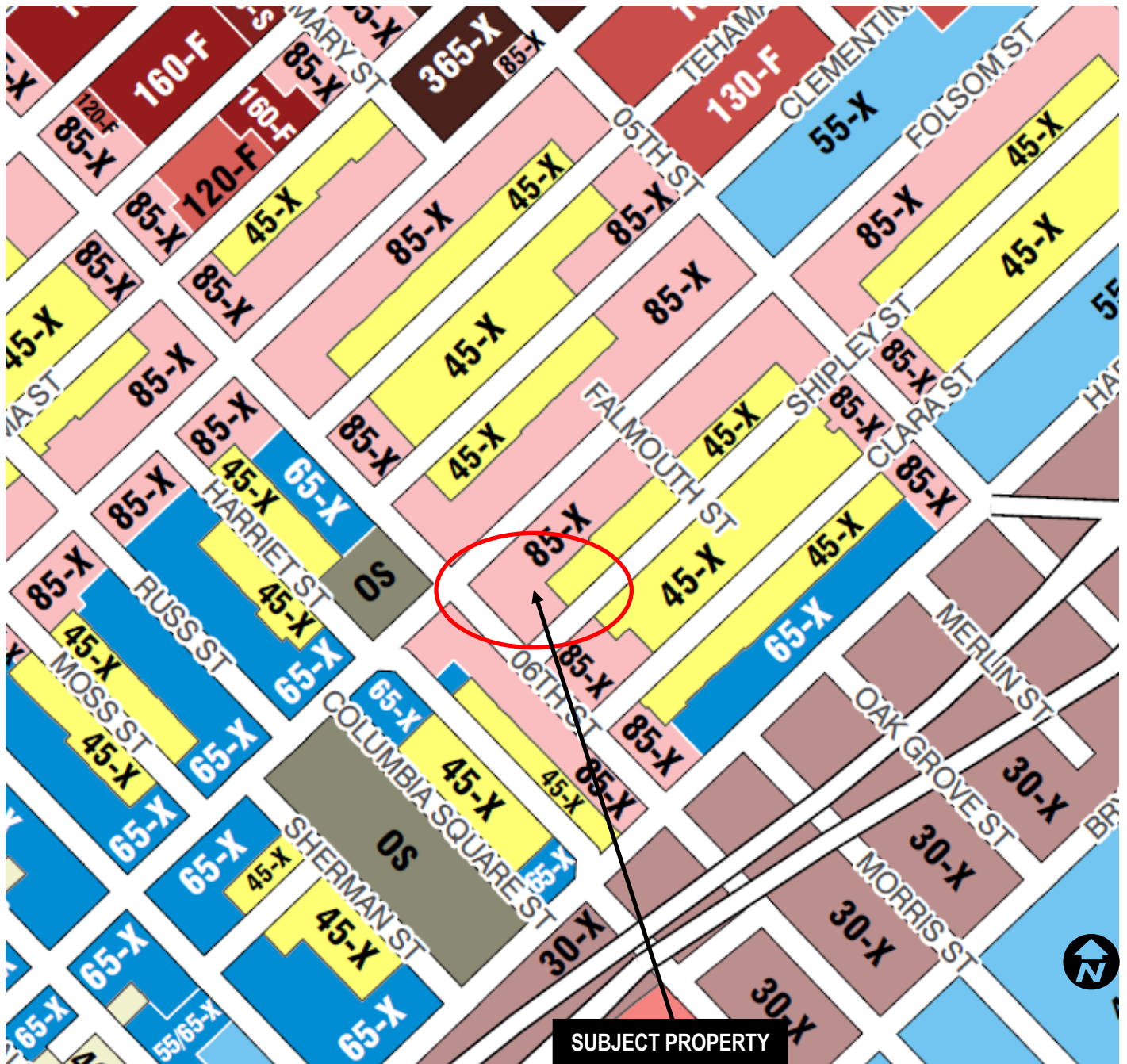


# Zoning Map



Planning Commission Hearing  
May 18, 2017  
Case Number 2013.0538ENX SHD  
301 6<sup>th</sup> Street

# Zoning Map – Height and Bulk



Planning Commission Hearing  
May 18, 2017  
Case Number 2013.0538ENX SHD  
301 6<sup>th</sup> Street

# Site Photographs



Planning Commission Hearing  
May 18, 2017  
Case Number 2013.0538ENX SHD  
301 6<sup>th</sup> Street

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco**  
**Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

Date: August 16, 2016

To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*

From: San Francisco Planning Department

Re: **Compliance with the Inclusionary Affordable Housing Program**

All projects that include 10 or more dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new residential units rather than offer them as rental units. Projects may be eligible to provide rental affordable units if it demonstrates the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing.

**Before the Planning Department and/or Planning Commission can act on the project**, this Affidavit for Compliance with the Inclusionary Affordable Housing Program must be completed. Please note that this affidavit is required to be included in Planning Commission packets and therefore, must comply with packet submittal guidelines.

The Affidavit is divided into two sections. This first section is devoted to projects that are subject to Planning Code Section 415. The second section covers projects that are located in the Urban Mixed Use (UMU) Zoning District and certain projects within the Mission Neighborhood Commercial Transit District that are subject to Planning Code Section 419. Please use the applicable form and contact Planning staff with any questions.

On June 7, 2016, Proposition C was passed by San Francisco voters to modify Affordable Housing Requirements and trailing legislation was passed by the Board of Supervisors (Ord No. 76-16 and File No. 160255) to implement the increased requirements. Please be aware that the inclusionary requirements may differ for projects depending on when a complete Environmental Evaluation Application (EEA) was submitted with the Department. Please also note that there are different requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached tables to determine the applicable requirement.

For new projects with complete EEA's accepted after January 12, 2016, the Inclusionary Affordable Housing Program includes provisions to allow for mixed income levels. Generally speaking, if the required number of units constructed on-site is 25%, a minimum of 15% of the units must be affordable to low-income households and 10% of the units affordable to low- or moderate/middle-income households. The Average Median Income (AMI) for low income is 55% for rental and 80% for ownership. The AMI for moderate/middle income units is 100% for rental and 120% for ownership. Projects subject to grandfathering must provide the all of the inclusionary units at the low income AMI.

**Summary of requirements.** Please determine what percentage is applicable for your project based on the size of the project, the zoning of the property, and the date that a complete Environmental Evaluation Application (EEA) was submitted. Chart A applies throughout San Francisco whereas Chart B addresses UMU (Urban Mixed Use District) Zoning Districts.

If the project received its first discretionary approval prior to January 12, 2016, please use the EEA accepted before 1/1/13 column to determine the applicable percentage because projects that received a first discretionary approval prior to January 12, 2016 are not subject to the new requirements included in the trailing legislation associated with Proposition C (Ord. No. 76-16 and File No. 160255).

The Project contains: 84 UNITS	The zoning of the property is: MUR	Complete EEA was submitted on: August 8, 2014
-----------------------------------	---------------------------------------	--------------------------------------------------

### CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
<b>Fee or Off-site</b>					
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects at or below 120'	20.0%	25.0%	27.5%	30.0%	33.0%
25+ unit projects over 120' in height *	20.0%	33.0%	33.0%	33.0%	33.0%
<b>On-site</b>					
10-24 unit projects	12.0%	12.0%	12.0%	12.0%	12.0%
25+ unit projects	12.0%	13.0%	13.5%	14.5%	25.0%

\* except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet.

**CHART B: Inclusionary Requirements for UMU Districts.** Please note that the Middle Income Incentive Alternative regulated in Planning Code Section 419 was not changed by Code amendment (Ord. No. 76-16). Also, certain projects in the SOMA Youth and Family SUD rely upon UMU requirements as stipulated by the Planning Code.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
<b>On-site UMU</b>					
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%
Tier A 25+ unit projects	14.4%	15.4%	15.9%	16.4%	25.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	16.0%	17.0%	17.5%	18.0%	25.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	17.6%	18.6%	19.1%	19.6%	25.0%
<b>Fee or Off-site UMU</b>					
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	23.0%	28.0%	30.5%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	25.0%	30.0%	32.5%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	27.0%	32.0%	33.0%	33.0%	33.0%
<b>Land Dedication in UMU or Mission NCT</b>					
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier A 25+ unit > 30K	30.0%	35.0%	37.5%	40.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	45.0%	47.5%	50.0%	40.0%
Tier B 25+ unit > 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	50.0%	52.5%	55.0%	45.0%
Tier C 25+ unit > 30K	40.0%	45.0%	47.5%	50.0%	40.0%

**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

**PLANNING CODE SECTION 415 & 419****San Francisco  
Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

3/14/17

Date

I, George Conner

do hereby declare as follows:

Is this project an UMU project within the Eastern  
Neighborhoods Plan Area?☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

**A** The subject property is located at (address and  
block/lot):301 6th Street

Address

3753 / 122

Block / Lot

This project is exempt from the *Inclusionary  
Affordable Housing Program* because:

- ☐ This project is 100% affordable.  
☐ This project is 100% student housing.

**C** This project will comply with the Inclusionary  
Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior  
to the first construction document issuance  
(Planning Code Section 415.5).  
☒ On-site Affordable Housing Alternative  
(Planning Code Sections 415.6).  
☐ Off-site Affordable Housing Alternative  
(Planning Code Sections 415.7):  
☐ Land Dedication

**B** The proposed project at the above address is sub-  
ject to the *Inclusionary Affordable Housing Program*,  
Planning Code Section 415 and 419 et seq.The Planning Case Number and/or Building Permit  
Number is:2013.0538

Planning Case Number

N/A

Building Permit Number

This project requires the following approval:

- ☒ Planning Commission approval (e.g. Conditional  
Use Authorization, Large Project Authorization)  
☐ This project is principally permitted.

The Current Planner assigned to my project within  
the Planning Department is:Ella Samonsky

Planner Name

**D** If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>1</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
  - ☐ Development or density bonus, or other public form of assistance.
  - ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

**E** The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

**F** Affordability Levels:

No. of Affordable Units: 11	% Affordable Units: 13.5	AMI Level: TBD. Will comply with effective provision
No. of Affordable Units:	% Affordable Units:	AMI Level:

**G** The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

**H** I am a duly authorized agent or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

San Francisco, CA  
Location

3/14/17  
Date

**Sign Here**

Signature

George Conner

Name (Print), Title

415-392-1072

Contact Phone Number

cc: Mayor's Office of Housing and  
Community Development  
Planning Department Case Docket

<sup>1</sup> California Civil Code Section 1954.50 and following.

## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
84		1	49	34	

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below. If using more than one AMI to satisfy the requirement, please submit a separate sheet for each AMI level.

☒ **On-site Affordable Housing Alternative** Planning Code Section 415.6): calculated at  % of the unit total.

### Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
11		0	7	4	

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7): calculated at  % of the unit total.

### Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

☐ **Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:**

Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee  % of affordable housing requirement.

2. On-Site  % of affordable housing requirement.

### Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

3. Off-Site  % of affordable housing requirement.

### Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

**Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT**

301 Sixth Street Associates, LLC

Company Name

George Conner

Name (Print) of Contact Person

27 Maiden Lane, Suite 250

Address

San Francisco, CA 94108

City, State, Zip

415-392-1072

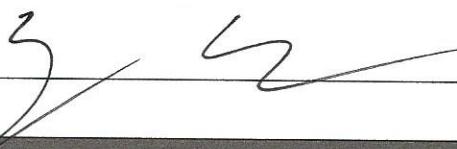
Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

**Sign Here**

Signature:



Name (Print), Title:

George Conner, Manager

**Contact Information and Declaration of Sponsor of OFF-SITE PROJECT ( If Different )**

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

**Sign Here**

Signature:

Name (Print), Title:



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

## Administrative Code

### Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

#### Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
301 6th Street		3753/122	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
N/A	2013.0538		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
301 Sixth Street Associates, LLC	George Conner	(415) 392-1072	
ADDRESS			
27 Maiden Lane, Suite 250			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA 94108			
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
84	5,868	82 feet / 8 stories	\$20,000,000
ANTICIPATED START DATE			

#### Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input checked="" type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
NOTES:	
<ul style="list-style-type: none"><li>If you checked <b>C</b>, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.</li><li>If you checked <b>A</b> or <b>B</b>, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.</li><li>For questions, please contact OEWD's CityBuild program at <a href="mailto:CityBuild@sfgov.org">CityBuild@sfgov.org</a> or (415) 701-4848. For more information about the First Source Hiring Program visit <a href="http://www.workforcedevelopmentsf.org">www.workforcedevelopmentsf.org</a></li><li>If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.</li></ul>	

Continued...

### Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.


Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer				Laborer			
Boilermaker				Operating Engineer			
Bricklayer				Painter			
Carpenter				Pile Driver			
Cement Mason				Plasterer			
Drywall/Latherer				Plumber and Pipefitter			
Electrician				Roofer/Water proofer			
Elevator Constructor				Sheet Metal Worker			
Floor Coverer				Sprinkler Fitter			
Glazier				Taper			
Heat & Frost Insulator				Tile Layer/ Finisher			
Ironworker				Other:			
		<b>TOTAL:</b>	<b>TBD</b>			<b>TOTAL:</b>	<b>TBD</b>

- |                                                                                                                                                      |                          |                          |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------|
|                                                                                                                                                      | YES                      | NO                       |            |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?                                                      | <input type="checkbox"/> | <input type="checkbox"/> | TBD        |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input type="checkbox"/> | <input type="checkbox"/> | TBD        |
| 3. Will hiring and retention goals for apprentices be established?                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | TBD        |
| 4. What is the estimated number of local residents to be hired?                                                                                      |                          |                          | <u>TBD</u> |

### Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Jody Knight, Attorney and Authorized Agent	jknight@reubenlaw.com	(415) 567-9000
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
		04/18/17
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		(DATE)

**FOR PLANNING DEPARTMENT STAFF ONLY:** PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT [CITYBUILD@SFGOV.ORG](mailto:CITYBUILD@SFGOV.ORG)

Cc: Office of Economic and Workforce Development, CityBuild  
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848  
 Website: [www.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org) Email: [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org)

# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
301 Sixth Street Associates, LLC	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
27 Maiden Lane, Suite 250 San Francisco, CA 94108	( 415 ) 392-1072
	EMAIL:

APPLICANT'S NAME:	
Jody Knight	Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:
Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104	( 415 ) 597-9000
	EMAIL:
	jknight@reubenlaw.com

CONTACT FOR PROJECT INFORMATION:	
	Same as Above <input checked="" type="checkbox"/>
ADDRESS:	TELEPHONE:
	(      )
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
George Conner	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
27 Maiden Lane, Suite 250 San Francisco, CA 94108	( 415 ) 392-1072
	EMAIL:

## 2. Location and Project Description

STREET ADDRESS OF PROJECT:		ZIP CODE:
301 6th Street		94103
CROSS STREETS:		
6th and Folsom		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3753 / 122	MUR	85-X

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction	0	84	84
<input checked="" type="checkbox"/> Demolition			
<input type="checkbox"/> Alteration			
<input type="checkbox"/> Other: _____			

# Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? \_\_\_\_\_

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☐ NO

*If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.*

Human Rights Commission contact information  
**[hrc.info@sfgov.org](mailto:hrc.info@sfgov.org) or (415)252-2500**

## 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: Other information or applications may be required.

Signature: 

Date: April 18, 2017

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

Jody Knight, Authorized Agent

Owner / Authorized Agent (circle one)

## PLANNING DEPARTMENT USE ONLY

### PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**  
☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

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

BUILDING PERMIT NUMBER(S):

DATE FILED:

RECORD NUMBER:

DATE FILED:

### VERIFIED BY PLANNER:

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

Printed Name: \_\_\_\_\_ Phone: \_\_\_\_\_

ROUTED TO HRC:

DATE:

☐ Emailed to: \_\_\_\_\_

Free Recording Requested Pursuant to  
Government Code Section 27383

When recorded, mail to:

San Francisco Planning Department  
1650 Mission Street, Room 400  
San Francisco, California 94103  
Attn: Director

**Block 3753, Lot 122**

---

**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN  
THE CITY AND COUNTY OF SAN FRANCISCO AND  
301 SIXTH STREET ASSOCIATES, RELATIVE TO THE  
DEVELOPMENT KNOWN AS 301 6TH STREET (AKA 999 FOLSOM STREET)**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this 27 day of April, 2017, is by and between the **CITY AND COUNTY OF SAN FRANCISCO**, a political subdivision of the State of California (the “City”), acting by and through its Planning Department, and **301 SIXTH STREET ASSOCIATES, LLC, a California limited liability company** (“Developer”), with respect to the project approved for **301 6th Street (AKA 999 Folsom Street)** (the “Project”). City and Developer are also sometimes referred to individually as a “Party” and together as the “Parties.”

**RECITALS**

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter the “Costa-Hawkins Act”) imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). The City has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a developer to memorialize the concessions and incentives granted by the City and thereby confirm the nonapplicability of the Costa-Hawkins Act limitations to the inclusionary units in a project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California,

more particularly described in Exhibit A attached hereto (the “Property”). The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. Developer proposes to demolish a car detailing structure and parking lot and erect an 82-foot-high, eight-story mixed-use building (the “Project”). The Project would include seven stories of residential use over a 5,868 square foot ground level commercial retail space and parking garage with 36 residential parking spaces. The Project would provide 34 2-bedroom units, 49 1-bedroom units, and 1 studio, with a 4,112 square foot open space at the second level and a 2,690 square foot roof deck. Developer has elected to offer all of the units built as part of the Project as rental units and to provide inclusionary affordable housing units on-site.

On \_\_\_\_\_, 2017, pursuant to Motion No. \_\_\_\_\_, the Planning Commission issued a Large Project Authorization for the Project under Planning Code Section 329 (the “Large Project Authorization”) to allow exceptions for the rear yard pursuant to Planning Code Section 134, dwelling unit exposure pursuant to Planning Code Section 140, and parking pursuant to Planning Code Section 151.1. A Notice of Special Restrictions containing Conditions of Approval of the Large Project Authorization was recorded against the Property on \_\_\_\_\_ 2017 (NSR No. \_\_\_\_\_).

Developer agrees to provide 13.5% of the dwelling units in the Project as on-site inclusionary units (the “Inclusionary Units”) and the remainder will be market rate units (the “Market Rate Units”). Accordingly, if the Project includes 84 dwelling units, 11 would be Inclusionary Units and 73 would be Market Rate Units. This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq., as modified by San Francisco Charter Section 16.110(g), (the “Affordable Housing Program”) provides that developers of any housing project consisting of ten or more units must pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means, including entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code for concessions and incentives, pursuant to which the developer provides affordable on-site units instead of paying the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program.

E. Developer’s Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units on-site in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program, and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project’s Compliance with CEQA. Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department published a Certificate of Exemption (“CPE”) from Environmental Review for the Project on \_\_\_\_\_, 2017. The Planning Commission subsequently reviewed and concurred with the information contained in the CPE at a noticed public hearing on \_\_\_\_\_, 2017 (Motion No. \_\_\_\_\_). The information in the CPE was considered by all entities with review and approval authority over the Project prior to the approval of the Project.

H. General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in the Planning Commission Motion No. \_\_\_\_\_.

## **AGREEMENT**

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

### **1. GENERAL PROVISIONS**

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

### **2. CITY’S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.**

2.1 Exceptions, Concessions and Incentives. The Developer has received the following exceptions, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approval and Density Bonus. The Large Project Authorization allowed for exceptions to the rear yard requirement pursuant to Planning Code Section 134, dwelling unit exposure pursuant to Planning Code Section 140 and parking pursuant to Planning Code Section 151.1. This Project Approval permitted development of the Project at a greater density than would otherwise have been permitted under the Planning Code.

2.1.2 Waiver of the Affordable Housing Fee. The City has agreed to waive the Affordable Housing Fee for the Project in return for Developer’s commitments set forth in this Agreement, including the provision of the Inclusionary Units on site. City would not be willing to enter into this Agreement, waive the Affordable Housing Fee and provide the other concessions and incentives set forth above without the understanding and agreement that Costa-

Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units consistent with the exemption set forth in California Civil Code section 1954.52(b).

## **2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.**

2.2.1 Inclusionary Units. The Parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the restrictions and limitations of the Costa-Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

## **3. COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide thirteen and five-tenths percent (13.5%) of the dwelling units in the Project as on-site Inclusionary Units. Upon identification of the Inclusionary Units and before any occupancy of the Inclusionary Units, Developer shall record a notice of restriction against the Inclusionary Units (the "NSRs") in the form required by the Affordable Housing Program and approved by City.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer acknowledges that the concessions and incentives specified above result in identifiable and actual cost reductions to the Project. In addition, Developer, on behalf of itself and all Transferees (as defined in Section 7.1) expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement, and agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long

as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

#### **4. MUTUAL OBLIGATIONS**

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approvals.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approvals, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City acknowledges and agrees that, if City adopts changes to the Affordable Housing Program after the date this Agreement, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

#### **5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.**

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Inclusionary Units to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is duly organized and validly existing in the State of California and in good standing and qualified to do business in the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement or law in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. No consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments

affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 Priority of Agreement. Developer warrants and represents that there is no prior lien or encumbrance against the Property which, upon foreclosure, would be free and clear of the obligations set forth in this Agreement.

5.4 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.5 No Bankruptcy. Developer represents and warrants to City that Developer has neither filed nor is the subject of any filing of a petition under the federal bankruptcy law or any federal or state insolvency laws or laws for composition of indebtedness or for the reorganization of debtors, and, to the best of Developer's knowledge, no such filing is threatened.

5.6 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.7 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.8 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status

(AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

## **6. AMENDMENT; TERMINATION**

6.1 Amendment. This Agreement may only be amended with the mutual written consent of the Parties. No amendment of a Project Approval shall require an amendment to this Agreement; provided, if the percentage of Inclusionary Units changes for any reason, the Parties agree to reflect such change in the NSRs recorded against the Property. If there is any conflict between this Agreement and the NSRs (as it relates to the number of Inclusionary Units), the NSRs shall govern.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

## **7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE**

7.1 Agreement Runs With The Land; Release Upon Transfer or Assignment. Developer shall notify all persons interested in purchasing the Property of this Agreement before any transfer of the Property. As provided in Section 9.2, this Agreement runs with the land and any successor owner of all or part of the Property (each, a "Transferee", and all references in this Agreement to "Developer" shall mean Developer and each Transferee during its period of ownership of all or part of the Property) will be bound by all of the terms and conditions of this Agreement. Upon any such transfer, Developer shall be released from any obligations required to be performed under this Agreement from and after the date of transfer with respect to the portion of the Property so transferred; provided, each Developer and each Transferee will remain responsible for its obligations under this Agreement for its period of ownership of the Property (or part thereof). Following any transfer, a default under this Agreement by a Party (i.e., the Developer or any Transferee) shall not constitute a default by any other Party under this Agreement, and shall have no effect upon the nondefaulting Party's rights and obligations under this Agreement with respect to their portions of the Property.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None

of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers all or any part of the Property, Developer shall continue to be responsible for performing the obligations under this Agreement up to the date of transfer. The City is entitled to enforce each and every such obligation directly against the Transferee following a transfer as if the Transferee were an original signatory to this Agreement with respect to the transferred portion of the Property. The transferor shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.4.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. The foregoing provisions shall not be applicable to any other party who, after such foreclosure, conveyance, or other action in lieu thereof, or other remedial action, obtains title to the Property or a portion thereof from or through the Mortgagee or any other purchaser at a foreclosure sale other than the Mortgagee itself. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.4.2 Subject to the provisions of the first sentence of Section 7.4.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approvals and this Agreement.

7.4.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for

service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address set forth in Section 9.8 of this Agreement.

7.4.4 A Mortgagee shall have the right, at its option, to cure any default by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default, plus an additional period of (i) thirty (30) calendar days to cure a default by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to commence to cure such non-monetary default. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage. Nothing in this Section or elsewhere in this Agreement shall be deemed to require a Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made).

7.4.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.4 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.4, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.4. For purposes of this Section 7.4, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

7.5 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

7.6 Obligations Not Dischargeable in Bankruptcy. Developer's obligations under this Agreement are not dischargeable in bankruptcy, and shall survive any sale or foreclosure.

## **8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION**

8.1 Enforcement. The only parties to this Agreement are the City and the Developer (and, as set forth in Sections 7.1 and 9.2, each Transferee). This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. Without limiting the foregoing, the City shall have the right to withhold any permit or certificate of occupancy for so long as a default remains outstanding and has not been cured.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

## **9. MISCELLANEOUS PROVISIONS**

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. All provisions of this Agreement shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in

the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The Project proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning the Project or the Property. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approvals and applicable law.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

**To City:**

John Rahaim  
Director of Planning  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94103

with a copy to:

Dennis J. Herrera, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Real Estate/Finance Team  
**Re: 999 Folsom Street – Costa Hawkins Agreement**

**To Developer:**

301 Sixth Street Associates  
27 Maiden Lane, Suite 250  
San Francisco, CA 94108  
Tel.: (415) 392-1072  
Attn: George Conner

and a copy to:

Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
Tel.: (415) 567-9000  
Fax: (415) 399-9480  
Attn: Chloe Angelis

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement. This Agreement shall remain in effect for the life of the Project.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**CITY**

CITY AND COUNTY OF SAN  
FRANCISCO,  
a municipal corporation

Approved as to form:  
Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
John Rahaim  
Director of Planning

By: \_\_\_\_\_  
Deputy City Attorney

**DEVELOPER**

**301 SIXTH STREET ASSOCIATES, LLC**

By: \_\_\_\_\_  
Name: George Cornu  
Title: Manager

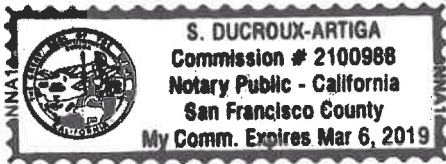
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Francisco )  
 On 4/27/2017 before me, S. Ducroux-Artiga, notary,  
 Date Here Insert Name and Title of the Officer  
 personally appeared George Conner  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Affordable Housing Document Date: 4/27/17  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: George Conner  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☒ Other: Manager  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

## **EXHIBIT A**

### **Legal Description of Property**

## **EXHIBIT A**

### **Legal Description**

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF FOLSOM STREET AND THE NORTHEASTERLY LINE OF 6<sup>TH</sup> STREET, THENCE SOUTHEASTERLY ALONG SAID LINE OF 6<sup>TH</sup> STREET 165 FEET; THENCE AT RIGHT ANGLES NORTHEASTERLY AND ON A LINE RUNNING PARALLEL WITH THE SOUTHEASTERLY LINE OF FOLSOM STREET, A DISTANCE OF 99 FEET, 4 INCHES; THENCE AT RIGHT ANGLES NORTHERLY TO A LINE RUNNING PARALLEL TO THE NORTHEASTERLY LINE OF 6<sup>TH</sup> STREET, A DISTANCE OF 165 FEET TO THE SOUTHEASTERLY LINE OF FOLSOM STREET; THENCE SOUTHWESTERLY ALONG SAID LINE OF FOLSOM STREET, 79 FEET, 4 INCHES TO THE POINT OF COMMENCEMENT.

**APN: Lot 3753; Block 122**



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Community Plan Evaluation

*Case No.:* 2013.0538E  
*Project Address:* 999 Folsom Street/301 6th Street  
*Zoning:* MUR (Mixed Use-Residential)  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Block/Lot:* 3753/122  
*Lot Size:* 16,389 square feet (0.38 acres)  
*Plan Area:* Eastern Neighborhoods Area Plan (East SoMa)  
*Project Sponsor:* Jody Knight – Reuben, Junius & Rose LLP; (415) 567-9000  
*Staff Contact:* Julie Moore, Julie.Moore@sfgov.org; (415) 575-8733

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 proposed project would demolish an approximately 1,500-square-foot (sf) former automotive station structure and surface parking lot and construct a new 8-story, 82-foot-tall, approximately 95,000-sf mixed-use building with frontages along Folsom Street, 6<sup>th</sup> Street, and Shipley Street. The proposed building would include 84 residential dwelling units (consisting of 34 two-bedroom, 49 one-bedroom, and one studio units) on floors 2 through 8. On the ground floor, the building would include 5,900 sf of commercial space in three tenant spaces with entries on each of the street frontages, an approximately 6,200-sf parking garage accessible from Shipley Street, a secure bicycle storage room and lockers, a residential lobby facing Folsom Street, a delivery entrance on 6<sup>th</sup> Street, and utility rooms.

(Continued on next page.)

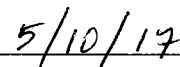
### CEQA DETERMINATION

The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
\_\_\_\_\_  
Lisa Gibson  
Environmental Review Officer

  
\_\_\_\_\_  
Date

cc: Jody Knight, Reuben, Junius & Rose, Project Sponsor; Supervisor Jane Kim, District 6; Ella Samonsky, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

The proposed parking garage would include 37 vehicle parking spaces, of which 33 vehicles would be accommodated in triple stackers, two ADA accessible parking spaces, one car share space, and one additional space. The bicycle storage room and lockers would provide 85 Class 1 bicycle parking spaces; 16 Class 2 bicycle parking spaces would be located on the sidewalks in front of the project site on 6<sup>th</sup> and Folsom Streets. The project's open space consists of a second level rear yard and a roof deck of approximately 4,100 sf and 2,700 sf, respectively. Elevator, stair, and mechanical penthouses would extend up to 16-feet in height above the rooftop, as allowable by the Planning Code.

The project would remove two approximately 30-foot curb cuts on 6<sup>th</sup> Street and one 25-foot curb cut on Folsom Street. The existing curb cut on Shipley Street would be reduced from 32 to 10 feet, and would provide access to the parking garage. The project proposes additional design and streetscape improvements including recessing the ground floor from approximately four feet from the property line (effectively extending sidewalk space) on Shipley Street; recessing the ground floor approximately four feet from the property line at the commercial and delivery entries (a width of approximately 22 feet), and recessing the building up to seven feet for the residential lobby entry on Folsom Street, recessed planters, a strip of permeable pavers and seven new street trees along the edge of 6<sup>th</sup> Street, 16 Class 2 bicycle spaces in bicycle racks on 6<sup>th</sup> Street and Folsom Street, nine new street trees on Shipley and Folsom Streets, a yellow commercial loading zone adjacent to the delivery entry on 6<sup>th</sup> Street, and accessible curb ramps at the street corners. The commercial yellow zone on 6<sup>th</sup> Street would need to be designated by the SFMTA; therefore, the project sponsor would request that the SFMTA implement it.

## PROJECT APPROVAL

The proposed project at 999 Folsom Street is subject to the following approvals:

### Actions by the Planning Commission

- Approval of a Large Project Authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and greater than 25,000 gross square feet.

### Actions by other City Departments

- Joint determination with the Planning Commission that the project would have no adverse shadow impact on Gene Friend Recreation Center or other parks subject to Section 295 of the Planning Code (*Recreation and Park Commission*)
- Approval of building permits for demolition and construction (*Department of Building Inspection*)
- Approval of a Site Mitigation Plan prior to the commencement of any excavation work (*Department of Public Health, Environmental Health Division*)
- Approval of the proposed curb modifications and on-street loading (*San Francisco Municipal Transportation Agency*)
- Approval of street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts (*San Francisco Public Works, Bureau of Street Use and Mapping*)

- Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to construction. Approval of project compliance with the Stormwater Design Guidelines (*San Francisco Public Utilities Commission*)

The Large Project Authorization approval by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EVALUATION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 999 Folsom Street/301 6<sup>th</sup> Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 999 Folsom Street/301 6<sup>th</sup> Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2,3</sup>

---

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a “No Project” alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.<sup>4</sup>

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned from Residential Service Mixed Use District to MUR (Mixed Use Residential) District. The MUR District is intended to facilitate the development of high-density, mid-rise housing and encourages the expansion of retail, business service, and commercial uses. It is also intended to serve as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of 6<sup>th</sup> Street. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Initial Study - Community Plan Evaluation (CPE) , under Land Use. The 999 Folsom Street/301 6<sup>th</sup> Street site, which is located in the East SoMa District of the Eastern Neighborhoods, was designated as a site with building potential up to 85 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 999 Folsom Street/301 6<sup>th</sup> Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated

---

<sup>4</sup> Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

and described the impacts of the proposed 999 Folsom Street/301 6<sup>th</sup> Street project, and identified the mitigation measures applicable to the 999 Folsom Street/301 6<sup>th</sup> Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>5,6</sup> Therefore, no further CEQA evaluation for the 999 Folsom Street/301 6<sup>th</sup> Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located at the southeast corner of Folsom Street and 6th Street in San Francisco's South of Market neighborhood. The rectangular project site has frontages along three streets, approximately 165 feet on 6th Street and 100 feet on both Folsom and Shipley Streets. The eastern side of the site abuts a three-story building. Folsom Street is a three-lane, one-way street, with a bicycle lane and parking on both sides of the street; an SFMTA bus shelter and stop is located adjacent to the site. Sixth Street is a busy thoroughfare with three lanes in each direction; and Shipley Street is a narrow one-way street. The project vicinity is an eclectic mix of uses and structures ranging from one-story industrial buildings to five-story residential developments. Recently approved and proposed projects within one block include the following:

- 345 6<sup>th</sup> Street, across Shipley Street from the project site – a 9-story mixed use building with 102 single resident occupancy dwelling units and 1,700 sf of commercial space;
- 363 6th Street, between Shipley and Clara Streets south of the project site – a 9-story mixed use building with 104 residential units and ground floor commercial space;
- 265 Shipley Street, east of the project site – a 5-story, 9 unit residential building;
- 980 Folsom Street, across Folsom Street from the project site – a 7-story, 85-foot tall, mixed use building with 34 residential dwelling units and ground floor retail

The Gene Friend Recreation Center is located diagonally across from the site at the northwest corner of the Folsom and 6th Street intersection approximately 250 feet from the site. The Victoria Manalo Draves Park is located on Folsom Street, between Columbia Square and Sherman Street, approximately 350 feet to the southwest of the project site. Bessie Carmichael Elementary School is located at 349 – 365 7<sup>th</sup> Street, south of the park and 650 feet to the southwest of the project site. The project site is also located within the Filipino Cultural Heritage District.

The project site is located within a quarter mile of several local transit lines including Muni lines 12-Pacific, 14-Mission, 19-Polk, 27-Bryant, 30-Stockton, 45-Union, 47-Van Ness, and 8-Bayshore.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 999 Folsom Street/301 6<sup>th</sup> Street site project is in conformance with the height, use and density for the site

---

<sup>5</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 999 Folsom Street/301 Sixth Street, June 10, 2015.

<sup>6</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 999 Folsom Street/301 Sixth Street, June 10, 2015.

described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 999 Folsom Street/301 6<sup>th</sup> Street site project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not contribute considerably to the identified land use impacts related to PDR loss because redevelopment of the project site for residential and commercial uses could occur without the Eastern Neighborhoods rezoning, nor would the project affect historic architectural resources as the subject building is not a historic resource nor is it a contributor to a historic district. The project would contribute to the significant and unavoidable impacts related to transit ridership on Muni lines in the vicinity and shadow impacts on nearby parks and open spaces.

The Eastern Neighborhoods PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. **Table 1** below lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Eastern Neighborhoods PEIR Mitigation Measures**

Mitigation Measure	Applicability	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Applicable: temporary construction noise if pile driving cannot be avoided	The project sponsor has agreed to implement noise attenuation measures if pile driving is required for construction
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: CEQA generally no longer requires the consideration of the effects of existing environmental conditions on a proposed project's future users or residents.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA generally no longer requires consideration of the effects of existing environmental conditions on a proposed project's future users or	N/A

Mitigation Measure	Applicability	Compliance
	residents.	
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-generating uses	N/A
F-6: Open Space in Noisy Environments	Not Applicable: CEQA generally no longer requires consideration of the effects of existing environmental conditions on a proposed project's future users or residents if the project would not exacerbate those environmental conditions.	N/A
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Applicable: the project site is located within an identified Air Pollutant Exposure Zone. Project construction could exacerbate poor air quality.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan to reduce construction emissions.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: The requirements of this measure are met by compliance with Health Code Article 38.	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed residential and commercial uses are not expected to emit substantial levels of DPM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed residential and commercial uses are not expected to emit substantial levels of other TACs.	N/A
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: No Previous Studies have been performed on the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: Preliminary Archeological Review by the Planning Department indicates the potential to adversely affect	The project sponsor has agreed to implement archeological testing mitigation measure.

Mitigation Measure	Applicability	Compliance
	archeological resources.	
J-3: Mission Dolores Archeological District	Not Applicable: Not within District	N/A
<b>K. Historical Resources</b>		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: the project would demolish a building structure	The project sponsor has agreed to dispose of demolition debris in accordance with applicable regulations.
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level	N/A

Mitigation Measure	Applicability	Compliance
	mitigation by SFMTA	
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

## PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on April 10, 2015 to adjacent occupants and owners of properties within 300 feet of the project site, SoMA neighborhood groups, and the city-wide distribution list. Overall, environmental concerns raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Six individuals submitted comments on a variety of topics including: effects on light, air and space on neighboring properties; the height of the building relative to buildings in the project vicinity; shadow impacts on Gene Friend Recreation Center, including after the potential future redesign of the recreation center, and on Victoria Manalo Draves Park; additional traffic, noise and air pollution; gentrification of the East SoMa area; and altered traffic patterns, pedestrian and bicyclist hazards due to distractions (GPS and cell phones) not analyzed in the Eastern Neighborhoods EIR.

Comments on environmental topics are addressed in the Initial Study – Community Plan Evaluation topics of land use, wind, shadow, noise, air quality, transportation and circulation. As discussed, the proposed project would not result in significant adverse impacts associated with land use, wind, shadow, noise, air quality, transportation and circulation beyond those identified in the Eastern Neighborhoods PEIR.<sup>7</sup>

With regard to the one comment that the Eastern Neighborhood Area Plan EIR was based on data regarding residents and an economic base that is out of date and that the East SoMa has changed dramatically so that the low income and working class residents are being pushed out of the area by

<sup>7</sup> San Francisco Planning Department, Initial Study – Community Plan Evaluation, Case No. 2013.0538E, 999 Folsom Street/301 6<sup>th</sup> Street. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0538E.

higher income residents, CEQA generally does not require the analysis of social or economic impacts. While there could potentially be an impact to property values or rents in the area, such an occurrence would be a socioeconomic impact, which is beyond the scope of CEQA. As stated in CEQA Guidelines Section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. Construction of the proposed project at 999 Folsom Street/301 6<sup>th</sup> Street would not create an economic change that would lead to the physical deterioration of the surrounding neighborhood.

On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors. CEQA Guidelines Sec 15162(c) establishes that once a project, in this case the Eastern Neighborhoods Rezoning and Area Plans, is approved:

“[T]he lead agency’s role in that approval is completed unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval.” [Emphasis added.]

That is, unless and until the Eastern Neighborhoods Rezoning and Area Plans themselves are amended or revised, the reopening of the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA. Impacts to the environment that might result with implementation of the project were analyzed in the CPE Initial Study Checklist according to the project’s potential impacts upon the specific setting for each environmental topic, clearly stated significance criteria, and substantial evidence in the form of topic-specific analyses. Consistent with CEQA Guidelines Section 15130, the CPE Initial Study Checklist also includes analysis of the proposed project’s potential cumulative impacts for each environmental topic. The CPE Initial Study Checklist prepared for the project evaluates its potential project-specific environmental effects and incorporates by reference information contained in the Eastern Neighborhoods PEIR. Project-specific analysis was prepared for the project to determine if it would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

The CPE Initial Study Checklist determined that the proposed project would not have a significant impact that was not previously identified in the Eastern Neighborhoods PEIR for all CEQA Guidelines Appendix G environmental topics. The commenter has not provided any evidence that the environmental effects of the project have not been adequately covered by the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the project-specific initial study<sup>8</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;

---

<sup>8</sup> Ibid.

2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<b>MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR</b>				
<b>Project Mitigation Measure 1 – Archeological Testing</b>  Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	Prior to issuance of site permits	Project sponsor to retain a qualified archeological consultant who shall report to the ERO.  Qualified archeological consultant will scope archeological testing program with ERO.	Archeological consultant shall be retained prior to issuing of site permit. Archeological consultant has approved scope by the ERO for the archeological testing program  Archeological consultant retained. Date: _____  Archeological consultant received approval for archeological testing program scope:  Date: _____

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	Project sponsor/ archeological consultant at the direction of the ERO.	Prior to any soil-disturbing activities on the project site.	Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soils disturbing activities on the project site.	<p>Date ATP submitted to the ERO: _____</p> <p>Date ATP approved by the ERO: _____</p> <p>Date of initial soil disturbing activities: _____</p>
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>a. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>b. A data recovery program shall be implemented, unless the ERO</p>	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the Archeological Testing Program.	Archeological consultant shall submit report of the findings of the ATP to the ERO.	<p>Date archeological findings report submitted to the ERO: _____</p> <p>ERO determination of significant archeological resource present?</p> <p style="text-align: center;">Y      N</p> <p>Would</p>

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.				resource be adversely affected?  Y    N  Additional mitigation to be undertaken by project sponsor?  Y    N
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>The archeological consultant shall advise all project contractors to</li> </ul>	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.	ERO & archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.	AMP required?  Y    N Date: _____  Date AMP submitted to the ERO: _____  Date AMP approved by the ERO: _____ _____

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> <li>• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>• The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>• If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/ excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</li> </ul>				<p>Date AMP implement- ation complete:_____</p> <p>_____</p> <p>Date written report regarding findings of the AMP received:_____</p> <p>_____</p>

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.				
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> </ul>	Archeological consultant at the direction of the ERO	If there is a determination that an ADRP program is required	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if required by the ERO.	<p>ADRP required?</p> <p>Y   N</p> <p>Date: _____</p> <p>Date of scoping meeting for ARDP: _____</p> <p>Date Draft ARDP submitted to the ERO: _____</p> <p>Date ARDP approved by the ERO: _____</p> <p>Date ARDP implement-</p>

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<ul style="list-style-type: none"> <li><i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li><i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li><i>Final Report.</i> Description of proposed report format and distribution of results.</li> </ul> <p><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p>				ation complete:_____ _____
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal,</p>	Project sponsor / archeological consultant in consultation with the San Francisco Coroner, NAHC, and MDL.	In the event human remains and/or funerary objects are found.	Project sponsor/ archeological consultant to monitor (throughout all soil disturbing activities) for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL	Human remains and associated or unassociated funerary objects found?  Y    N Date: _____  Persons contacted:  Date: _____  Persons

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>				<p>contacted:  Date: _____  Persons contacted:  Date: _____  Persons contacted:  Date: _____</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant</p>	<p>Following completion of soil disturbing activities. Considered complete upon distribution of final FARR.</p> <p>Date Draft FARR submitted to ERO: _____</p> <p>Date FARR approved by ERO: _____</p>

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
different final report content, format, and distribution than that presented above.				Date of distribution of Final FARR:_____  Date of submittal of Final FARR to information center:_____
<b>Project Mitigation Measure 2 – Construction Noise - Pile Driving (Mitigation Measure F-1 of the Eastern Neighborhoods PEIR)</b> The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors are required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The sponsor shall also require that contractors schedule pile-driving activities for times of the day that would minimize disturbance to neighbors.	Project sponsor and construction contractor(s).	Prior to and during construction.	Project sponsor, contractor(s), shall provide Department of Building Inspection and the Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.
<b>Project Mitigation Measure 3 – Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR)</b> The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be	Project sponsor and construction contractor(s).	Prior to and during construction.	Project sponsor, contractor(s), shall provide Department of Building Inspection and the Planning	Considered complete upon receipt of final monitoring report at

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>Monitor the effectiveness of noise attenuation measures by taking noise measurements; and</li> <li>Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li> </ul>			Department with monthly reports during construction period.	completion of construction.
<p><b>Project Mitigation Measure 4 – Construction Air Quality (Mitigation Measure G-1 of the Eastern Neighborhoods PEIR)</b></p> <p>The project sponsor or the project sponsor’s contractor shall comply with the following.</p> <p><i>A. Engine Requirements.</i></p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 3 off-road emission standards, and have been retrofitted</p>	Project sponsor; project contractor(s)	Prior to construction activities requiring the use of off-road equipment	Submit certification statement	Project sponsor/ contractor(s) and the ERO

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p> <p>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>B. <i>Waivers.</i></p> <p>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection</p>				

**Attachment A:  
MITIGATION MONITORING AND REPORTING PROGRAM  
(Includes Text for Adopted Mitigation and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>(A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below. If seeking an exception to (A)(1), the project sponsor shall be required to demonstrate that resulting construction emissions would not exceed significance thresholds for construction.</p> <p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 3</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 3</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 3</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>** Alternative fuels are not a VDECS.</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 3	ARB Level 2 VDECS	2	Tier 3	ARB Level 1 VDECS	3	Tier 3	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 3	ARB Level 2 VDECS														
2	Tier 3	ARB Level 1 VDECS														
3	Tier 3	Alternative Fuel*														
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p>	Project sponsor/ contractor(s)	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code	Prepare and submit a Plan	Project sponsor/ contractor(s) and the ERO												

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<ol style="list-style-type: none"> <li>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</li> <li>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</li> <li>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</li> </ol>				
<p><i>D. Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/ contractor(s)	Quarterly	Submit quarterly reports	Project sponsor/ contractor(s) and the ERO

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p><b>Project Mitigation Measure 5 – Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR)</b></p> <p>The project sponsor shall ensure that any existing equipment containing PCBs or DEPH, such as fluorescent light ballasts (that may be present within the existing buildings on the project site), are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project sponsor and construction contractor(s).	Prior to and during construction activities.	Project Sponsor/ construction contractor(s).	Considered complete upon completion of demolition and proper abatement activities.
<b>IMPROVEMENT MEASURES</b>				
<p><b>Project Improvement Measure 1 – Queue Abatement Methods</b></p> <p>It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</p>	Owner/operator of the project's off-street parking facility.	Upon operation of the off-street parking facility.	Owner/operator; Planning Department.	Ongoing during operation.

<b>Attachment A:</b> <b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>(Includes Text for Adopted Mitigation and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>				
<p><b>Project Improvement Measure 2 – Warning Signal for Outbound Vehicle Exits</b></p> <p>Install an automatic, audible and visible warning signal to alert pedestrians and inbound vehicles of outbound vehicles exiting the project garage.</p>	Owner/operator of the project's off-street parking facility.	Upon operation of the off-street parking facility.	Owner/operator; Planning Department.	Ongoing during operation.



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Initial Study – Community Plan Evaluation

*Case No.:* 2013.0538E  
*Project Address:* 999 Folsom Street/301 6th Street  
*Zoning:* MUR (Mixed Use-Residential)  
SoMa Youth and Family Special Use District  
85-X Height and Bulk District  
*Block/Lot:* 3753/122  
*Lot Size:* 16,389 square feet (0.38 acres)  
*Plan Area:* Eastern Neighborhoods Area Plan (East SoMa)  
*Project Sponsor:* Jody Knight – Reuben, Junius & Rose LLP; (415) 567-9000  
*Staff Contact:* Julie Moore, Julie.Moore@sfgov.org; (415) 575-8733

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

#### Project Location and Existing Uses

The project site is located at the southeast corner of the intersection of Folsom Street and 6th Street in San Francisco's South of Market neighborhood (Figure 1). The rectangular project site (Assessor's Block 3753, Lot 122) has frontages along three streets, approximately 165 feet on 6th Street and 100 feet on both Folsom and Shipley Streets. The eastern side of the site abuts a three-story building (989 Folsom Street/286 Shipley Street). In the vicinity of the project site, Folsom Street is a three-lane, one-way eastbound street, with a bicycle lane and parking on both sides of the street; an SFMTA bus shelter and stop is located adjacent to the site. 6th Street is a busy thoroughfare with three lanes in each direction; and Shipley Street is a narrow one-way westbound street. The project vicinity is an eclectic mix of uses and structures ranging from one-story industrial buildings to five-story residential developments. The Gene Friend Recreation Center is located diagonally across from the site at the northwest corner of the Folsom and 6th Street intersection approximately 250 feet from the site. The Victoria Manalo Draves Park is located on Folsom Street, between Columbia Square and Sherman Street, approximately 350 feet to the southwest of the project site. Bessie Carmichael Elementary School is located at 349 – 365 7<sup>th</sup> Street, south of the park and 650 feet to the southwest of the project site. The project site is also located within the Filipino Cultural Heritage District.

The project site is occupied by a surface parking lot with approximately 70 parking spaces and an existing, one-story, approximately 1,500-sf, former automotive service station structure now used for hand car wash and detailing. The service station was constructed in 1955 and ceased operation in the 1990s. Two free-standing general advertising signs (billboards) are also located on the project site.

#### Project Characteristics

The proposed project would demolish the one-story structure, billboards, and surface parking lot, and construct a new 8-story, 82-foot-tall, mixed-use building of approximately 95,000-square-feet (sf) including the parking garage. Elevator, stair, and mechanical penthouses would extend up to 16-feet in

height above the rooftop, as allowed by the Planning Code. The proposed building would include 84 residential dwelling units (consisting of 34 two-bedroom, 49 one-bedroom, and one studio units) on floors 2 through 8. On the ground floor, the building would include approximately 5,900 sf of commercial space in three tenant spaces with entries on each of the street frontages, an approximately 6,200-sf parking garage, a secure bicycle storage room and lockers, a residential lobby and utility rooms. The proposed parking garage would include 37 vehicle parking spaces, of which 33 vehicles would be accommodated in triple stackers, two ADA accessible parking spaces, and one car share space. The bicycle storage room and lockers would provide 85 Class 1 bicycle parking spaces; 16 Class 2 bicycle parking spaces would be located on the sidewalks in front of the project site on 6th and Folsom Streets. The project's open space would consist of a second level rear yard and a roof deck of approximately 4,100 sf and 2,700 sf, respectively.

The project would remove two approximately 30-foot curb cuts on 6th Street and one 25-foot curb cut on Folsom Street. The existing curb cut on Shipley Street would be reduced from 32 to 10 feet, and would provide access to the parking garage. The project proposes additional design and streetscape improvements including recessing the ground floor from approximately four feet from the property line (effectively extending sidewalk space) on Shipley Street; recessing the ground floor approximately four feet from the property line at the commercial and delivery entries (a width of approximately 22 feet), and recessing the building up to seven feet for the residential lobby entry on Folsom Street, recessed planters, a strip of permeable pavers and seven new street trees along the edge of 6th Street, 16 Class 2 bicycle spaces in bicycle racks on 6th Street and Folsom Street, nine new street trees on Shipley and Folsom Streets, and accessible curb ramps at the street corners. The project also proposes a 35-foot-long yellow commercial loading zone (i.e. yellow curb) in front of the delivery entry on 6th Street and between two of the commercial entries, as well as a 20-foot-long white passenger loading zone on 6th Street near the corner of Folsom Street. The loading zones on 6th Street would need to be designated by the SFMTA; therefore, the project sponsor would submit a request to SFMTA.

### **Project Construction**

Project construction phases would consist of demolition, excavation and foundation construction, superstructure construction, exterior wall construction and glazing, and building interior and finishes. Project construction is estimated to take approximately 24 to 28 months to complete. The proposed project would require soil excavation to depths up to 10 feet below grade for parking stackers and building foundations and removal of approximately 8,500 cubic yards of soil. Although the geotechnical report prepared for the project (discussed below) indicates that the building may be supported by a deep, precast concrete pile foundation and structural slab, final foundation design would be determined by the project engineers during project permitting. Pile installation would be drilled, if feasible. Because this is not known with certainty, for the purposes of this environmental review it is assumed that pile driving may be required. Foundation work is estimated to take about two months of the construction period. The building superstructure would be constructed over three to four months, followed by installation of the building exterior skin and interior features for the remainder (18-22 months) of the construction period.

### **Project Plans and Figures**

Project plans and figures are located at the end of this section on pages 4 through 10. Figure 1 shows the proposed project's location; Figure 2 shows the ground floor plan; Figure 3 shows the second floor plan; Figure 4 shows the a representative floor plan (third floor); Figure 5 shows the rooftop plan; Figure 6 shows the west elevation on 6th Street; and Figure 7 shows the building elevations from the Folsom and

Shipley street frontages. Additional figures are located in environmental topic 8, Wind and Shadow, depicting public open spaces in the project vicinity and potential shadow effects.

## PROJECT APPROVAL

The proposed project at 999 Folsom Street is subject to the following approvals:

### **Actions by the Planning Commission**

- Approval of a Large Project Authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and greater than 25,000 gross square feet.

### **Actions by other City Departments**

- Joint determination with the Planning Commission that the project would have no adverse shadow impact on Gene Friend Recreation Center or other parks subject to Section 295 of the Planning Code (*Recreation and Park Commission*)
- Approval of building permits for demolition and construction (*Department of Building Inspection*)
- Approval of a Site Mitigation Plan prior to the commencement of any excavation work (*Department of Public Health, Environmental Health Division*)
- Approval of the proposed curb modifications and on-street loading zones (*San Francisco Municipal Transportation Agency*)
- Approval of street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts (*Public Works, Bureau of Street Use and Mapping*)
- Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to construction. Approval of project compliance with the Stormwater Design Guidelines (*San Francisco Public Utilities Commission*)

The Large Project Authorization hearing before the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

THIS SPACE INTENTIONALLY LEFT BLANK

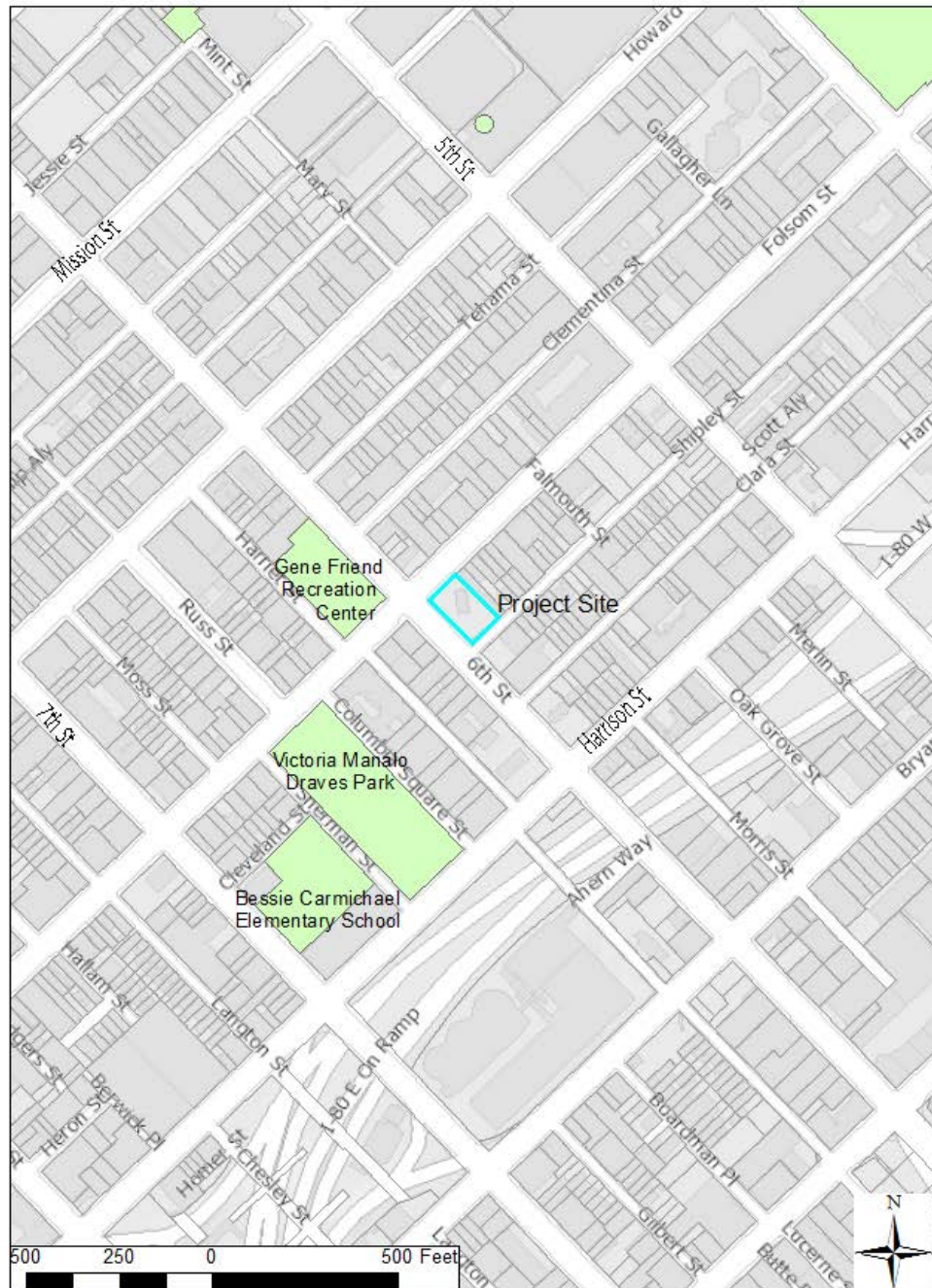


Figure 1. Project Site Location

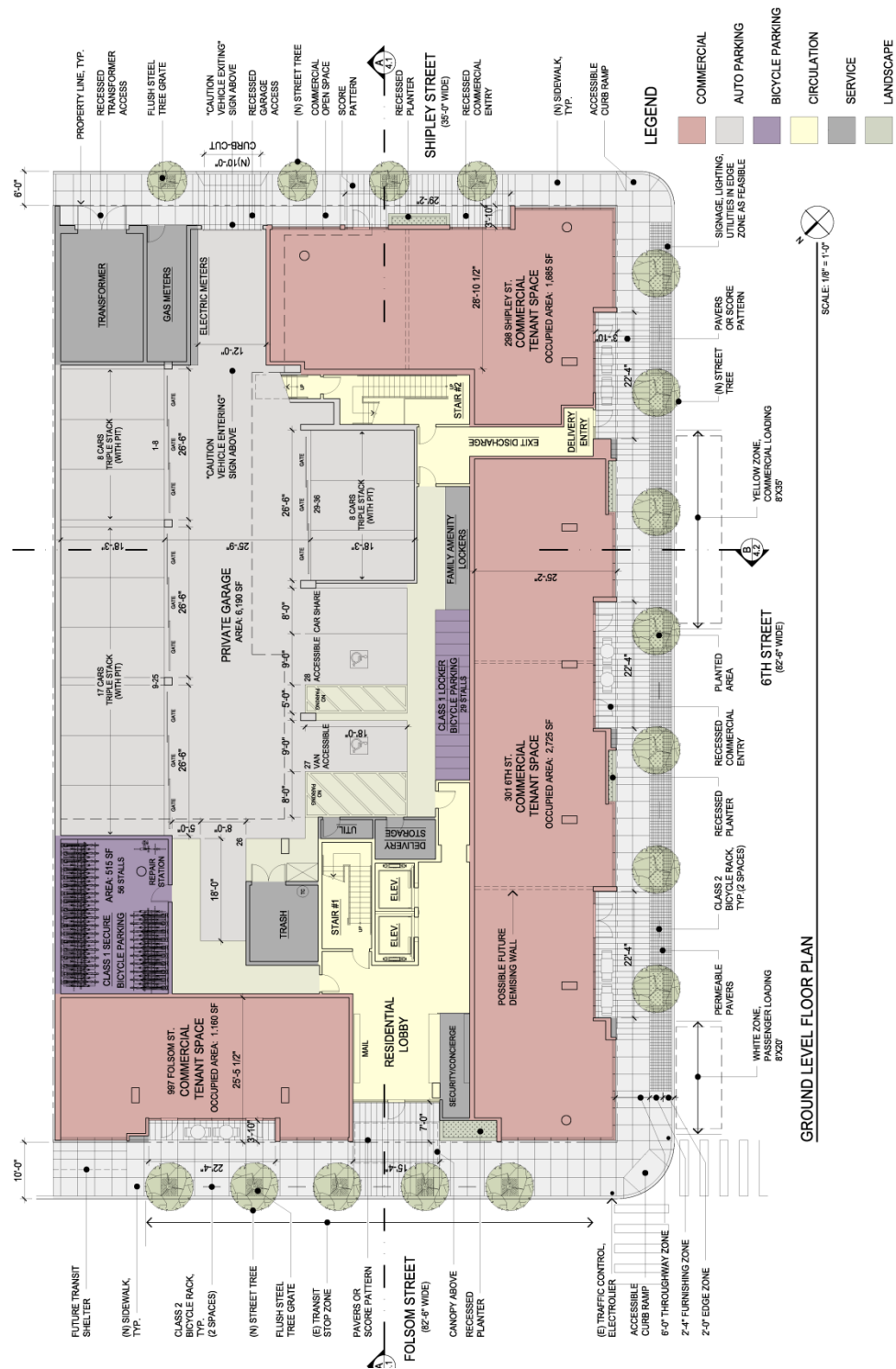


Figure 2. Ground Level Floor Plan

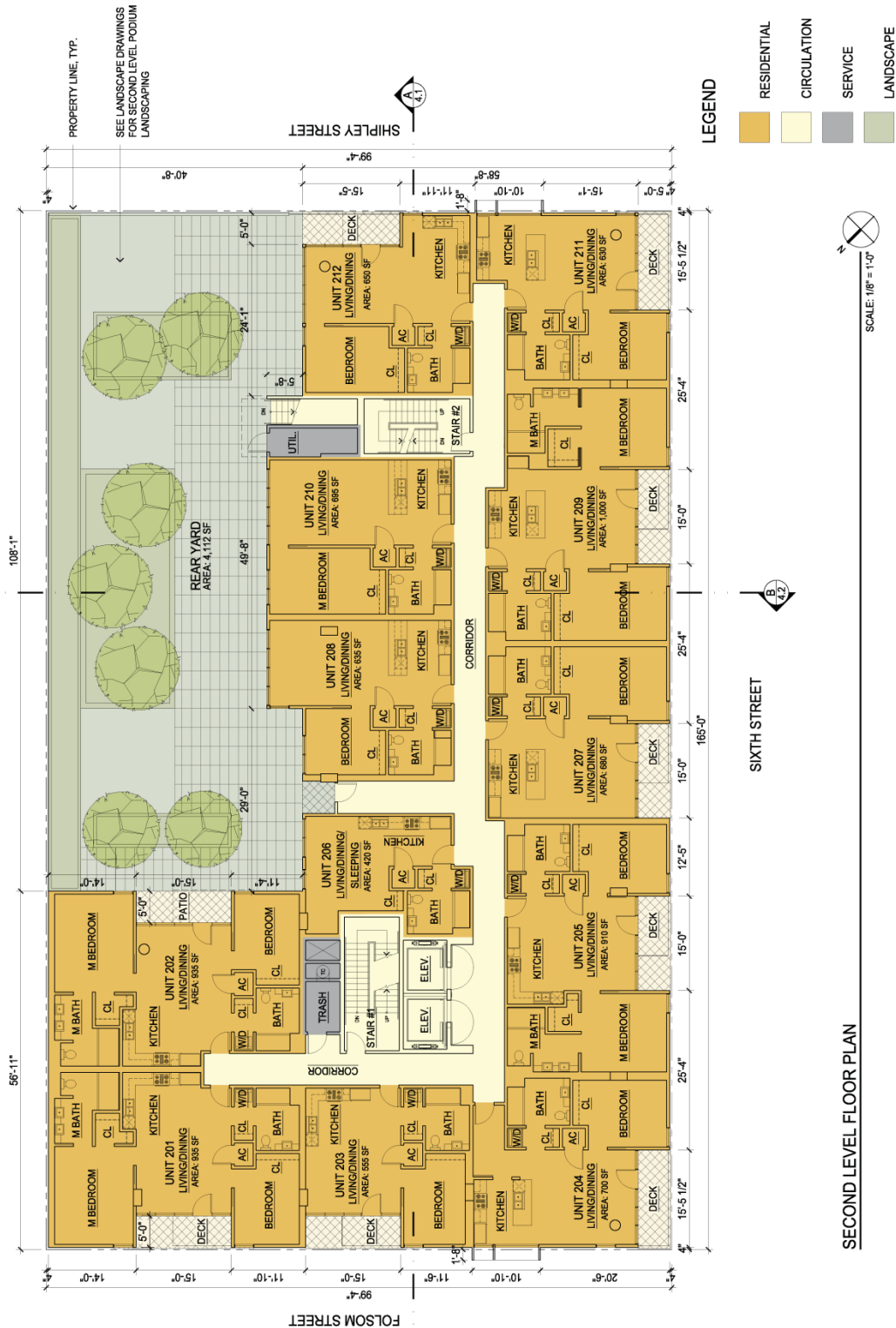


Figure 3. Second Level Floor Plan



Figure 4. Typical Floor Plan

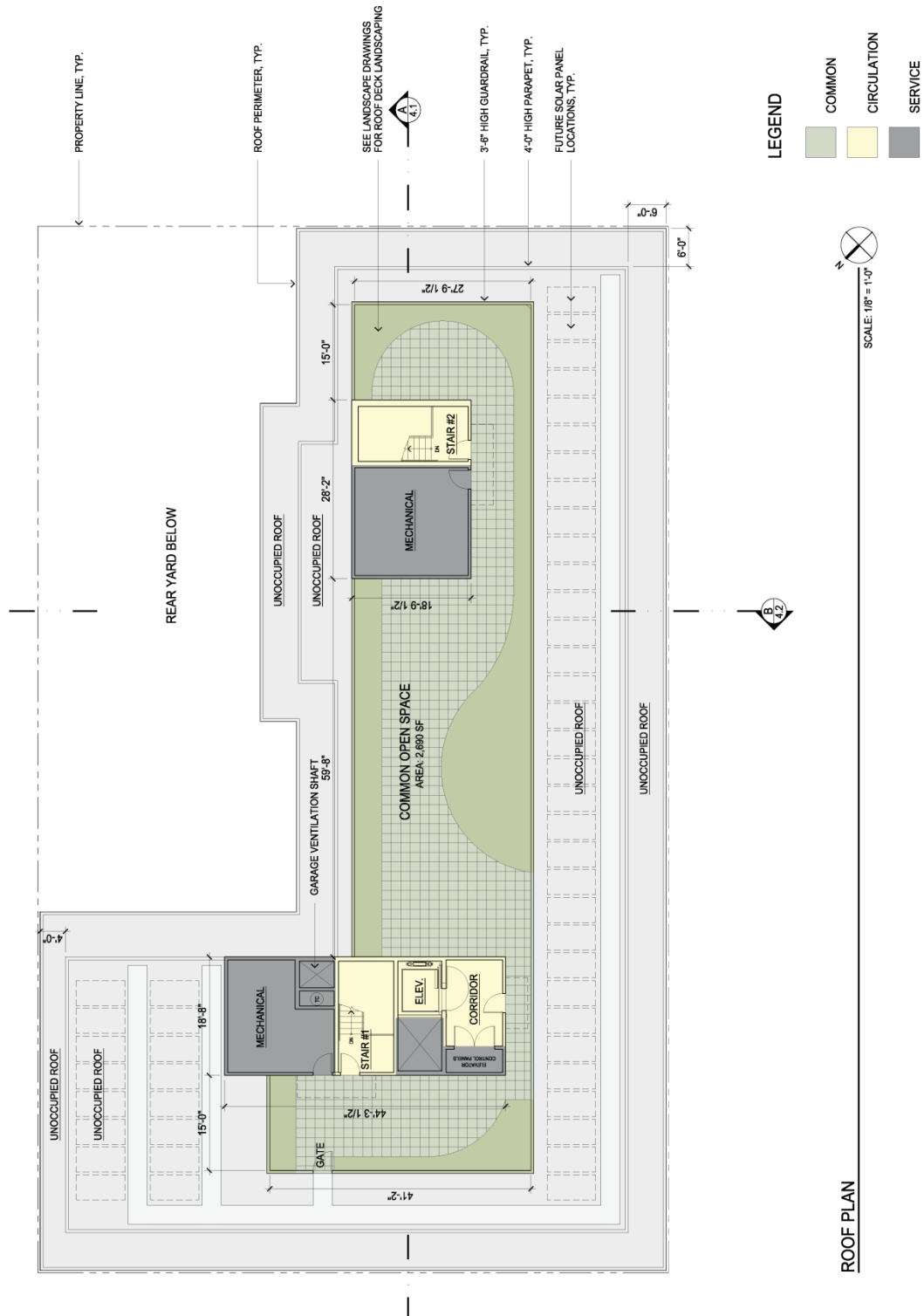
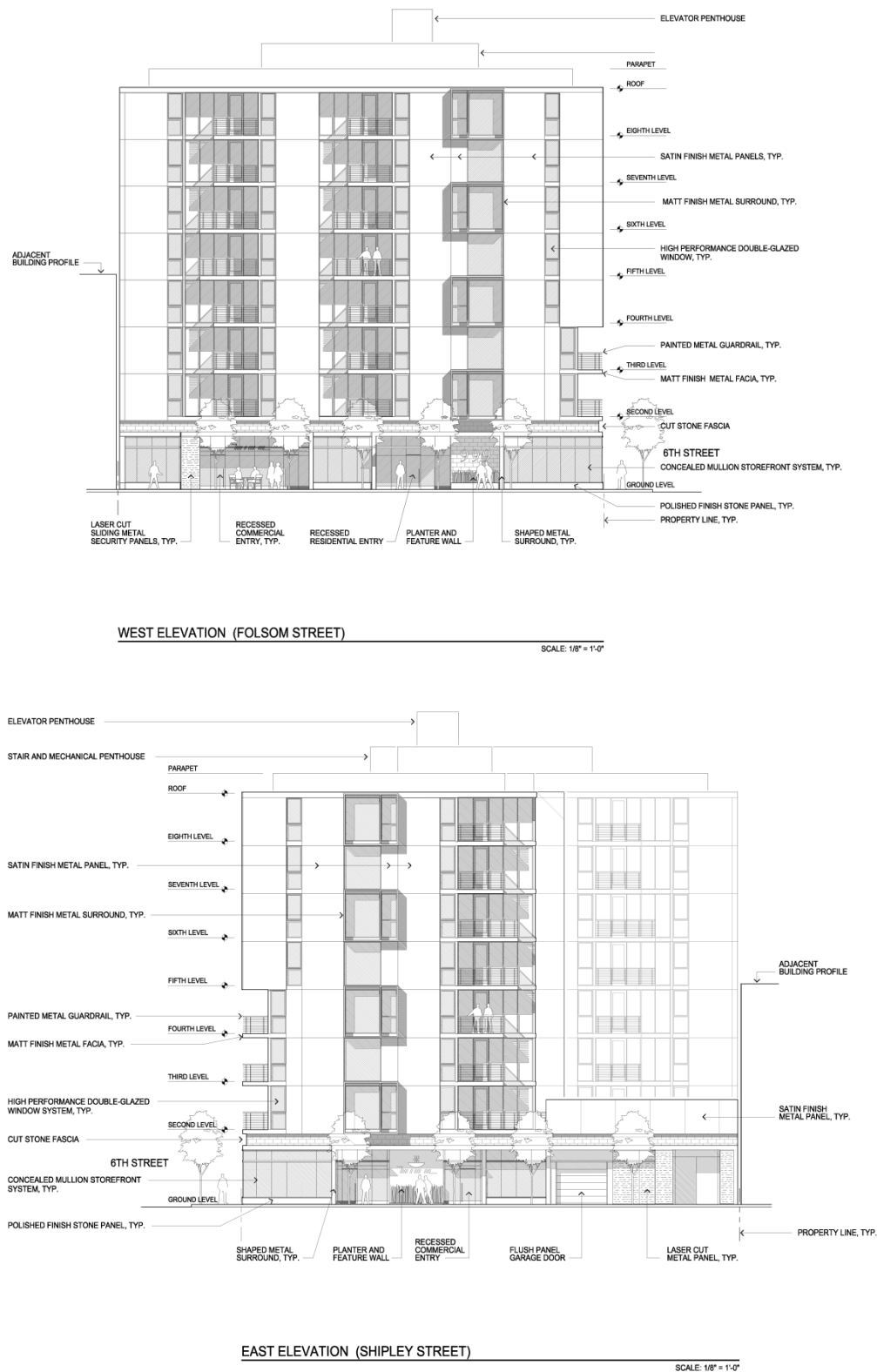


Figure 6. Roof Plan





**Figure 8. Building Elevations - Folsom Street (West) and Shipley Street (East)**

## EVALUATION OF ENVIRONMENTAL EFFECTS

This initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>1</sup> The initial study considers whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation Measures section at the end of this checklist.

The Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to land use (cumulative impacts on Production, Distribution, and Repair (PDR) use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project would include construction of an 82-foot-tall, eight-story, 95,000-square-foot building with 84 residential units over 5,868-sf of ground floor commercial space and a garage with 37 parking spaces. As discussed below in this initial study, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## CHANGES IN THE REGULATORY ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Eastern Neighborhoods plan areas. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have implemented or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

---

<sup>1</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA Section 21099” heading below).
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study Utilities and Service Systems section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

### **Aesthetics and Parking**

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup> Project elevations are included in the project description (See Figures 7 and 8).

### **Automobile Delay and Vehicle Miles Traveled**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of

---

<sup>2</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 999 Folsom Street/301 Sixth Street, February 1, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013-0538E.

transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*<sup>3</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). The VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as transit, walking, and bicycling. Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this checklist, including PEIR Mitigation Measures E-1: Traffic Signal Installation, E-2: Intelligent Traffic Management, E-3: Enhanced Funding, and E-4: Intelligent Traffic Management. Instead, a VMT analysis is provided in the Transportation and Circulation section of this initial study.

---

<sup>3</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php).

Topics:	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
<b>1. LAND USE AND LAND USE PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR analyzed a range of potential rezoning options and considered the effects of losing between approximately 520,000 to 4,930,000 square feet of PDR space in the plan area throughout the lifetime of the plan (year 2025). This was compared to an estimated loss of approximately 4,620,000 square feet of PDR space in the plan area under the No Project scenario. Within the East SoMa subarea, the Eastern Neighborhoods PEIR considered the effects of losing up to approximately 770,000 square feet of PDR space through the year 2025. The Eastern Neighborhoods PEIR determined that adoption of the rezoning and area plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR space. This impact was addressed in a *statement of overriding considerations* with CEQA findings and adopted as part of the Eastern Neighborhoods Rezoning and Areas Plans approval on January 19, 2009.

The Eastern Neighborhoods Areas include PDR clusters where similar types of PDR-related businesses are located near one another in order to capitalize on their shared proximity to customers, transportation, labor, and infrastructure. The PEIR noted that certain types of PDR uses have clustered in East SoMa subarea, including, but not limited to, printing and publishing and auto repair, and that the auto repair PDR cluster is concentrated west of 5th Street.<sup>4</sup> As discussed in the Project Description section, the project site is developed with a surface parking lot and a one-story, 1,500-sf building containing a hand car wash and detailing business. This use, while a type of automobile service, would not be considered to combine with the auto repair uses in the project site vicinity that may form a PDR cluster, as the use is generally dependent upon daily vehicle parking rather than the nearby vehicle repair businesses for customers. Removal of the PDR uses at the project site would have little effect on the viability of this PDR cluster and would not contribute considerably to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR.

Development of the proposed project would result in the net loss of approximately 1,500 square feet of PDR building space currently used for automobile carwash and hand detailing. Motor vehicle services, light manufacturing, trade shop, and business goods and equipment repair service are allowable uses in

<sup>4</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008, page 40. Available at <http://www.sf-planning.org/index.aspx?page=1893>, accessed April 4, 2017.

the Mixed-Use Residential (MUR) District, as they were in the previous zoning for the site: Residential Service Mixed-Use District (RSD). While the MUR District allows some PDR uses, the zoning controls are intended to facilitate the development of high-density, mid-rise housing and encourage the expansion of retail, business service, and commercial activities; heavy industrial uses are not permitted. As such, the Eastern Neighborhoods rezoning envisioned the same broad mix of uses as the previous zoning for the project site. The proposed project is consistent with the development density established for the site under the Eastern Neighborhoods Rezoning and Area Plans. As stated above, the PEIR acknowledges that the loss of PDR space resulting from development under the adopted rezoning and area plans would have a significant and unavoidable cumulative impact on land use. The proposed loss of 1,500 square feet of existing PDR uses would not be a considerable contribution to the cumulative loss of PDR space analyzed in the Eastern Neighborhoods PEIR, and would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project's contribution to this cumulative impact does not require any additional environmental review beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study.

The Eastern Neighborhoods PEIR determined that implementation of the area plans would not create any new physical barriers in the Eastern Neighborhoods because the rezoning and area plans do not provide for any new major roadways, such as freeways that would disrupt or divide the plan area or individual neighborhoods or subareas.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Mixed-Use Residential (MUR) District and is consistent with the bulk, density, and land uses as envisioned in the East SoMa Area Plan. The MUR District permits residential dwelling units without specific density limitations, allowing physical controls such as height and bulk to control unit density. At least 40 percent of all dwelling units must contain two or more bedrooms or 30 percent must contain at least three bedrooms. The project contains 84 dwelling units, 40 percent of which would be two-bedroom units. In addition, there would be three ground floor retail spaces totaling approximately 5,900 square feet. The project would not exceed the applicable 85-foot height limit, except for certain rooftop features such as stair and elevator penthouses as allowable by the Planning Code. The project falls within the "6th Street Corridor" generalized district, intended to encourage small scale neighborhood-serving uses, as well as the "Mixed Use" district, which encourages a mix of uses including PDR, small office, and residential development. As a mixed use project with residential uses and small-scale retail, the proposed project is consistent with this designation.<sup>5,6</sup>

Because the proposed project is consistent with the development density established in the Eastern Neighborhoods Rezoning and Area Plans, implementation of the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to land use and land use planning, and no mitigation measures are necessary.

---

<sup>5</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 999 Folsom Street/301 Sixth Street, June 10, 2015.

<sup>6</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 999 Folsom Street/301 Sixth Street, September 24, 2015.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
---------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

## 2. POPULATION AND HOUSING—

### Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods area plans is to identify appropriate locations for housing in the City's industrially zoned land to meet the citywide demand for additional housing. The PEIR assessed how the rezoning actions would affect housing supply and location options for businesses in the Eastern Neighborhoods and compared these outcomes to what would otherwise be expected without the rezoning, assuming a continuation of development trends and ad hoc land use changes (such as allowing housing within industrial zones through conditional use authorization on a case-by-case basis, site-specific rezoning to permit housing, and other similar case-by-case approaches). The PEIR concluded that adoption of the rezoning and area plans: "would induce substantial growth and concentration of population in San Francisco." The PEIR states that the increase in population expected to occur as a result of the proposed rezoning and adoption of the area plans would not, in itself, result in adverse physical effects, and would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City's transit first policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the area plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not directly result in significant adverse physical effects on the environment. However, the PEIR identified significant cumulative impacts on the physical environment that would result indirectly from growth afforded under the rezoning and area plans, including impacts on land use, transportation, air quality, and noise. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics, and identifies mitigation measures to address significant impacts where feasible.

The PEIR determined that implementation of the rezoning and area plans would not have a significant impact from the direct displacement of existing residents, and that each of the rezoning options considered in the PEIR would result in less displacement as a result of unmet housing demand than would be expected under the No Project scenario because the addition of new housing would provide some relief to housing market pressure without directly displacing existing residents. However, the PEIR also noted that residential displacement is not solely a function of housing supply, and that adoption of the rezoning and area plans could result in indirect, secondary effects on neighborhood character through gentrification that could displace some residents. The PEIR discloses that the rezoned districts could transition to higher-value housing, which could result in gentrification and displacement of lower-income

households, and states moreover that lower-income residents of the Eastern Neighborhoods, who also disproportionately live in crowded conditions and in rental units, are among the most vulnerable to displacement resulting from neighborhood change.

Pursuant to CEQA Guidelines 15131 and 15064(e), economic and social effects such as gentrification and displacement are only considered under CEQA where these effects would cause substantial adverse physical impacts on the environment. Only where economic or social effects have resulted in adverse physical changes in the environment, such as “blight” or “urban decay” have courts upheld environmental analysis that consider such effects. But without such a connection to an adverse physical change, consideration of social or economic impacts “shall not be considered a significant effect” per CEQA Guidelines 15382. While the Eastern Neighborhoods PEIR disclosed that adoption of the Eastern Neighborhoods Rezoning and Area Plans could contribute to gentrification and displacement, it did not determine that these potential socio-economic effects would result in significant adverse physical impacts on the environment.

The project would result in 84 new residential units and approximately 5,900 square feet of commercial space.<sup>7</sup> These direct effects of the proposed project on population and housing would not result in new or substantially more severe significant impacts on the physical environment beyond those identified in the Eastern Neighborhoods PEIR. The project’s contribution to indirect effects on the physical environment attributable to population growth are evaluated in this initial study under land use, transportation and circulation, noise, air quality, greenhouse gas emissions, recreation, utilities and service systems, and public services.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>7</sup> Based on the Planning Department’s Transportation Impact Analysis Guidelines for Environmental Review, 17 new employees are assumed for 5,900 square feet of retail use.

## Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The existing, one story, approximately 1,500-sf, structure was constructed in 1955. The existing structure was previously surveyed in the SoMa Area Historic Resource Survey and was found ineligible for listing on the National Register, California Register, or local designation of historic resources.<sup>8,9</sup> As such, the existing structure is not be considered a historic resource pursuant to CEQA, and its demolition would not result in a significant impact. The project site is not adjacent to any buildings that are considered to be historic resources, nor is it within or adjacent to a historic district. The project site is located within the Filipino Cultural Heritage District. A cultural heritage district is defined as a region and community linked together by similar cultural or heritage assets, and offering a visitor experiences that showcase those resources. The purpose of the Filipino Cultural Heritage District is to recognize, promote and preserve cultural assets of the district. While there may be properties within the Filipino Cultural Heritage District that qualify as historic resources, the district itself is not a historic district under CEQA. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR.

## Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores

---

<sup>8</sup> San Francisco Planning Department, *South of Market Area Historic Resource Survey, Map of Historic Resource Survey Findings*, November 2, 2012.

<sup>9</sup> San Francisco Planning Department, *South of Market Area Historic Resource Survey, California Historical Resource Status Codes*, December 8, 2003.

Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The proposed project would involve excavation up to 10 feet in depth below ground surface and approximately 8,500 cubic yards of soil disturbance in an area where no previous archeological studies have been prepared. Therefore, the proposed project is subject to Eastern Neighborhoods PEIR Mitigation Measure J-2, which requires preparation of a Preliminary Archeological Sensitivity Study. In accordance with Mitigation Measure J-2, Planning Department staff archeologists performed a Preliminary Archeological Review (PAR) of the project site. Based on this evaluation, the 999 Folsom Street site is located within the historic confines of Sullivan's Marsh, which was filled in by 1857. Although it is not known when the site was initially developed, the 1887 Sanborn Map shows the project site fully developed with stores, a bakery, multiple family residences with rear yard outbuildings, and fire engine house No. 6. The site was used by a gasoline station and automotive service station by 1950. Based on the geotechnical report, underground storage tanks were located in the northwestern corner of the site, resulting in soil disturbance in that area. It appears that limited soil disturbance has occurred within the remainder of the project site, particularly in areas with archeological sensitivity, and there is a moderate to high likelihood that significant historic-period archeological resources exist within the project site. The potential of the project to adversely affect archeological resources may be avoided by implementation of Project Mitigation Measure No. 1, Archeological Testing, as described in the Mitigation Measures section at the end of this document.<sup>10</sup>

For these reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Eastern Neighborhoods PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>4. TRANSPORTATION AND CIRCULATION—Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>10</sup> San Francisco Planning Department. *Preliminary Archeological Review, 999 Folsom Street*, May 12, 2015.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, or construction traffic. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction transportation impacts are specific to individual development projects, and that project-specific analyses would need to be conducted for future development projects under the Eastern Neighborhoods Rezoning and Area Plans.

Accordingly, the planning department conducted project-level analysis of the pedestrian, bicycle, loading, and construction transportation impacts of the proposed project. Based on this project-level review, the department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site.<sup>11</sup>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on transit ridership, and identified seven transportation mitigation measures, which are described further below in the Transit sub-section. Even with mitigation, however, it was anticipated that the significant adverse cumulative impacts on transit lines could not be reduced to a less than significant level. Thus, these impacts were found to be significant and unavoidable. According to Planning Department transportation calculations cited below, the proposed project would generate 314 daily transit trips, including 42 in the p.m. peak hour, and therefore would contribute to the impact on local transit.

As discussed above under “SB 743”, in response to state legislation that called for removing automobile delay from CEQA analysis, the Planning Commission adopted resolution 19579 replacing automobile delay with a VMT metric for analyzing transportation impacts of a project. Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this checklist.

The Eastern Neighborhoods PEIR did not evaluate vehicle miles traveled or the potential for induced automobile travel. The VMT Analysis presented below evaluates the project’s transportation effects using the VMT metric.

<sup>11</sup> San Francisco Planning Department, Transportation Study Determination, Case No. 2013.0538E, 999 Folsom Street/301 6th Street, September 22, 2014.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, the Initial Study Checklist topic 4c is not applicable.

### **Vehicle Miles Traveled (VMT) Analysis**

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.<sup>12,13</sup>

For residential development, the existing regional average daily VMT per capita is 17.2.<sup>14</sup> For retail development, regional average daily retail VMT per employee is 14.9.<sup>15</sup> Average daily VMT for these land

---

<sup>12</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>13</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>14</sup> Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

uses is projected to decrease in future 2040 cumulative conditions (Refer to Table 1). Table 1 presents the Average Daily Vehicle Miles Traveled for the region as well as the transportation analysis zone in which the project site is located, 631.

**Table 1. Average Daily Vehicle Miles Traveled**

<u>Land Use</u>	<u>Existing</u>			<u>Cumulative 2040</u>		
	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 631 Average</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 631 Average</u>
Households (Residential)	17.2	14.6	2.2	16.1	13.7	1.8
Employment (Retail)	14.9	12.6	9.1	14.6	12.4	8.7

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* ("proposed transportation impact guidelines") recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone that exhibits low levels of VMT (at least 15% less than the Bay Area regional average); Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

The project site is in Transportation Analysis Zone 631, which has an existing Average Daily VMT per capita for residential development of 2.2, and a future 2040 Average Daily VMT per capita of 1.8 for residential use. These VMT levels are 85-87% below the Bay Area regional average daily VMT for existing and future residential development. Similarly, the existing and future Average Daily VMT per retail employee of 9.1 and 8.7 are approximately 40% below the Bay Area regional average daily VMT for retail

<sup>15</sup> Retail travel is not explicitly captured in SF-CHAMP, rather, there is a generic "Other" purpose which includes retail shopping, medical appointments, visiting friends or family, and all other non-work, non-school tours. The retail efficiency metric captures all of the "Other" purpose travel generated by Bay Area households. The denominator of employment (including retail; cultural, institutional, and educational; and medical employment; school enrollment, and number of households) represents the size, or attraction, of the zone for this type of "Other" purpose travel.

land uses.<sup>16</sup> Therefore, the proposed project would not cause substantial additional VMT and impacts would be less-than-significant impact.

### **Trip Generation**

The proposed project would construct an 8-story building with 84 residential units, approximately 5,900 sf of retail space, 37 vehicle parking spaces in an off-street garage, 85 Class 1 bicycle parking spaces, and 16 Class 2 parking spaces.

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>17</sup> The proposed project would generate an estimated 1,611 person trips (inbound and outbound) on a weekday daily basis, consisting of 541 person trips by auto, 314 transit trips, 549 walk trips and 206 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 204 person trips, consisting of 67 person trips by auto (45 vehicle trips accounting for vehicle occupancy data for this Census Tract), 42 transit trips, 69 walk trips and 26 trips by other modes.

### **Transit**

Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant transit impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. In compliance with a portion of Mitigation Measure E-5: Enhanced Transit Funding, the City adopted impact fees for development in Eastern Neighborhoods that go towards funding transit and complete streets. In addition, San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code, referred to as the Transportation Sustainability Fee (Ordinance 200-154, effective December 25, 2015).<sup>18</sup> The fee updated and replaced the prior Transit Impact Development Fee, which is in compliance with portions of Mitigation Measure E-5: Enhanced Transit Funding. The proposed project would be subject to the fee. In compliance with Mitigation Measure E-11: Transportation Demand Management, the San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code to create a Transportation Demand Management (TDM) Program for all new projects of certain sizes, in all zoning districts (Ordinance No. 34-17, effective March 19, 2017).<sup>19</sup> Both the Transportation Sustainability Fee and the TDM program are part of the Transportation Sustainability Program.<sup>20</sup> In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and

---

<sup>16</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 999 Folsom/301 Sixth Street, February 1, 2017.

<sup>17</sup> San Francisco Planning Department, Transportation Calculations for 999 Folsom Street/301 6<sup>th</sup> St, February 9, 2017.

<sup>18</sup> Two additional files were created at the Board of Supervisors for TSF regarding hospitals and health services, grandfathering, and additional fees for larger projects: see Board file nos. 151121 and 151257.

<sup>19</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=4979626&GUID=D19B15D5-5169-4ADE-8C32-0966CE4201C8>.

<sup>20</sup> <http://tsp.sfplanning.org>

increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 16th Street to Mission Bay (expected construction between 2017 and 2020), and the Travel Time Reduction Project on Route 9 San Bruno (initiation in 2015). In addition, Muni Forward includes service improvements to various routes with the Eastern Neighborhoods Plan area; for instance the implemented new Route 55 on 16th Street.

Mitigation Measure E-7 also identifies implementing recommendations of the Bicycle Plan and Better Streets Plan. As part of the San Francisco Bicycle Plan, adopted in 2009, a series of minor, near-term, and long-term bicycle facility improvements were planned within the Eastern Neighborhoods, including along 2nd Street, 5th Street, 17th Street, Townsend Street, Illinois Street, and Cesar Chavez Boulevard. The San Francisco Better Streets Plan, adopted in 2010, describes a vision for the future of San Francisco's pedestrian realm and calls for streets that work for all users. The Better Streets Plan requirements were codified in Section 138.1 of the Planning Code and new projects constructed in the Eastern Neighborhoods Plan area are subject to varying requirements, dependent on project size. Another effort which addresses transit accessibility, Vision Zero, was adopted by various City agencies in 2014. Vision Zero focuses on building better and safer streets through education, evaluation, enforcement, and engineering. The goal is to eliminate all traffic fatalities by 2024. Vision Zero projects within the Eastern Neighborhoods Plan area include pedestrian intersection treatments along Mission Street from 18th to 23rd streets, the Potrero Avenue Streetscape Project from Division to Cesar Chavez streets, and the Howard Street Pilot Project, which includes pedestrian intersection treatments from 4th to 6th streets.

The project site is located within a quarter mile of several local transit lines including Muni lines 12-Pacific, 14-Mission, 19-Polk, 27-Bryant, 30-Stockton, 45-Union, 47-Van Ness, and 8-Bayshore. The proposed project would be expected to generate 314 daily transit trips, including 42 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 42 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, the project site is located within a quarter-mile of the 27-Bryant Muni lines. The proposed project would not contribute considerably to these conditions as its minor contribution of 42 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

## **Conclusion**

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transportation and circulation and would not contribute considerably to cumulative transportation and circulation impacts that were identified in the Eastern Neighborhoods PEIR.

Although the proposed project would have less-than-significant transportation and circulation impacts, a circulation review of the site plan identified two improvement measures that could be implemented to lessen the effects of project-related vehicular traffic in the project vicinity. Project Improvement Measure 1

would implement queue abatement methods to ensure that recurring vehicle queues do not occur in the public right-of-way. Project Improvement Measure 2 would install an automatic signal to alert pedestrians and inbound vehicles of vehicles exiting the project garage. The recommended improvement measures are described in full in the Improvement Measures section on page 57 of this checklist.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. The Eastern Neighborhoods PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant. The Eastern Neighborhoods PEIR identified six noise mitigation measures, three of which may be applicable to subsequent

development projects.<sup>21</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

### Construction Noise

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Residences (considered noise-sensitive receptors) located across 6th Street and Shipley Street, could be affected by construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). As discussed above under Project Description, the final foundation design and feasibility of drilling piers would be determined by the project engineers. Therefore, this analysis conservatively assumes the possibility of pile driving and particularly noisy construction activities during project construction. For this reason, it is assumed that PEIR Mitigation Measures F-1 and F-2 would apply to the proposed project. The full text of these measures is provided in the Mitigation Measures Section at the end of this document, as Project Mitigation Measure 2 (Pile Driving) and Project Mitigation Measure 3 (Construction Noise).

In addition, all construction activities for the proposed project (approximately 24 to 28 months) would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works (PW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of PW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 24 to 28 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise

---

<sup>21</sup> Eastern Neighborhoods PEIR Mitigation Measures F-3, F-4, and F-6 address the siting of sensitive land uses in noisy environments. In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Available at: <http://www.courts.ca.gov/opinions/documents/S213478.PDF>). As noted above, the *Eastern Neighborhoods PEIR* determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant, and thus would not exacerbate the existing noise environment. Therefore, Eastern Neighborhoods Mitigation Measures F-3, F-4, and F-6 are not applicable. Nonetheless, for all noise sensitive uses, the general requirements for adequate interior noise levels of Mitigation Measures F-3 and F-4 are met by compliance with the acoustical standards required under the California Building Standards Code (California Code of Regulations Title 24).

would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance and Eastern Neighborhoods PEIR Mitigation Measures F-1 and/or F-2, which would reduce construction noise impacts to a less-than-significant level.

### **Operational Noise**

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed project does not include such noise-generating uses and Mitigation Measure F-5 is not applicable to the project.

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. The California Building Standards Code (Title 24) establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into Section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with Title 24, DBI would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet Title 24 acoustical requirements. If determined necessary by DBI, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

Additionally, the proposed project would be subject to the Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance 70-15, effective June 19, 2015). The intent of these regulations is to address noise conflicts between residential uses in noise critical areas, such as in proximity to highways and other high-volume roadways, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. In accordance with the adopted regulations, residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design would limit exterior noise to 45 decibels in any habitable room. Furthermore, the regulations require the Planning Department and Planning Commission to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topic 12e and f from the CEQA Guidelines, Appendix G are not applicable.

For the above reasons, the proposed project would not result in significant noise impacts that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY—Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>22</sup> as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.<sup>23</sup>

### Construction Dust Control

Eastern Neighborhoods PEIR Mitigation Measure G-1 Construction Air Quality requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and

<sup>22</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

<sup>23</sup> The Eastern Neighborhoods PEIR also includes Mitigation Measure G-2, which has been superseded by Health Code Article 38, as discussed below, and is no longer applicable.

to avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping and other measures.

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure G-1. Therefore, the portion of PEIR Mitigation Measure G-1 Construction Air Quality that addresses dust control is no longer applicable to the proposed project.

### **Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>24</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>25</sup> for determining whether a project’s criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. The proposed mixed use development of 84 residential units and approximately 5,900 square feet of retail use would meet the Air Quality Guidelines screening criteria for construction and operation.<sup>26</sup> Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### **Health Risk**

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, amended December 8, 2014)(Article 38). The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. For sensitive use projects within the Air Pollutant Exposure Zone, such as the proposed project, the ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM<sub>2.5</sub> (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that

---

<sup>24</sup> San Francisco Planning Department, Eastern Neighborhood’s Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

<sup>25</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

<sup>26</sup> Ibid, Table 3-1. Criteria air pollutant screening levels for a mid-rise apartment is 494 dwelling units for operation and 240 dwelling units for construction; criteria air pollutant screening levels for a regional shopping center or strip mall is 99,000 sf for operation and 277,000 sf for construction.

the applicant has an approved Enhanced Ventilation Proposal. In compliance Article 38, the project sponsor has submitted an initial application to DPH.<sup>27</sup>

### *Construction*

The project site is located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during approximately 7 months of the anticipated 24 to 28-month construction period. Thus, Project Mitigation Measure 4, Construction Air Quality, has been identified to implement the portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 4, Construction Air Quality, would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.<sup>28</sup> Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 4, Construction Air Quality. The full text of Project Mitigation Measure 4, Construction Air Quality, is provided in the Mitigation Measures Section below.

### *Siting New Sources*

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day or include new sources of TACs. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 and G-4 are not applicable.

### **Conclusion**

For the above reasons, Eastern Neighborhoods PEIR air quality mitigation measure G-1 (Project Mitigation Measure 4), Construction Air Quality, is applicable to the proposed project. With implementation of Project Mitigation Measure 4, Construction Air Quality, the project would not result in significant air quality impacts that were not identified in the PEIR.

---

<sup>27</sup> San Francisco Department of Public Health, email from Jonathan Piakis confirming receipt of application for Article 38 Compliance Assessment for 301 6<sup>th</sup> Street, September 15, 2015.

<sup>28</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
---------	-----------------------------------------------------------------	-------------------------------------------------	----------------------------------------------------------------	------------------------------------------------------------------

## 7. GREENHOUSE GAS EMISSIONS—

### Would the project:

- |                                                                                                                                                 |                          |                          |                          |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the East SoMa Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>29</sup> per service population,<sup>30</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project's GHG impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions*<sup>31</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>32</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *2010 Clean Air Plan*,<sup>33</sup> Executive Order S-3-05<sup>34</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>35,36</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals

<sup>29</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>30</sup> Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

<sup>31</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>32</sup> ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

<sup>33</sup> Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

<sup>34</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

<sup>35</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill\\_asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill_asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>36</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

established under Executive Orders S-3-05<sup>37</sup> and B-30-15.<sup>38,39</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site with the demolition of the approximately 1,800-sf automobile detailing structure and the construction of an eight-story, mixed-use building with 84 dwelling units and approximately 5,900 sf of commercial space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Commuter Benefits Program, Emergency Ride Home Program, Transportation Sustainability Fee, Transit Impact Development Fee, Transportation Demand Management program, bicycle parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>40</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill,

---

<sup>37</sup> Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>38</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>39</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>40</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>41</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations limiting refrigerant emissions would reduce emissions of GHGs. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>42</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>43</sup>

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations. Furthermore, the proposed project is within the scope of the development evaluated in the PEIR and would not result in impacts associated with GHG emissions beyond those disclosed in the PEIR. For the above reasons, the proposed project would not result in significant GHG emissions that were not identified in the Eastern Neighborhoods PEIR and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW – Would the project:</b>				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Wind

Based on the height and location of the proposed approximately 82-foot-tall building, a pedestrian wind assessment ("Wind Assessment") was prepared by a qualified wind consultant for the proposed project.<sup>44</sup> The objective of the Wind Assessment was to provide a qualitative evaluation of the potential wind impacts of the proposed development, which provides a screening-level estimation of the potential wind impact. Although the project site is not within the C-3 zoning district and therefore not subject to Planning Code section 148, the 26-mile-per-hour wind hazard criterion from section 148 was used to evaluate the potential wind impacts of the project. The Wind Assessment found that the proposed building would not contribute to a new wind hazard or exacerbate an existing wind hazard. The project would have relatively small changes in the local winds exceeded more than 10 percent of the time and such changes would be insubstantial. Based on the general similarity of development height on the site

<sup>41</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>42</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>43</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 301 6<sup>th</sup> Street/999 Folsom Street*, February 10, 2017.

<sup>44</sup> ESA, *Technical Memorandum, Potential Impact of Proposed Mixed Use Residential Project, 999 Folsom Street*, March 10, 2017.

block and the blocks immediately upwind, wind conditions expected to result from the project are anticipated to be similar to those of several nearby projects<sup>45</sup> for which wind testing was performed and found not to exceed the wind hazard criterion. The Wind Assessment also found that future cumulative projects on Folsom Street and Sixth Street would reduce wind speeds at the site.

Based on the existing height limits in the vicinity of the project site, which range from 30 to 85 feet, nearby cumulative development projects would not exceed 85 feet in height and would not be substantially taller than existing development. In general, clusters or groups of buildings that are of similar height have little potential to intercept overhead winds, redirect them downward to the sidewalk, and adversely affect ground-level wind conditions. For these reasons, implementation of cumulative development projects in the vicinity of the project site is not expected to result in a significant cumulative wind impact.

### **Shadow**

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Parks Department between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., these parks and open space are under jurisdiction of departments other than the Recreation and Parks Department or privately owned) and because Section 295 does not apply to buildings up to 40 feet in height which might also contribute to shadow impacts at nearby parks. The Eastern Neighborhoods PEIR could not conclude if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

In addition, the Eastern Neighborhoods PEIR acknowledged that changes in height limits in the area surrounding the Gene Friend Recreation Center would result in more extensive shadows on the park property and that compliance with Section 295 would limit potential new shadow impacts, compared to what could otherwise occur. However, it could not be stated with certainty that compliance with Section 295 would always mitigate any potential significant shadow effects under CEQA. Moreover, sites occupied by one-story to three-story buildings surrounding the southern end of the recreation center could be redeveloped with taller buildings up to 40-feet-tall without triggering Section 295. Therefore, for the same reasons as above, the Eastern Neighborhoods PEIR concluded that impacts on Gene Friend Recreation Center would be significant and unavoidable for all three rezoning options and the No-Project Alternative.

Because the proposed project would construct a 82-foot-tall building and the Planning Department's preliminary shadow fan analysis indicated that the project would have the potential to cast new shadow

---

<sup>45</sup> Ibid. These projects include 942 Mission Street (Case No. 2010.1014), 888 Howard Street (Case No. 2000.790), and 855 Folsom Street (Case No. 1996.671).

on the Gene Friend Recreation Center and Victoria Manalo Draves Park (Figure 9), both under the jurisdiction of the Recreation and Parks Department, a more detailed shadow analysis was prepared to quantify the amount of new shadow that would be cast by proposed project on these properties throughout the entire calendar year. The results of the shadow study are summarized below.<sup>46</sup>

#### *Gene Friend Recreation Center*

The Gene Friend Recreation Center is located at the northwest corner of the intersection of 6th Street and Folsom Street, diagonally across the intersection from the project site. It is bordered by a two-story property on the north, Harriet Street on the west, Folsom Street on the south and 6th Street on the east. The recreation center provides a mix of outdoor and indoor recreation space. The recreation center building occupies three quarters of the 6th Street frontage and includes a full indoor gymnasium, activity room, weight room and auditorium. An outdoor sports court, playground, and sandbox are located to the west of the buildings adjacent to Harriet Street. A green lawn and paved walkway areas are located on the southern edge of the recreation center facility adjacent to Folsom Street. A 9-foot-tall fence encircles the recreation center and the facility and it is locked when not in operation. Gene Friend Recreation Center is open from 9 a.m. to 9 p.m. Tuesday through Friday. It is open from 9 a.m. to 5 p.m. on Saturdays and is closed on Sundays and Mondays.<sup>47</sup>

Currently, portions of the outdoor areas of the Gene Friend Recreation Center are shaded by nearby buildings (including the recreation center building) at various times of the day. New shadow would be cast on the Gene Friend Recreation Center site by the proposed project during ten months of the year from February to November, beginning at sunrise (plus one hour).<sup>48</sup> All new shadows would be gone no later than 9:14 a.m. New shadow cast by the proposed project would occur mostly on walkways and the green lawn adjacent to Folsom Street. In addition, for a short time during the first 30 minutes after sunrise, a portion of the play area and ball court would receive project shadow, although these shadows rapidly move to the southeastern corner of the park. The following summarizes the shadow study findings:

- **Shadow Duration:** The longest duration of new shadow would be in August and May for approximately 1 hour and 55 minutes from 7:25 a.m. to approximately 9:14 a.m.; the average shadow would be cast for less than approximately 1 hour 16 minutes.
- **Maximum New Shadow by Area:** The largest new shadow by area would occur in September and March at 7:57 a.m.. At its maximum, the new shadow area would be 17,318 square feet, as shown below in Figure 10.
- **Net New Total Annual Shading:** The project would increase shadow on the park by 0.8895 percent. This would result in an increase of the total annual shading from 47.9 percent to 48.8 percent of the total annual shadow.

---

<sup>46</sup> CADP, 999 Folsom Street Revised Shadow Analysis, April 27, 2017.

<sup>47</sup> <http://sfrecpark.org/destination/gene-friend-rec-center-soma/>

<sup>48</sup> The San Francisco Planning Department Section 295 Shadow Analysis application requires calculation of the maximum extent of shadows cast by a building throughout the year, between one hour after sunrise and one hour before sunset.



Source: CADP, April 2017.

**Figure 9.** Recreational Facilities in Project Vicinity

Observations of the usage of the recreation center's open areas indicate that the peak usage is in the afternoon, when the playground and basketball court become more active. In the morning, the number of individuals using the open areas varied from 6 to 17 people, with most visitors using the lawn and surrounding benches to rest or sleep.<sup>49</sup> Because the duration of new shadow on the Gene Friend Recreation Center's open areas would be relatively brief and would occur when utilization of these areas is low, the new shadow from the proposed project would not substantially affect the use and enjoyment of the Gene Friend Recreation Center. This impact is considered less than significant.

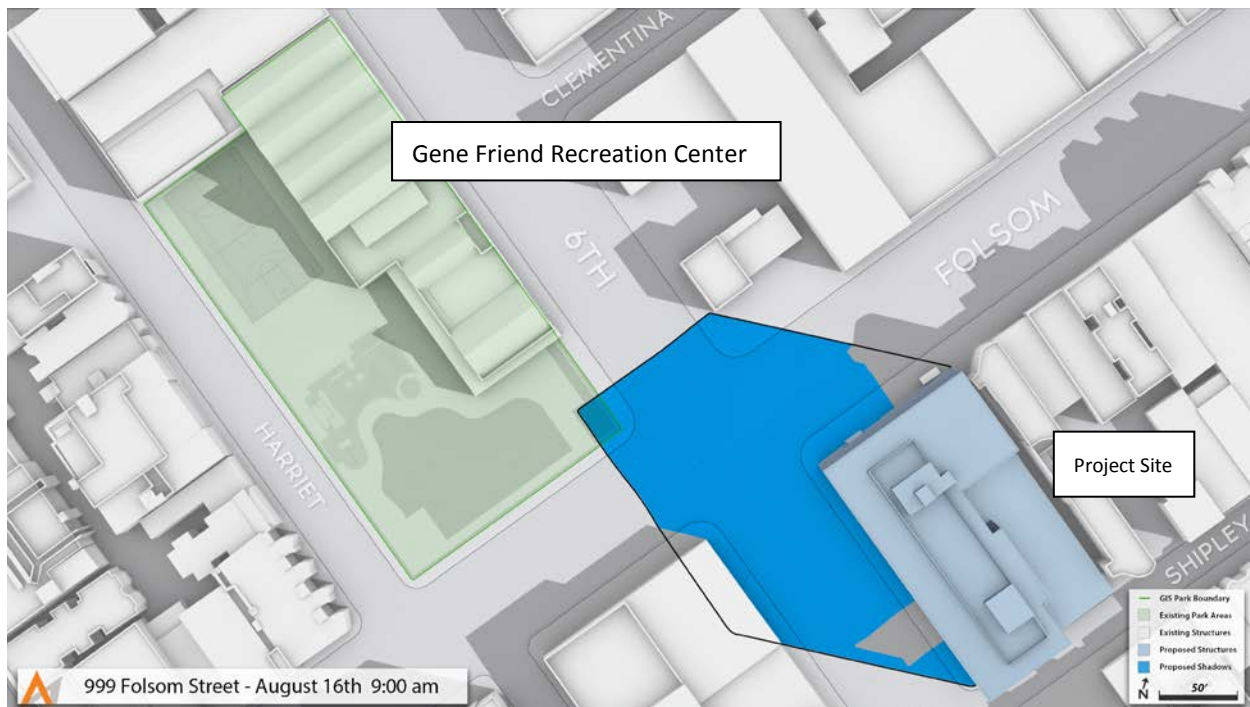
<sup>49</sup> CADP, 999 Folsom Street Revised Shadow Analysis, April 27, 2017.

Further, as discussed above, the Gene Friend Recreation Center is not open to the public until 9 a.m., and all new shadows from the proposed project on the park would be gone by 9:14 a.m.; therefore, nearly all new shadow cast would occur before the park opens. New shadows affecting the park after opening would occur for 14 minutes during approximately 20 weeks of the year. Shadows that occur after the park opens at 9:00 a.m. are very small in square footage - approximately 440 square feet or about 1 percent of the total area of the Gene Friend Recreation Center, as shown in Figure 11. Shadow would be primarily on walkways and a portion of green field, which are also currently shadowed by existing palm trees around the perimeter of the property. These factors would further minimize the potential shadow effects of the proposed project.



Source: CADP, April 2017

**Figure 10.** Maximum New Shadow by Area on Gene Friend Recreation Center



**Figure 11.** Maximum New Shadow on Gene Friend Recreation Center During Hours of Operation

When taking other reasonably foreseeable projects into consideration,<sup>50</sup> the cumulative shadow including these other proposed projects would increase shadow on the park by 1.42 percent, increasing the total annual shading from approximately 47.89 percent to 49.31 percent.<sup>51</sup>

The Gene Friend Recreation Center itself may be renovated in the future, although funding has not been identified and no formal application has been submitted to the Planning Department. Various concept designs for the potential future facility all include a two-story recreational center building located at the corner of Folsom Street and 6th Street and along the 6th Street frontage. Open space areas would be located along the western edge of the site adjacent to Harriet Street.<sup>52</sup>

#### *Victoria Manalo Draves Park*

Victoria Manalo Draves Park is a 2.5-acre park covering an entire block bounded by Folsom Street on the north, Columbia Square Street on the east, Harrison Street on the south, and Sherman Street on the west. The park includes a baseball field, sport court, green fields, playground seating area, and restrooms. The shadow analysis demonstrates that shadow cast by the proposed project on Victoria Manalo Draves Park would fall on areas of the park that are already shaded by the adjacent or nearby structures. As a result,

<sup>50</sup> Cumulative projects that could combine with the proposed project include the proposed developments at 345 6th Street (2013.1773E), 980 Folsom Street (2013.0977E), 363 6th Street (2011.0586E) and 1025 Howard Street (2015-005200ENV).

<sup>51</sup> Prevision Design, *Shadow Analysis Report for the Proposed 980 Folsom Street Project per SF Planning Section 295 Standards*, April 28, 2017.

<sup>52</sup> San Francisco Recreation & Parks, Gene Friend Rec Improvement Project, a TPL Partnership, website information available at: <http://sfrecpark.org/project/gene-friend-rec-improvement-project/>

the proposed project would add no new shadow on the park and; therefore, would have no shadow impact, and no further discussion is required.

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant impacts related to shadow that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION—Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR. However, the PEIR identified Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities. This improvement measure calls for the City to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of users.

As part of the Eastern Neighborhoods adoption, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding recreation and open space. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. This funding is being utilized for improvements and expansion to Garfield Square, South Park, Potrero Hill Recreation Center, Warm Water Cove Park, and Pier 70 Parks Shoreline within the Eastern Neighborhoods Plan area. The impact fees and the 2012 San Francisco Clean and Safe Neighborhood Parks Bond are funding measures similar

to that described in PEIR Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities.

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17<sup>th</sup> and Folsom, have opened or are under construction. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to "Transportation" section for description) and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20), along the Folsom Street frontage of the project site; and Shoreline (Route 24).

Furthermore, the Planning Code requires a specified amount of new usable open space (either private or common) for each new residential unit. Some developments are also required to provide privately owned, publicly accessible open spaces. The Planning Code open space requirements would help offset some of the additional open space needs generated by increased residential population to the project area.

As the proposed project would not degrade recreational facilities and is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

Since certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2010 Urban Water Management Plan (UWMP) in June 2011. The UWMP update includes city-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20% reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods Plan area including at the Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

### 11. PUBLIC SERVICES—Would the project:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, the project would not result in new or substantially more severe impacts on the physical environment associated with the provision of public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

### 12. BIOLOGICAL RESOURCES—Would the project:

- |                                                                                                                                                                                                                                                                                                                  |                          |                          |                          |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the Eastern Neighborhoods PEIR, the Eastern Neighborhoods Plan area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Eastern Neighborhoods Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

The project site is a former gasoline service station and asphalt paved lot located within East SoMa Plan area of the Eastern Neighborhoods Area Plan, and therefore, does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
----------------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

### 13. GEOLOGY AND SOILS—Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Thus, the PEIR concluded that implementation of the Plan would not result in significant impacts with regard to geology, and no mitigation measures were identified in the Eastern Neighborhoods PEIR.

A geotechnical investigation was prepared for the proposed project.<sup>53</sup> Based on the results of soil borings, the subsurface material consists of approximately 23 feet of artificial fill (silty sand with bricks and other man-made construction-related debris) underlain by Bay Mud to a depth of about 84 feet. Beneath the Bay Mud, firm sandy clay and dense to very dense silty sand were encountered to the total depth explored of approximately 100 feet below ground surface. Groundwater was encountered between 7 and 10 feet below surface. The geotechnical investigation states that the proposed project is not located in an Alquist-Priolo Earthquake Fault zone, and notes that the nearest active fault is about seven miles from the site. However, the proposed structure would likely be exposed to strong ground shaking during an earthquake event. Seismic hazard mapping indicates that the project site is located within an area with potential for liquefaction, and the geotechnical investigation indicates that fill soils below the groundwater table may liquefy during an earthquake, although the underlying clayey soils were not expected to liquefy. The estimated seismically-induced total settlements due to soil liquefaction are on the order of 3 to 4 inches with differential settlements of about 2 inches over approximately 40 feet. The report concludes that seismically-induced ground shaking and settlement due to soil liquefaction are common hazards in the project vicinity that can be mitigated with appropriate engineered design.

<sup>53</sup> Professional Service Industries, Inc. (PSI), Geotechnical Engineering Services Report for the Proposed Residential/Commercial Mixed-Use Development, 999 Folsom Street, San Francisco, July 28, 2014.

The geological investigation concludes that the site is appropriate for the proposed construction with incorporation of California Building Code requirements and the recommended measures from the geotechnical study. Detailed recommendations with regard to a deep foundation system of precast concrete piles founded in the sandy soils below the Bay Mud, driven pile considerations, rapid impact compaction for ground improvement, support of temporary slopes and neighboring structures during excavation, are provided in the geotechnical investigation. Additional recommendations regarding drainage, structural concrete slab, sub-grade walls and retaining walls, and construction monitoring are also provided.

The Seismic Hazards Mapping Act (SHMA) of 1990 (PRC Sections 2690–2699.6) is intended to reduce damage resulting from earthquakes. Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans. In addition, the California Geologic Survey's Special Publication 117A, *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, provides guidance for evaluating earthquake-related hazards for projects in designated zones with required investigations and recommending mitigation measures, as required by PRC Section 2695(a).

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. In addition, as discussed above the project site is with a state designated seismic hazard zone for liquefaction hazard. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code and the requirements of the SHMA would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

The project site is currently occupied by a one-story structure and an asphalt-paved parking lot; the proposed project would also occupy the entire project site and there would not be any change in the amount of impervious surface coverage; the amount of drainage and runoff would be similar to existing conditions. In accordance with the Stormwater Management Ordinance (Ordinance No. 64-16) and Public Works Code section 147, the proposed project would be subject to and would comply with the San Francisco Public Utilities Commission (SFPUC) Stormwater Design Guidelines, incorporating low impact design approaches and stormwater management systems into the project. The project anticipates that rainwater from the roof and open space would be collected and stored in a cistern located in the garage. The new building would be designed with a reclaimed water supply system that can be used for toilet flushing and landscape irrigation. Adherence to SFPUC requirements would ensure that stormwater is managed appropriately so as to not adversely affect drainage systems and water quality.

Stormwater runoff during construction must comply with the Construction Site Runoff Ordinance (Ordinance No. 260-13) and the Public Works Code section 146. Construction activities that disturbs 5,000

sf or more, such as the project, must submit an Erosion and Sediment Control Plan to the SFPUC for review and approval prior to construction. The plan would outline the best management practices (BMPs) to be implemented during construction to prevent the discharge of sediment, non-stormwater, and waste runoff from the project site. As a result, the proposed project would not increase stormwater runoff.

Therefore, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods PEIR.

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

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project's rezoning options would encourage construction of new development within the project area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of

the project area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials, and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, Under Storage Tank (UST) closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

### **Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes demolition of an existing building, Mitigation Measure L-1 would apply to the proposed project. This mitigation measure is Project Mitigation Measure 5, included in the Mitigation Measures Section below.

### **Soil and Groundwater Contamination**

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, remediation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project construction would require excavation of approximately 8,500 cubic yards of soil on a former gasoline service station site. Therefore, the project is subject to the Maher Ordinance which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6 to evaluate the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan to the DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH<sup>54</sup> and a Phase I Environmental Site Assessment has been prepared to assess the potential for site contamination.<sup>55</sup> According to this study, the former service station and automobile repair facility occupied the site from the late 1940s through the 1990s, prior to the existing hand car wash and detailing business. Five underground storage tanks (USTs) were removed from the site in November 2000. The tanks consisted of three 2,500-gallon USTs within a concrete vault located beneath the property and sidewalk along 6th Street, one 5,000-gallon and one 6,000-gallon UST near the corner of 6th Street and Folsom Street. UST Sampling activities performed during the UST removal activities indicated the presence of elevated concentrations of petroleum hydrocarbons (TPH) and its constituents (volatile organic compounds [VOCs]) in soil and groundwater. Five groundwater monitoring wells were installed to depths of approximately 20 feet below ground surface to further investigate potential soil and groundwater contamination. Based on groundwater monitoring in May 2003, concentrations of TPH and VOCs in all samples were below maximum contaminant levels<sup>56</sup> with the exception of benzene in one well. Based upon one year of monitoring data, the monitoring report concluded that VOC concentrations were stable or decreasing.<sup>57</sup> On January 6, 2005, the DPH issued a remedial action completion certification for the UST site stating that the site investigation and corrective action were performed in compliance with section 25299.37 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.<sup>58</sup>

DPH has approved the Phase I Environmental Site Assessment and concluded that further site investigation is warranted.<sup>59</sup> Prior to construction, the sponsor must submit a Phase 2 Site Characterization and Work Plan describing the procedures to be undertaken to investigate and remediate potential soil and groundwater contamination described above in accordance with Article 22A of the Health Code to the DPH for approval. Implementation of the Site Mitigation Plan, and any subsequent work that may be required by DPH, would be required to remediate soil and groundwater contamination to the regulatory cleanup levels. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

Therefore, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

---

<sup>54</sup> 999 Folsom Street/301 6th Street Maher Ordinance Application submitted March 18, 2015.

<sup>55</sup> ICES, *Phase I Environmental Site Assessment, 999 Folsom Street*, July 11, 2014.

<sup>56</sup> Maximum Contaminant Levels are standards for drinking water quality established by the US Environmental Protection Agency.

<sup>57</sup> PSI, *Second Quarter 2003 Groundwater Monitoring Report, 301-319 6th Street*, July 17, 2003.

<sup>58</sup> San Francisco Department of Public Health, *Remedial Action Completion Certification, UST Case, Former Service Station, 301-319 Sixth Street, San Francisco, LOP No. 11456*, January 6, 2005.

<sup>59</sup> San Francisco Department of Public Health, *Maher Application Review and Approval 999 Folsom Street (EHB-SAM No. \_ SMED: 1231)*, December 22, 2015.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

## 16. MINERAL AND ENERGY

### RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the Area Plan would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---------------------------------------------------------------------------	----------------------------------------------------------	--------------------------------------------------------------------------	----------------------------------------------------------------------------

## 17. AGRICULTURE AND FOREST

### RESOURCES: – Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b><i>Significant Impact Peculiar to Project or Project Site</i></b>	<b><i>Significant Impact not Identified in PEIR</i></b>	<b><i>Significant Impact due to Substantial New Information</i></b>	<b><i>No Significant Impact not Previously Identified in PEIR</i></b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that no agricultural resources exist in the Area Plan; therefore the rezoning and community plans would have no effect on agricultural resources. No mitigation measures were identified in the PEIR. The Eastern Neighborhoods PEIR did not analyze the effects on forest resources.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

## MITIGATION MEASURES

### Project Mitigation Measure 1 – Archeological Testing

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>60</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>61</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

---

<sup>60</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>61</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities\_and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In

instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

### **Project Mitigation Measure 2 – Construction Noise from Pile Driving**

The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors are required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The sponsor shall also require that contractors schedule pile-driving activities for times of the day that would minimize disturbance to neighbors.

### **Project Mitigation Measure 3 – Construction Noise**

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

### **Project Mitigation Measure 4 – Construction Air Quality**

The project sponsor or the project sponsor's Contractor shall comply with the following

#### *A. Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the

two minute idling limit.

4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

**B. Waivers.**

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

\*\* Alternative fuels are not a VDECS.

**C. Construction Emissions Minimization Plan.** Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For

- off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
  3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

#### **Project Mitigation Measure 5 – Hazardous Building Materials**

In order to minimize impacts to public and construction worker health and safety during demolition of the existing structure, the sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any florescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

#### **IMPROVEMENT MEASURES**

The following improvement measures would reduce impacts of the proposed project that have been found to be less than significant. The project sponsor has agreed to implement them.

##### **Project Improvement Measure 1 – Queue Abatement Methods**

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking

occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

**Project Improvement Measure 2 – Warning Signal for Outbound Vehicle Exits**

Install an automatic audible and visible warning signal to alert pedestrians and inbound vehicles of outbound vehicles exiting the project garage.

# REUBEN, JUNIUS & ROSE, LLP

May 4, 2017

**Delivered By E-mail (esamonsky@sfgov.org)**

President Rich Hillis and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94107

**Re: 999 Folsom Street (301 6th Street)**  
**Planning Case Number: 2013-0538**  
**Hearing Date: May 18, 2017**  
**Our File: 7944.01**

Dear President Hillis and Commissioners:

This office represents 301 6th Street Associates, LLC (“**Project Sponsor**”), which seeks to transform an underutilized lot with a car detailing business and surface parking at 999 Folsom Street (the “**Site**”) into a vibrant 8-story residential over retail building. The Project proposes an 8-story, 82-foot tall, mixed-use building with 84 dwelling units over 5,868 square feet of ground floor retail space along Folsom, 6th, and Shipley Streets and a ground floor parking garage (the “**Project**”). Below market units will be provided on site.

The Project will create housing and active ground floor retail uses and contribute to an active new corridor in an area close to transit and the employment centers of the Financial District, SoMa, and Mid-Market.

**A. Project Benefits**

The benefits of the Project include the following:

1. **The Project adds vibrancy to the area as part of the development taking place along 6th Street.** The Project makes use of an underutilized Site to add new residential and retail uses to the developing 6<sup>th</sup> Street corridor, an area highly accessible by public transportation, bicycle or on foot and near the City’s employment centers.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup>  
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight  
Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

2. **The Project contributes much needed housing to the City, including affordable housing.** The Project will add 84 units to the City's housing stock, including 34 family-sized two-bedroom units. Decreasing the height of the Project would result in loss of a significant number of dwelling units. The Project will also comply with the City's inclusionary housing program by constructing on-site affordable housing, providing 11 on-site affordable rental units.
3. **The Project has been designed to minimize shadow impacts without losing much-needed housing units.** New shadow falls on the Gene Friend Recreation Center for only 14 minutes after the Center opens at 9:00 a.m. Shadow falls on a corner of the Center that does not have formal programming and is slated for development with a new building when the Center is redesigned. Any additional decrease in height would result in loss of a significant number of dwelling units without significant real world benefits for the Center.

## **B. Community Outreach and Neighborhood Support**

The Project Sponsor is a San Francisco based, family-owned and -operated real estate development company that is a longtime supporter of the Friends of Recreation and Parks, with an emphasis placed on seeking partnership opportunities which will be of benefit to local park facilities and neighborhood users.

From the outset, the Project Sponsor has been committed to transparency and thorough community engagement. Beginning in July 2015, the following neighborhood organizations and stakeholders have been contacted and offered the opportunity to meet with the Project team and receive Project updates:

- Recreation and Parks Department
- Friends of Gene Friend Recreation Center (FOGF)
- Parks Alliance
- Trust for the Public Land
- South of Market Community Action Network (SOMCAN)
- SOMA Leadership Council
- South of Market Business Association
- United Playaz
- SoMa Pilipinas
- Alliance for a Better District 6

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

- City Crossroads
- Open Space Advisory Council
- San Francisco Housing Action Coalition

Once preliminary conversations with the community were completed, a pre-application meeting was held on September 15, 2015. Invitations were mailed to nearby residents on 6th, Folsom and Shipley Streets and neighborhood groups. One supportive community member attended the meeting.

Based on feedback from the community and the Planning Department, much of 2016 was dedicated to reducing shadow impacts on the Gene Friend Recreation Center and refining Project design and programming for the Site. In December 2016, local residents, homeowner associations, and neighborhood groups received a letter detailing the Project changes, as well as a Project fact sheet and Site plan. Recipients of the letter were encouraged to contact the Project team to learn more about the proposal or to schedule a meeting.

United Playaz, Friends of Gene Friend Recreation Center and SoMa Pilipinas, representing a coalition of over 20 local organizations, served as key community liaisons in discussions with the Project team. In November 2015, the Project team first met with Friends of Gene Friend Recreation Center, to review the results of the Project's shadow study and discuss partnership opportunities. Subsequent meetings and ongoing communications provided the community representatives with regular updates on the Project, including reducing the originally proposed 85-foot building to 82-feet in order to ameliorate shadow concerns on the Gene Friend Recreation Center.

On April 25, 2017, just a few short weeks before the commission hearing and years after beginning this dialogue, the Project team was notified that community representatives would not support a project that exceeded a .39 TAAS. The allowable shadow threshold was based on the community's support of the recently approved 345 6th Street project – located on 6th and Shipley Streets – directly behind the proposed 301 6th Street project.

The community was informed that shadow impact from the proposed project would result in at most 14 minutes of new shadow after opening during hours of operation on those days when shadows are present (100 days). Additionally, new shadow would be localized on a “dead zone” on the southern quarter of the park, an area adjacent to a seldom used, side entrance of the building with no formal programming. Further, the proposed redesign of the Gene Friend Recreation Center features a large two-story gymnasium building at the corner of 6th and Folsom which would virtually negate any shadow impact on the site's open space. Current plans call for the center to be part of the next Rec & Park bond measure.

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

The Project Site is zoned for 85-feet -- the request not to exceed a 0.39 TAAS would require a dramatic decrease in the building's height and resulting significant loss in the number of residential rental units. The Project team has continued to reach out to the community representatives in the hope that a compromise can be reached.

Although extensive outreach to local residents has been conducted, there has been little interest from adjacent neighbors along Shipley, 6<sup>th</sup>, and Folsom Streets. The San Francisco Housing Action Coalition has endorsed the Project (see **Exhibit A**). In addition, the Project expects to receive a written endorsement by the South of Market Business Association shortly. Additional endorsements are pending.

### **C. Shadow Impacts**

The Project Site is across the street from the Gene Friend Recreation Center. Because of the placement of the Site across the street from the Gene Friend Recreation Center, it is not feasible to construct the Project with no shadow impact. Nevertheless, the Project's shadow impact on the Recreation Center would be minimal when the park is open to the public, and non-existent during public hours once the Recreation Center's planned renovation and redesign is carried out.

The Gene Friend Recreation Center opens at 9:00 a.m. Shadows fall only on a small corner of the property that is not programmed for active park use after 9 a.m. Nearly all new shadow occurs before the park opens. Shadows that occur after 9:00 a.m. are very small in size and localized on the southeastern corner of the Recreation Center, and shadow is gone by 9:14 a.m., 14 minutes after opening. Minute-by-minute shadow images on the greatest shadow day starting at 9:00 am when the park opens and ending 15 minutes later when no more shadow is cast are attached as group **Exhibit B**.

There is a redesign of Gene Friend planned, which would place a building on the corner of 6th and Folsom Streets across the street from the Property. The planned redesign would bring the shadow increase down to approximately .05%, with no new shadow cast on the park by the time it opens at 9:00 a.m. Shadow images of 9:00, 9:15, and 9:30 a.m. on the largest shadow day with the redeveloped park are attached as group **Exhibit C**.

The building would need to be under 46 feet in height in order to cast no new shadow on the Gene Friend Recreation Center. The height of the building was decreased from 85 feet to 82 feet to minimize shadow impacts on Gene Friend Recreation Center, decreasing the increased shadow from to 1.1255% to 0.8895%. Any additional decrease in height below 82 feet would result in loss of one or more floors with the resulting loss of 12 dwelling units per floor.

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

## **D. Detailed Project Description**

The residential units consist of 34 two-bedroom, 49 one-bedroom, and one studio on floors 2 through 8. The Project's open space includes a 4,112-square-foot second-level rear yard and a 2,690-square-foot roof deck. An additional 3,192 square feet of open space is provided through individual unit decks and balconies.

A ground floor garage with access on Shipley Street will provide 36 parking spaces and one car share space. The Project has only one 10-foot curb cut for garage access on Shipley and eliminates the existing curb cuts. The Shipley garage entrance ensures that cars entering and exiting the building do not disrupt pedestrians, transit, or bicyclists on Folsom and 6th Streets. It is anticipated that a bus stop will remain adjacent to the residential entrance on Folsom Street, and a loading zone is proposed for 6th Street.

Although the Project is only required to meet a target of 8 points under the TDM program because it filed an Environmental Application before September 4, 2016, it has voluntarily exceeded the TDM requirement to meet a 15-point target. TDM measures include a bicycle storage room and lockers with 85 Class 1 bicycle parking spaces (84 Class 1 for the residential use and 1 Class 1 for the retail use), as well as bike repair equipment. 16 Class 2 bicycle parking spaces would be located on the sidewalk in front of the Project Site on 6th and Folsom Streets. Additional TDM measures include delivery storage lockers near the elevators and family amenity lockers near the parking garage.

The Project is designed to provide an active pedestrian-friendly ground floor along the street front, to include trees, planters, and attractive recessed storefronts for the ground floor retail uses, as well as upper level balconies and decks to increase vibrancy of the street life. Articulation of the façade and bay windows breaks up the mass of the building, providing interest to the block and reading as part of the new residential and retail corridor along 6th Street.

## **E. Building Design**

The building includes the following design features:

- Ground floor commercial spaces are defined by five 22'-4" x 3' x 10" slate-walled recesses, which will contain planters and also provide room for tables or displays for the businesses. Each recess has a framed architectural band and metal laser panel to define the commercial storefront;

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

- Commercial storefront display glazing has been maximized to enhance the pedestrian experience at the sidewalk;
- The ground floor commercial space creates a visible base element to the building, with glass display window and dark granite tile within the vertical walls. Street trees, permeable paving and landscape planting green the street, while 16 Class 2 bike parking spaces provide convenient bike parking for customers;
- LED lighting will be located along the ground floor façade to provide security and an architectural evening feature;
- The second through eighth residential floor street façades are punctured with 15'x 5' recesses to horizontally divide the building massing and create visual variety;
- Floor to ceiling and wall to wall windows at the rear of the residential floor recesses and projecting decks with varied widths provide visual interest and create outdoor living areas along the street façades;
- Metal projecting fins that surround windows along a column at the Folsom and Shipley Street façades emulate bay windows on these shorter street frontages;
- Building colors include:
  - Mica grey color metal panels covering the walls of the building façade;
  - Clear anodized aluminum windows and deck doors at all residential and commercial openings;
  - Painted laser cut panels used as a commercial storefront feature;
  - Dark granite tile at the building base;
  - A black metal panel fin along the top and end of the Folsom and 6th Street façades; and
  - White exterior deck railings, window surround fins, floor bands and deck ceilings accentuate evening lights from the residential units, and bring an evening glow to the building recesses.

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

## **F. Planning Approvals Sought**

The Project requires a Large Project Authorization (“**LPA**”), and seeks exceptions for rear yard pursuant to Planning Code Section 134, dwelling unit exposure at the upper levels pursuant to Planning Code Section 140, and parking pursuant to Planning Code Section 151.1

### **1. Rear Yard**

Instead of a traditional rear yard, the Project proposes a large 4,112-square-foot second-level interior courtyard and a 2,690-square-foot roof deck. The Project also proposes an additional 3,192 square feet of open space through individual unit decks and balconies.

The proposed open space is larger than the 4,098 square feet that would be provided by a Code-compliant rear yard and is more pleasant and useable. A Code-compliant rear yard would open onto either Folsom Street or 6th Street, depending on the orientation of the Project. In either case, the yard would be a long narrow area significantly impacted by a busy street. In contrast, the proposed yard will only open onto one street, on Shipley, which is a much smaller and quieter street. In addition, the Project provides a large roof deck that would provide a large, sunny open space not shaded by the Project and new surrounding projects as would be a rear yard. Therefore, the 6,804 square feet of common residential open space provided is far superior than would be the space that would be provided by a Code-compliant rear yard.

### **2. Exposure**

Of the Project’s 84 units, a total of seven units (8.3%) located throughout the sixth to eighth stories do not meet the strict exposure requirements of the Planning Code. While these units do not face a Code-compliant rear yard, they face the large second floor yard and will meet the intent of the Code to provide adequate exposure for all dwelling units, as all units will have more than sufficient light and air.

As discussed above, the configuration of the Site makes the proposed rear yard appropriate and necessary, and also makes an exposure exception necessary. In addition, the rear yard at the level of these units is just short of the dimensional requirements. Finally, the units will have ample windows and enjoy substantial light and air from the rear yard. Therefore, an exception is appropriate.

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

3. Parking

Under Planning Code Section 151.1, in MUR zoning districts, parking of one space per four units is permitted; the Planning Commission can authorize up to .75 cars per unit, with one space permitted for units with at least two bedrooms and 1,000 square feet. Here, the Project proposes 84 dwelling units, with 7 of the units to be two-bedroom units of at least 1,000 square feet. Therefore, 21 spaces would be principally permitted and up to 65 spaces can be authorized by this Commission. The Project proposes 36 residential parking spaces, which is less than .5 per unit and well under the maximum number that may be conditionally permitted. The 36 spaces proposed are compatible with the Project and the area, which offers abundant bicycle parking and public transportation, while providing some car parking for residents.

**G. Conclusion**

The Project proposes to transform an unattractive and underutilized space to add 84 dwelling units to the City's housing stock and activate the neighborhood with active ground floor retail uses. The carefully designed Project will provide an attractive, greened street frontage and contribute to street life in a developing 6th Street corridor. We look forward to presenting this Project to you on May 18, 2017. Please let me know if you have any questions.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Jody Knight

Attachments

cc: Dennis Richards, Commission Vice-President  
Rodney Fong, Commissioner  
Christine D. Johnson, Commissioner  
Joel Koppel, Commissioner  
Myrna Melgar, Commissioner  
Kathrin Moore, Commissioner  
Ella Samonsky, Project Planner

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

**REUBEN, JUNIUS & ROSE, LLP**

## **EXHIBIT A**

**Project Address:** 301 6th Street

**Project Sponsor:** Sixth Street Associates, LLC

**Date of SFHAC Review:** April 12, 2017

## Grading Scale

1= Fails to meet project review guideline criteria

2= Meets some project review guideline criteria

3= Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond what is required

## Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee
2. The Project must score a minimum of 3/5 on any given guideline

<i><b>Guideline</b></i>	<i><b>Comments</b></i>	<i><b>Grade</b></i>
<b>Land Use</b>	The site is currently occupied by an auto shop and surface parking lot. Considering its proximity to jobs, transit and neighborhood amenities, high density housing is a significantly better use of the land.	<b>5</b>
<b>Affordability</b>	The project sponsor will provide the below-market-rate (BMR) homes on-site. Thirteen-and-a-half percent of the homes will be priced at 55 percent of the Area Median Income.	<b>3</b>
<b>Density</b>	The building could conceivably accommodate more homes with a different unit mix. However, our Committee feels this project strikes an appropriate balance.	<b>3</b>
<b>Community Input</b>	The project sponsor and their team has done a thorough job of engaging the surrounding neighbors and various organizations. These include SOMA Filipinas, United Playaz, Gene Friend Recreation Center and Supervisor Kim's Office. SFHAC strongly encourages them to continue speaking with these stakeholders as the project works its way through the approval process.	<b>5</b>

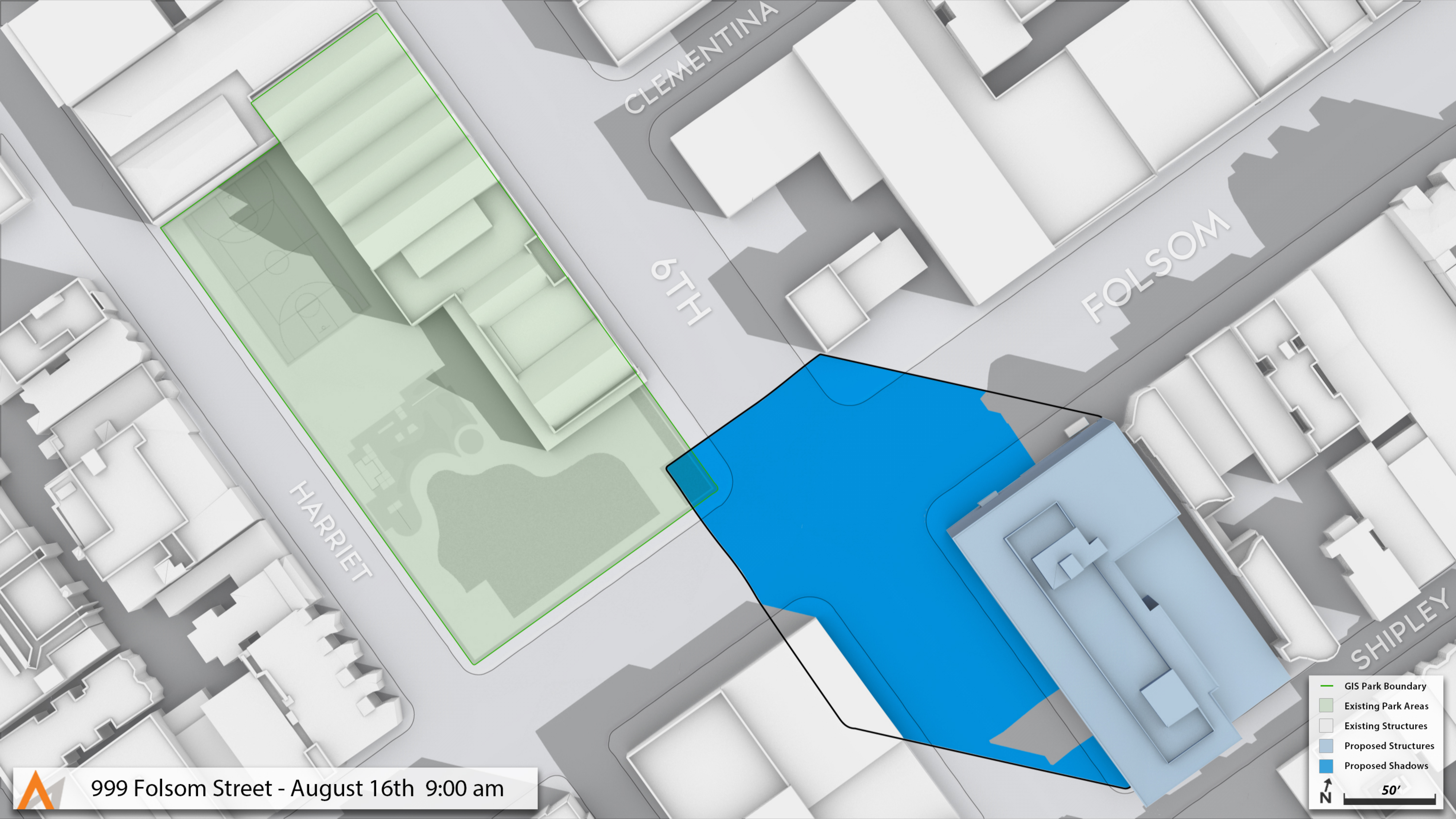
<b>Urban Design</b>	Our members feel the project team has made a strong effort to improve the sidewalks and maximize the functionality of the ground floor retail. We appreciate how the retail wraps around to Shipley Street, which will help activate that alleyway. The use of the panels to close off the glass at night is also thoughtful. There was discussion around reducing the building height from the allowable 85-feet to 82-feet. We understand this was done in response to shadowing Gene Friend Recreation Center. However, that lot is planned to be developed in several years, so a shadow would be a non-issue then. Building up to the allowable 85-feet may enable a taller ground floor.	<b>5</b>
<b>Parking &amp; Alternative Transportation</b>	The project sponsor will seek a Conditional Use (CU) to exceed the allowable amount of parking. The current ratio is about 0.44 spaces per home, 37 total spaces. We would prefer less. However, we recognize there will be a net loss of parking spaces at this site as a result of this project getting built. Finally, we encourage the project sponsor to provide more bicycle parking spaces. This site is near multiple transit and bicycle lines.	<b>3</b>
<b>Environmental Features</b>	The building will include rooftop solar panels, grey water piping and permeable surfaces. However, these are all required under current codes. The project sponsor stated they are exploring implementing a green wall, but have not committed to it. Our Committee recognizes San Francisco in particular has strong requirements around requiring green features in new residential buildings and that these are challenging to exceed.	<b>3</b>
<b>Preservation</b>	There are no features of historic or cultural merit on or near the site that would be impacted by the proposed project.	
<b>Additional Comments</b>	There are no comments to add.	
<b>Final Comments</b>	The San Francisco Housing Action Coalition endorses the proposed project at 301 6th Street, with the minor reservation about parking.	<b>3.9/5</b>

## **EXHIBIT B**

999 Folsom Street

Maximum Shadow Day - After Recreation Center Opening (9:00 AM)





CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

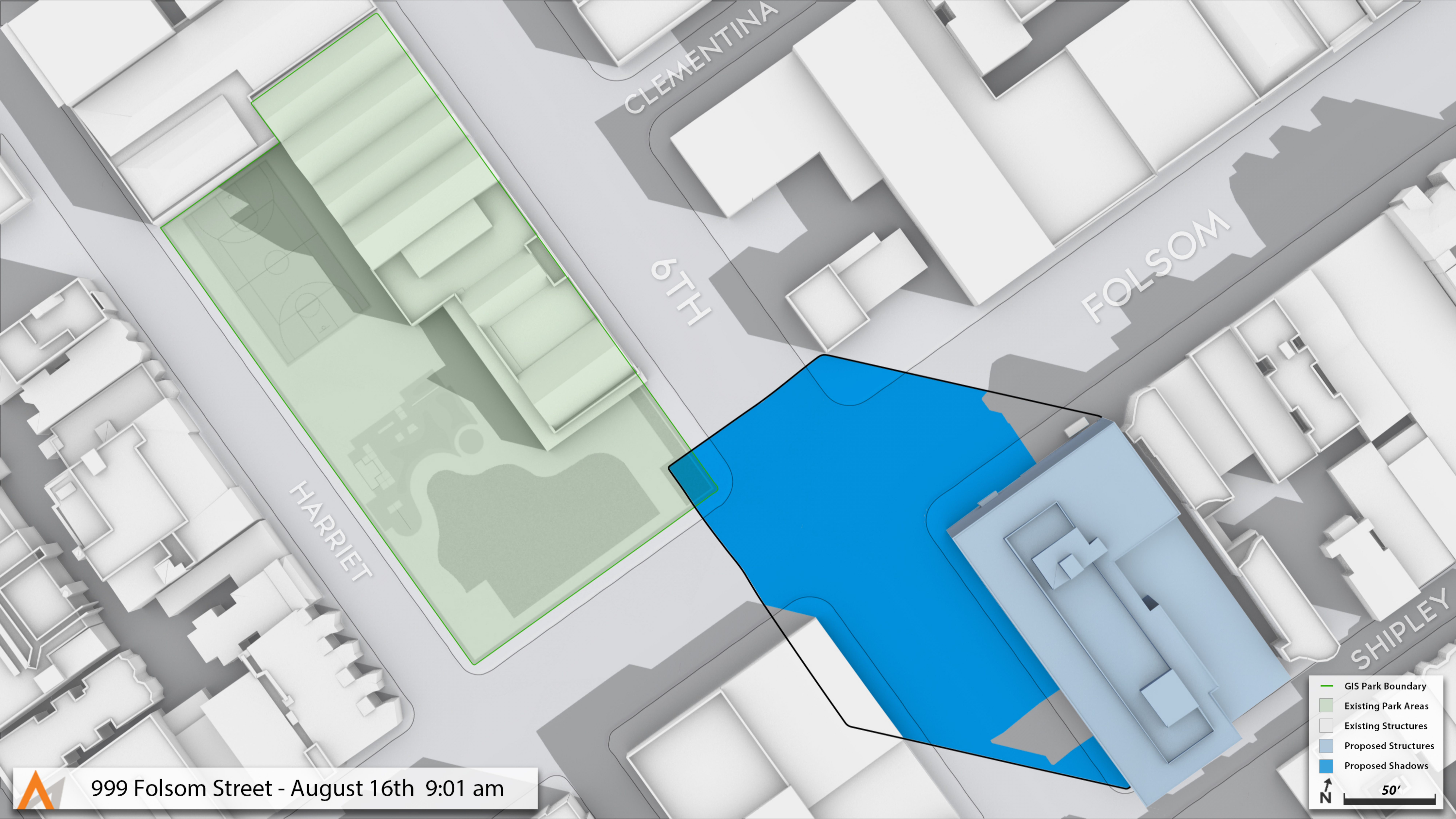
Proposed Structures

Proposed Shadows

N

50'

999 Folsom Street - August 16th 9:00 am



CLEMENTINA

9TH

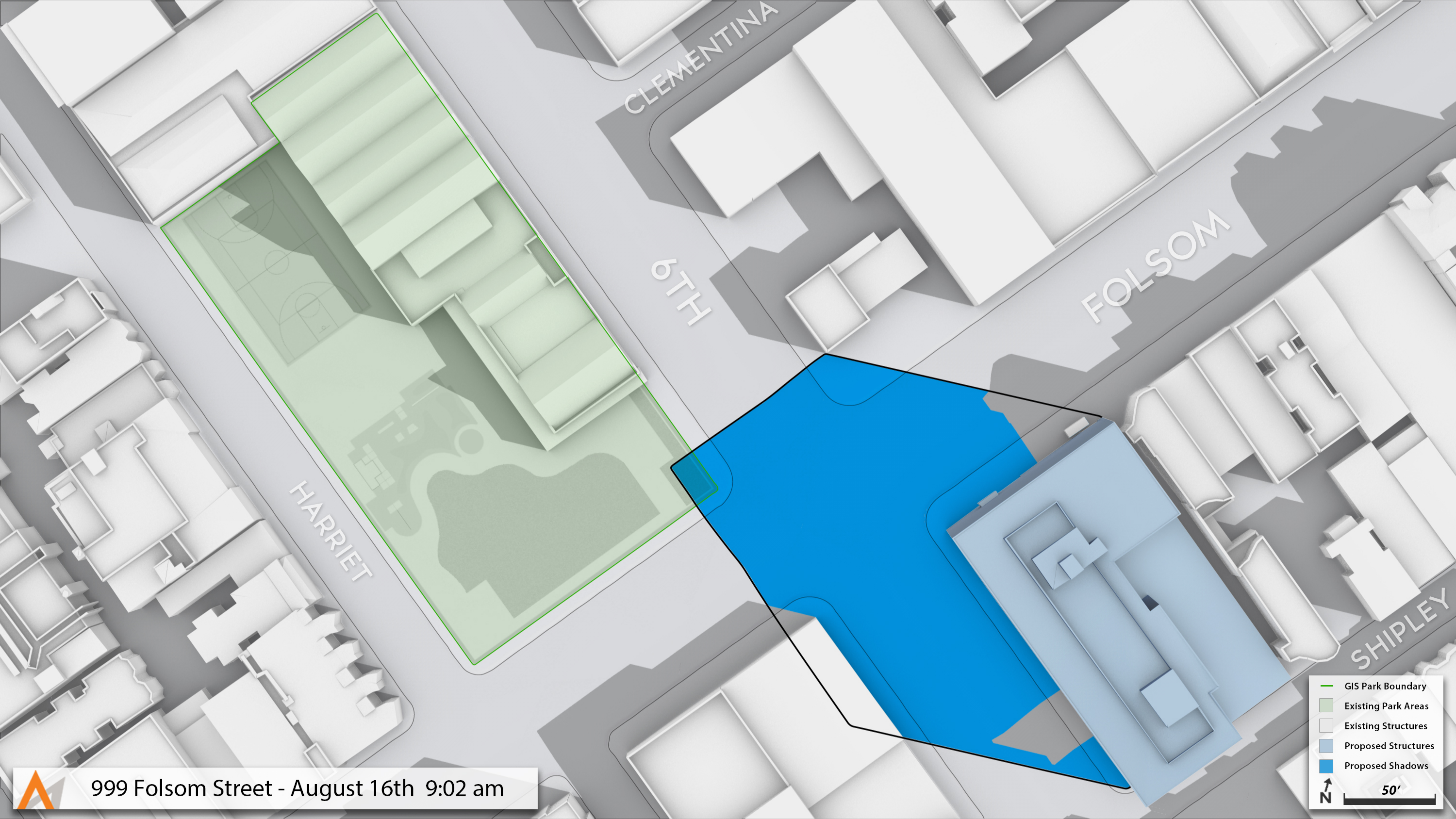
FOLSOM

HARRIET

SHIPLEY

- GIS Park Boundary
  - Existing Park Areas
  - Existing Structures
  - Proposed Structures
  - Proposed Shadows
- N 50'

999 Folsom Street - August 16th 9:01 am



CLEMENTINA

9TH

FOLSOM

HARRIET

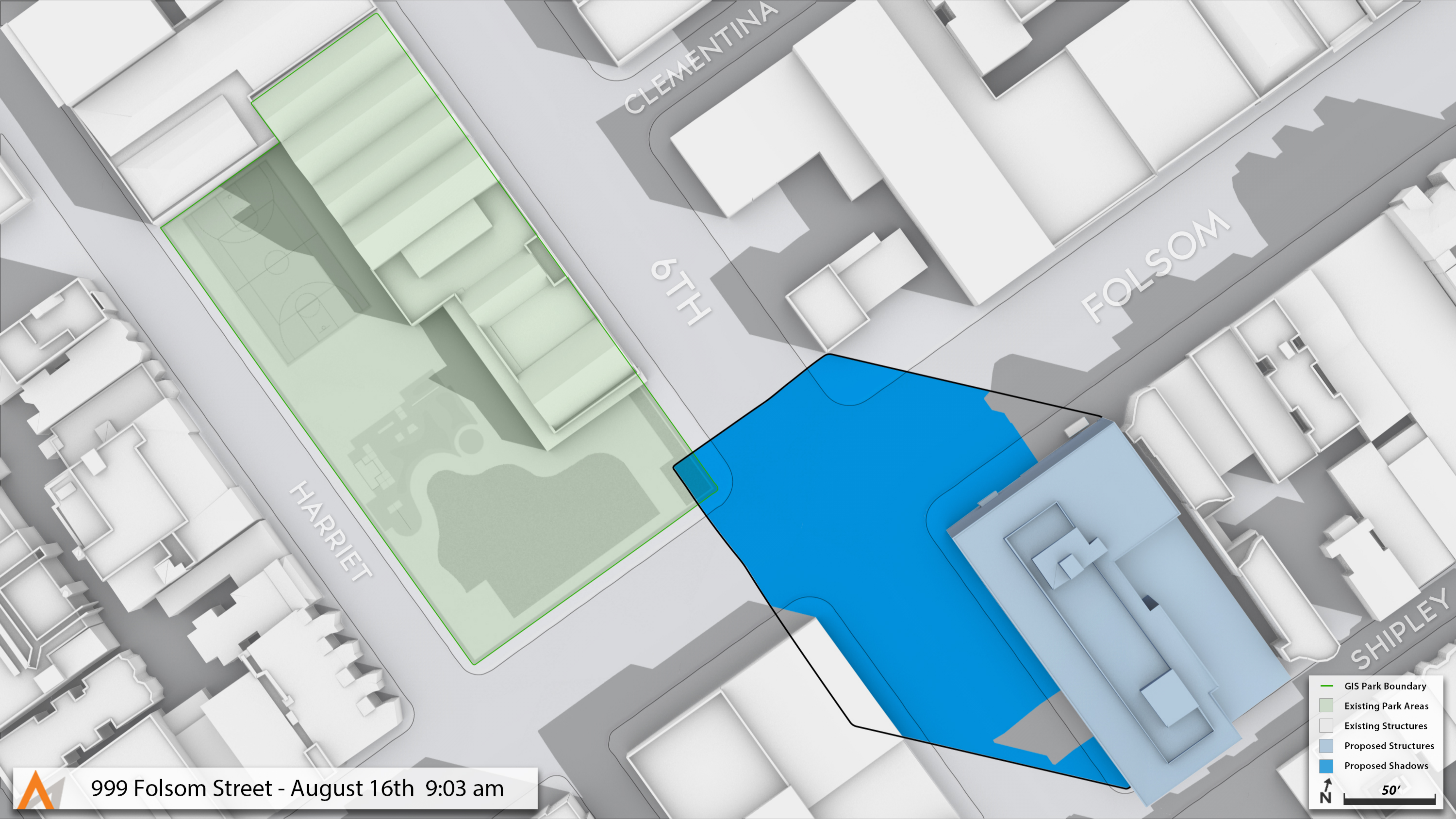
SHIPLEY

GIS Park Boundary  
Existing Park Areas  
Existing Structures  
Proposed Structures  
Proposed Shadows

N  
50'



999 Folsom Street - August 16th 9:02 am



CLEMENTINA

9TH

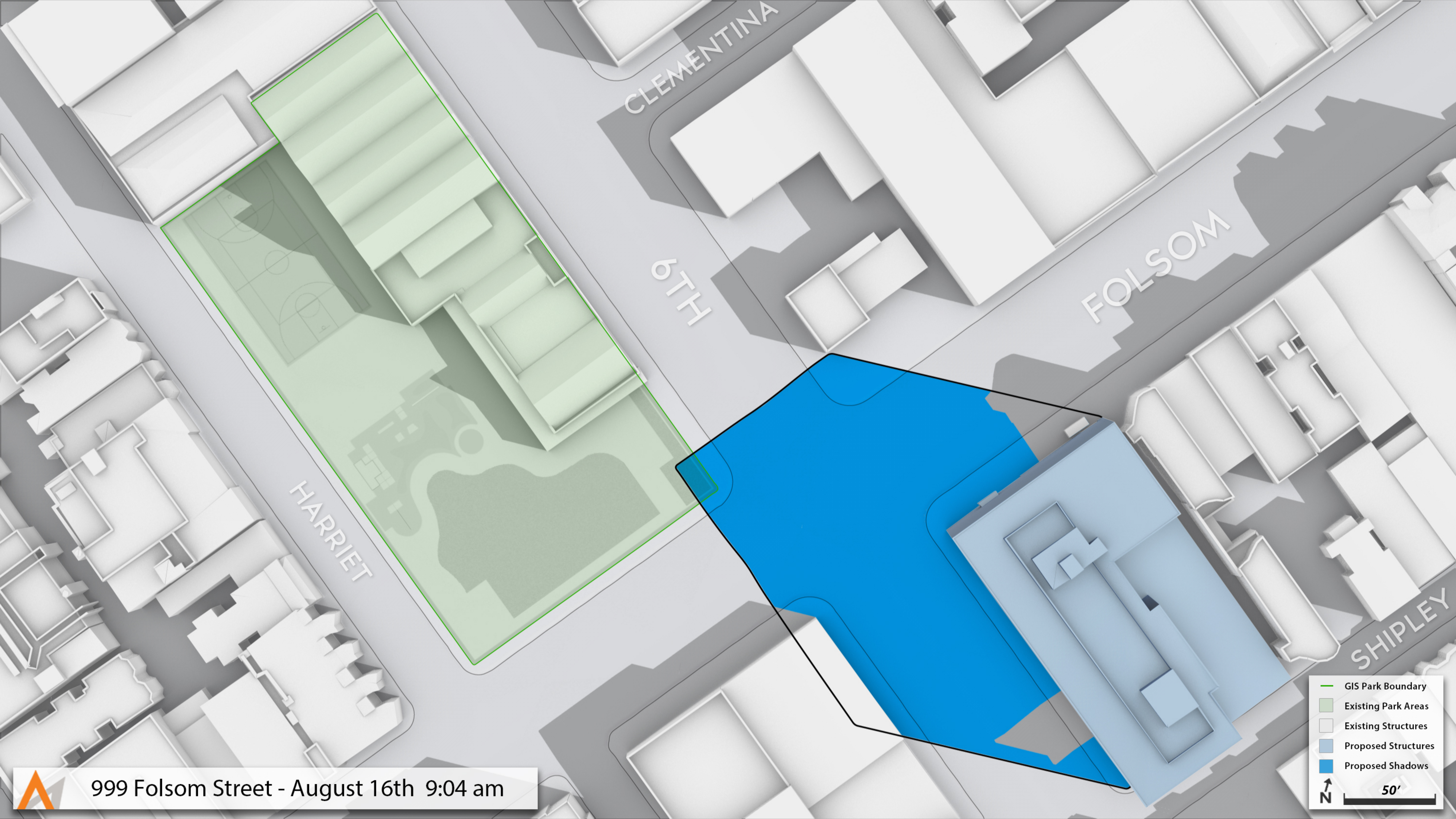
FOLSOM

HARRIET

SHIPLEY

- GIS Park Boundary
  - Existing Park Areas
  - Existing Structures
  - Proposed Structures
  - Proposed Shadows
- N
- 50'

999 Folsom Street - August 16th 9:03 am



CLEMENTINA

9TH

FOLSOM

HARRIET

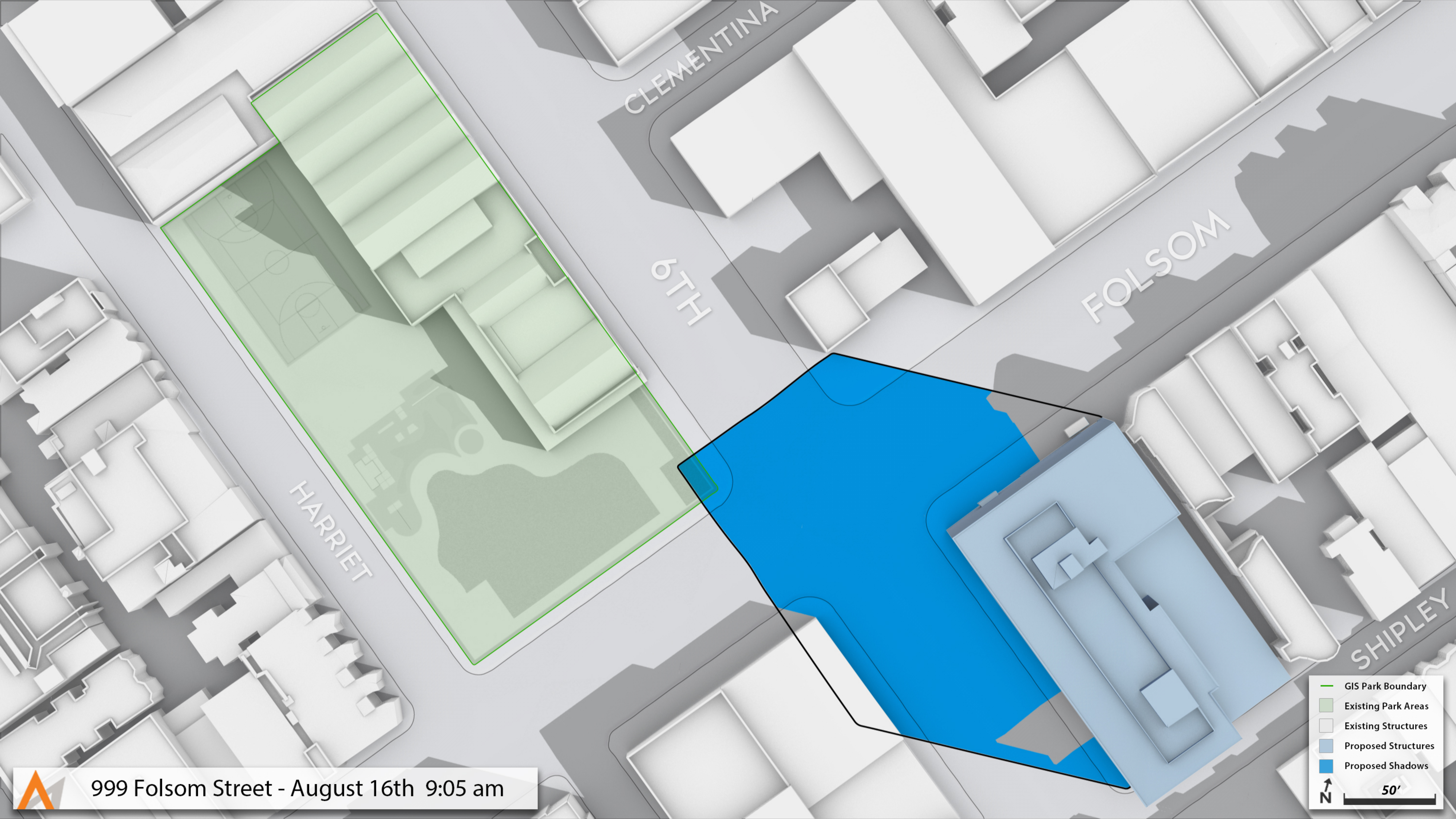
SHIPLEY

GIS Park Boundary  
Existing Park Areas  
Existing Structures  
Proposed Structures  
Proposed Shadows

N  
50'



999 Folsom Street - August 16th 9:04 am



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY



999 Folsom Street - August 16th 9:05 am

GIS Park Boundary

Existing Park Areas

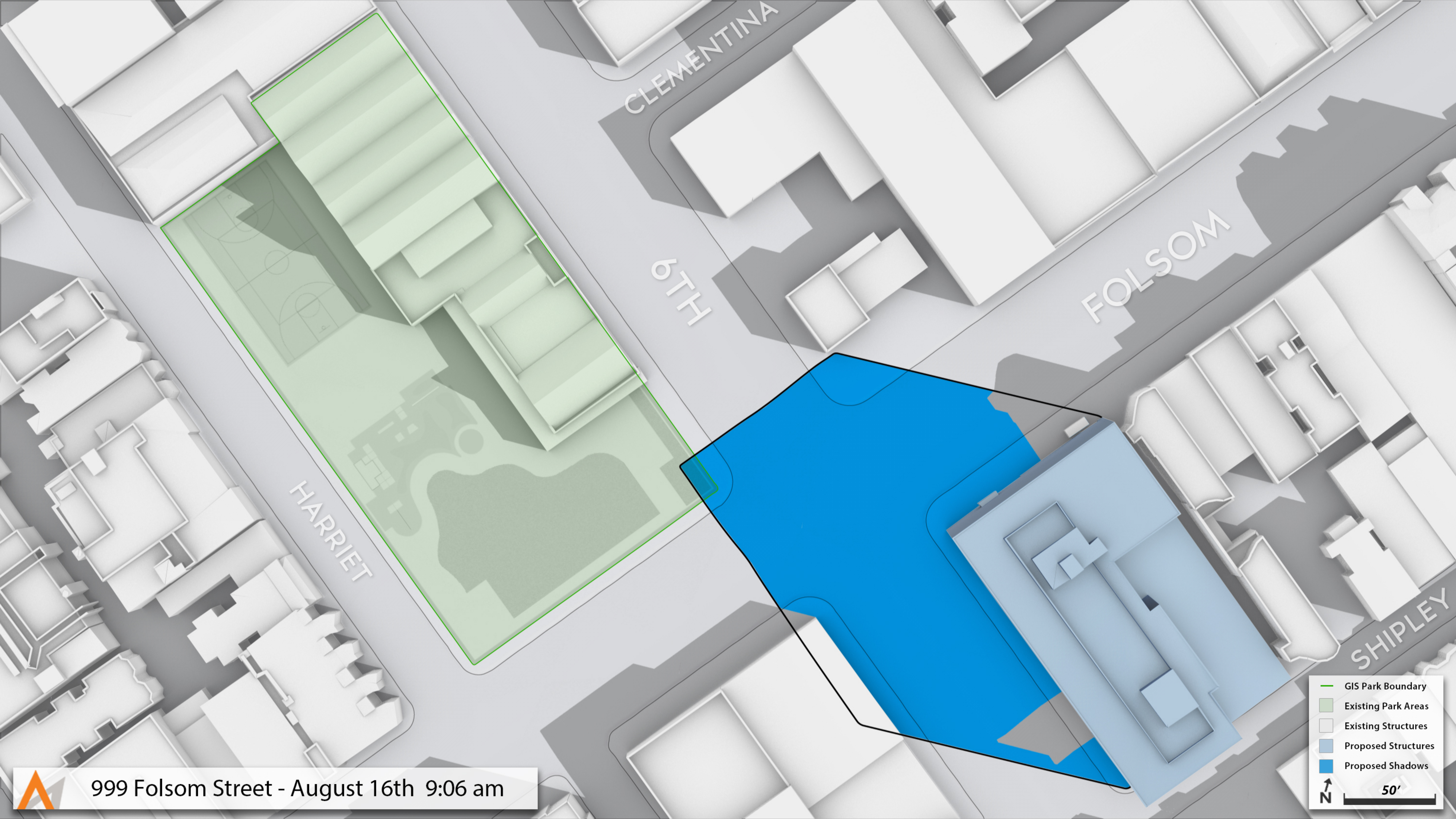
Existing Structures

Proposed Structures

Proposed Shadows

N

50'



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

Proposed Structures

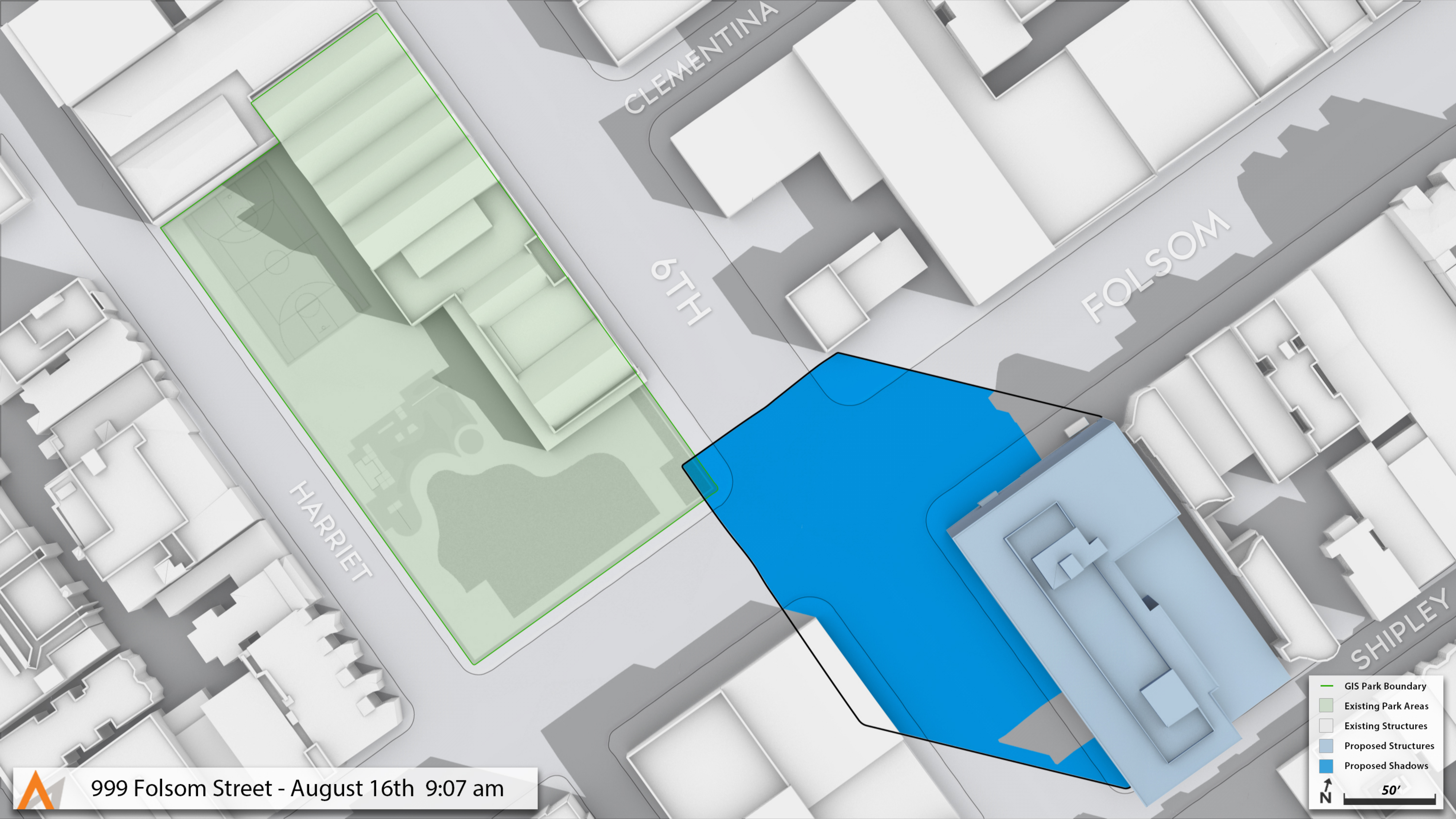
Proposed Shadows

N

50'



999 Folsom Street - August 16th 9:06 am



CLEMENTINA

9TH

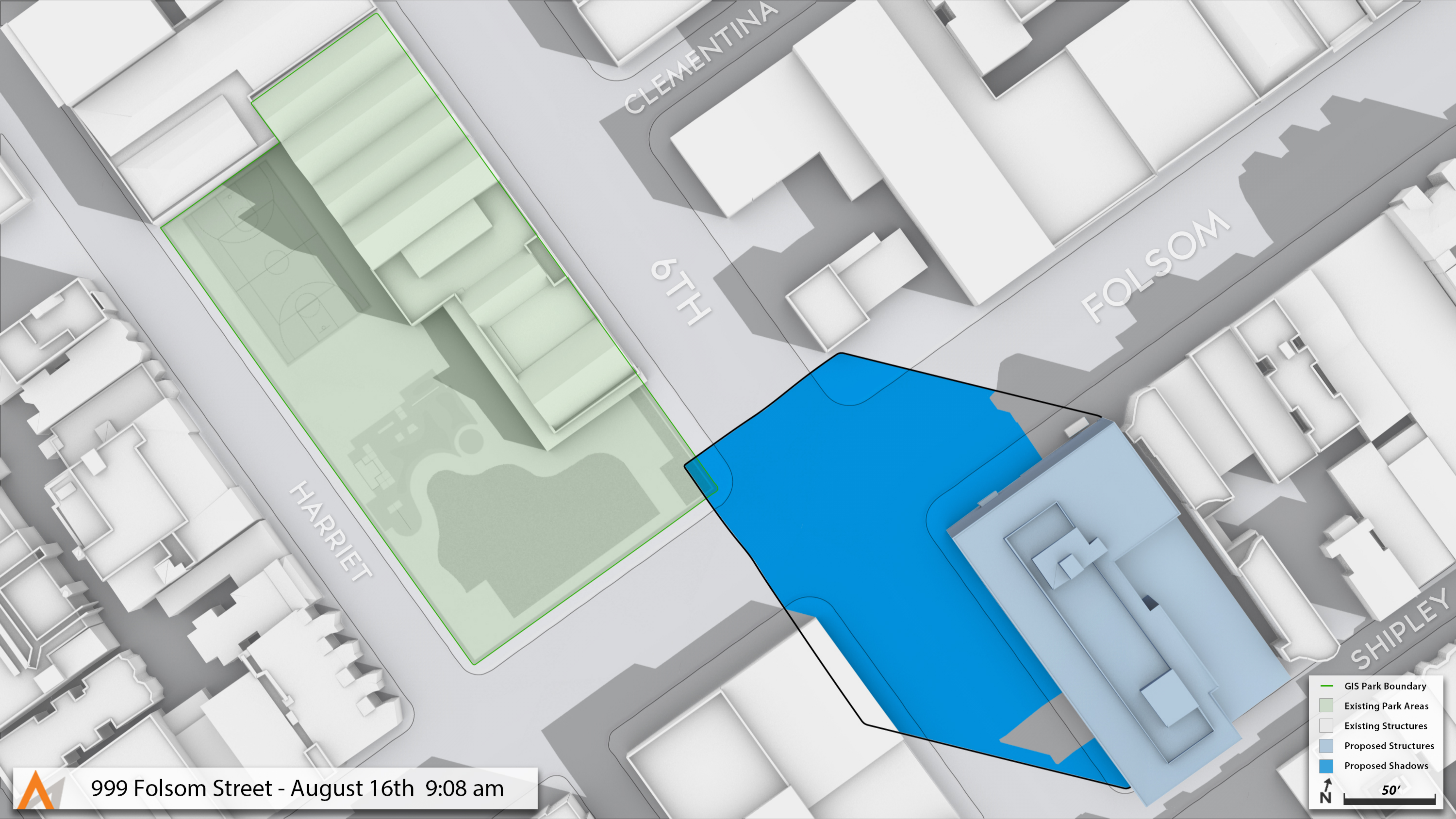
FOLSOM

HARRIET

SHIPLEY

- GIS Park Boundary
  - Existing Park Areas
  - Existing Structures
  - Proposed Structures
  - Proposed Shadows
- N
- 50'

999 Folsom Street - August 16th 9:07 am



CLEMENTINA

9TH

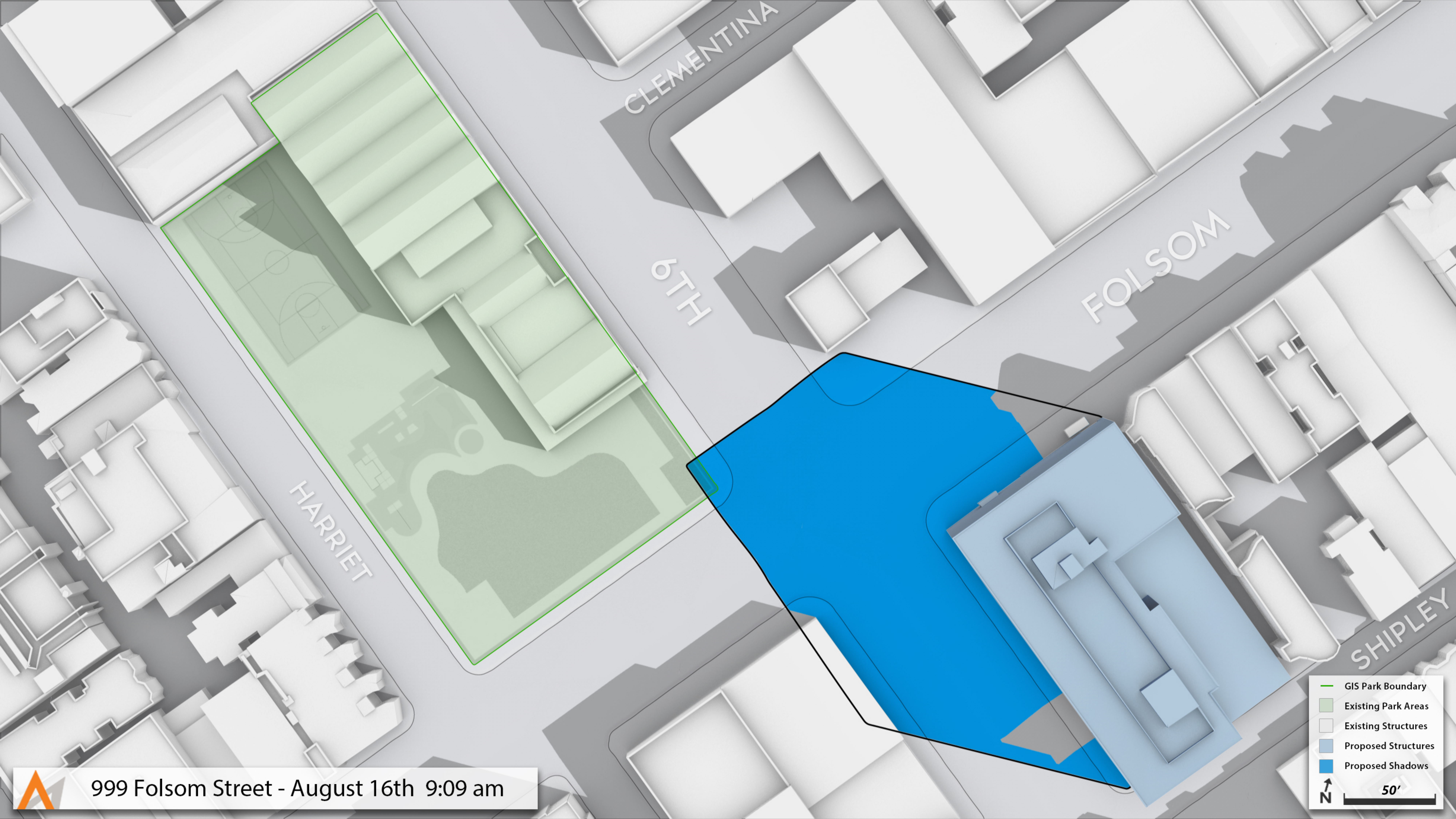
FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary  
Existing Park Areas  
Existing Structures  
Proposed Structures  
Proposed Shadows

N  
50'



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

Proposed Structures

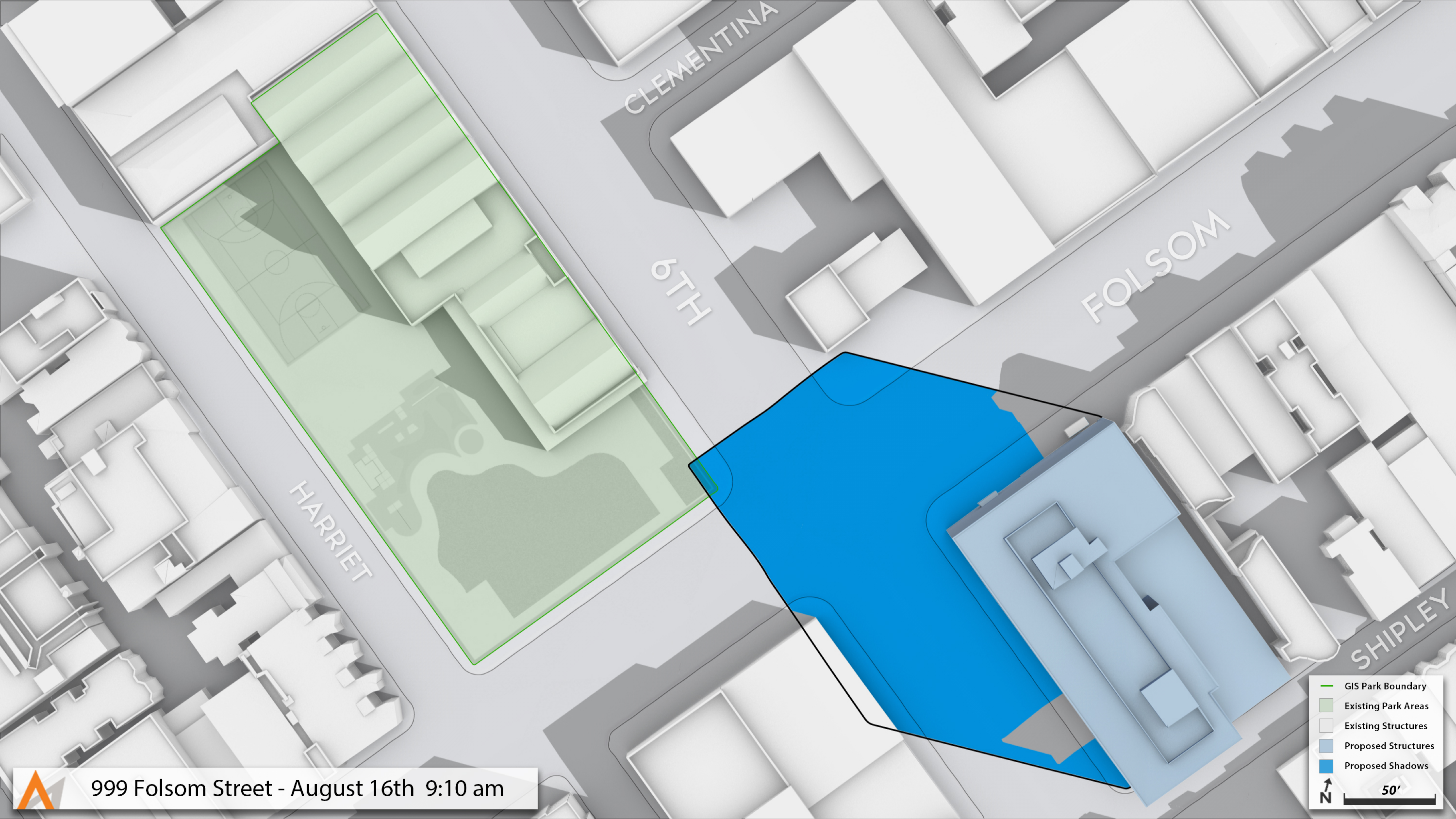
Proposed Shadows

N

50'



999 Folsom Street - August 16th 9:09 am



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY



999 Folsom Street - August 16th 9:10 am

GIS Park Boundary

Existing Park Areas

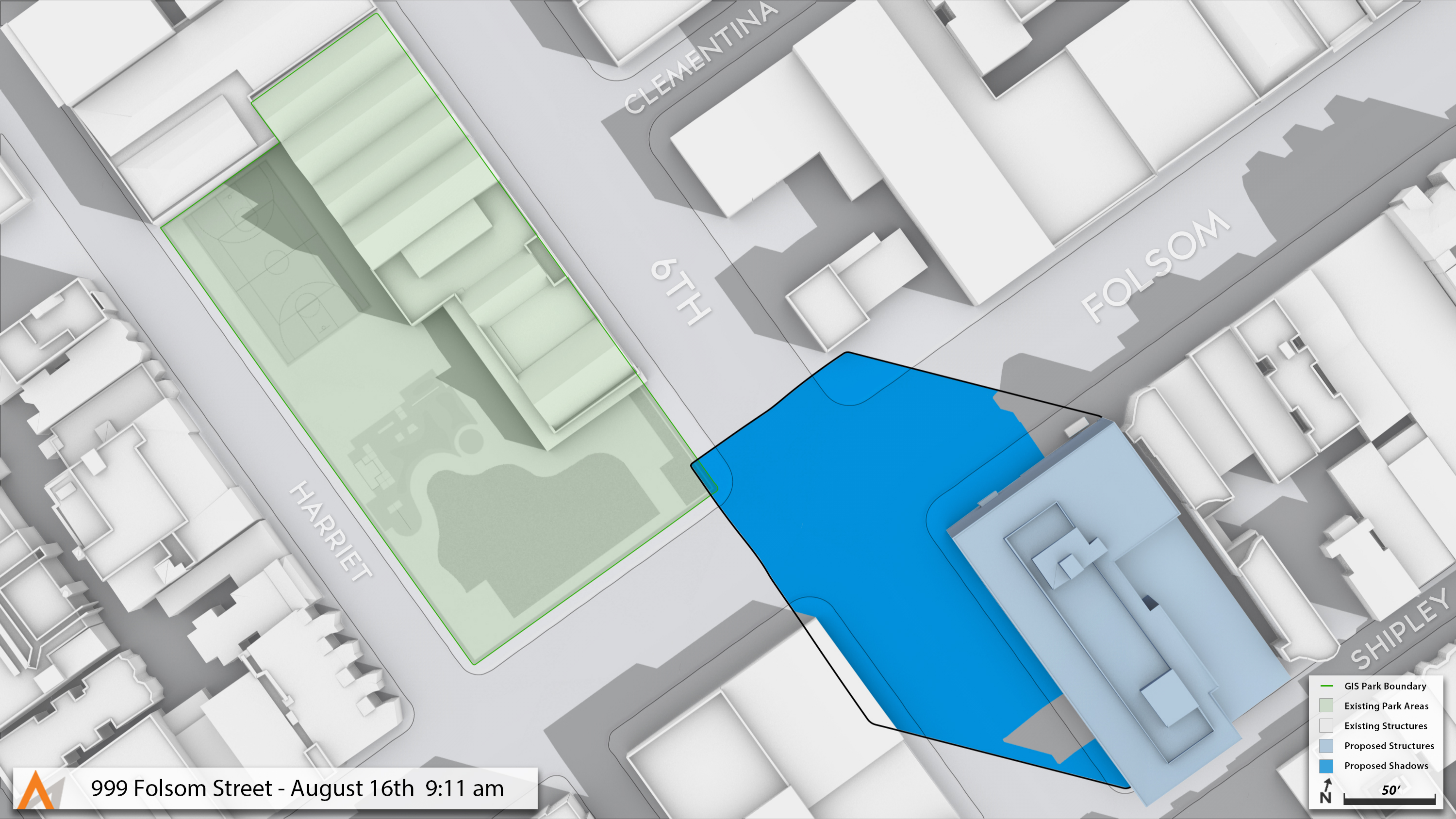
Existing Structures

Proposed Structures

Proposed Shadows

N

50'



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY



999 Folsom Street - August 16th 9:11 am

GIS Park Boundary

Existing Park Areas

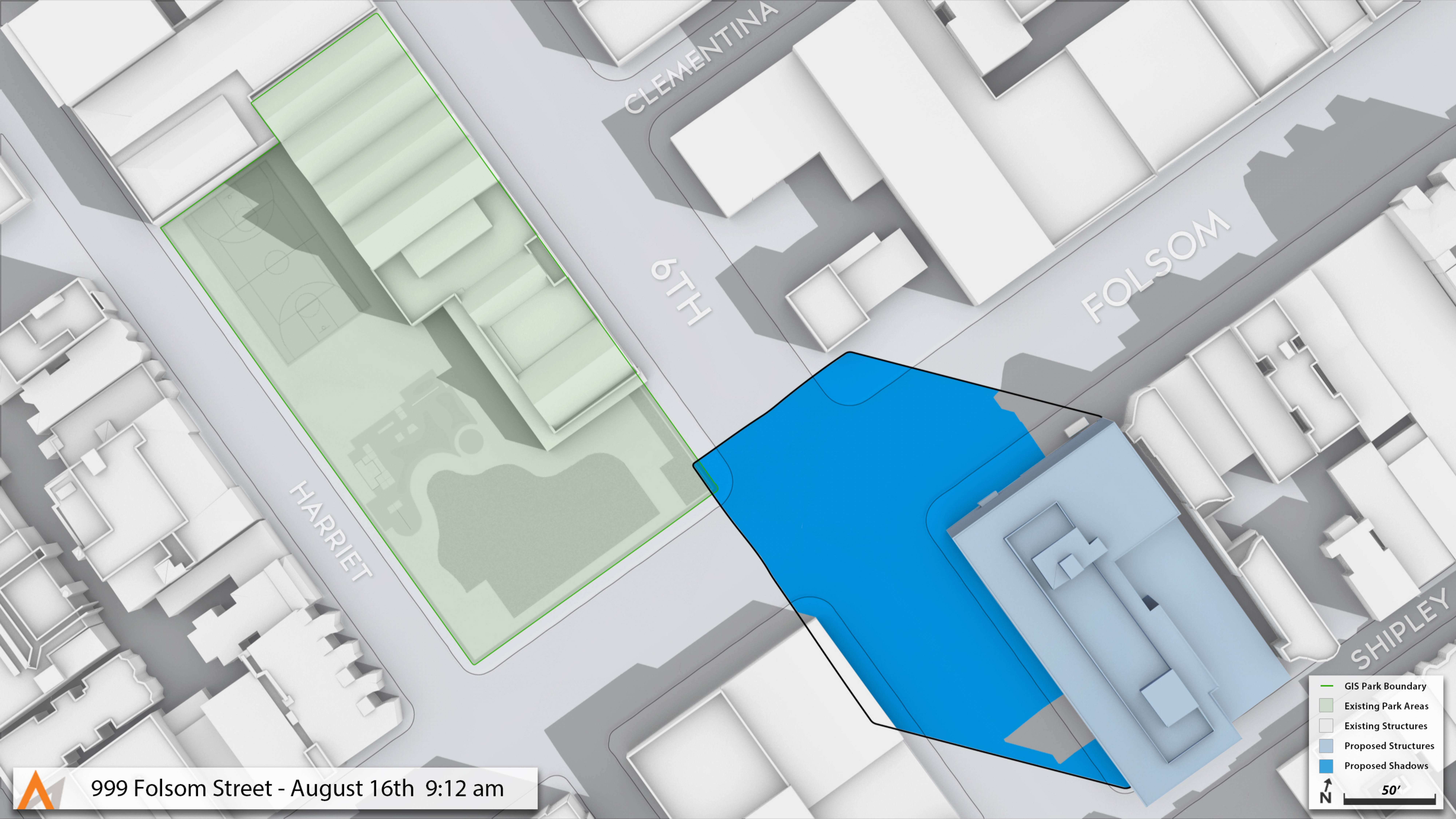
Existing Structures

Proposed Structures

Proposed Shadows

N

50'



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

Proposed Structures

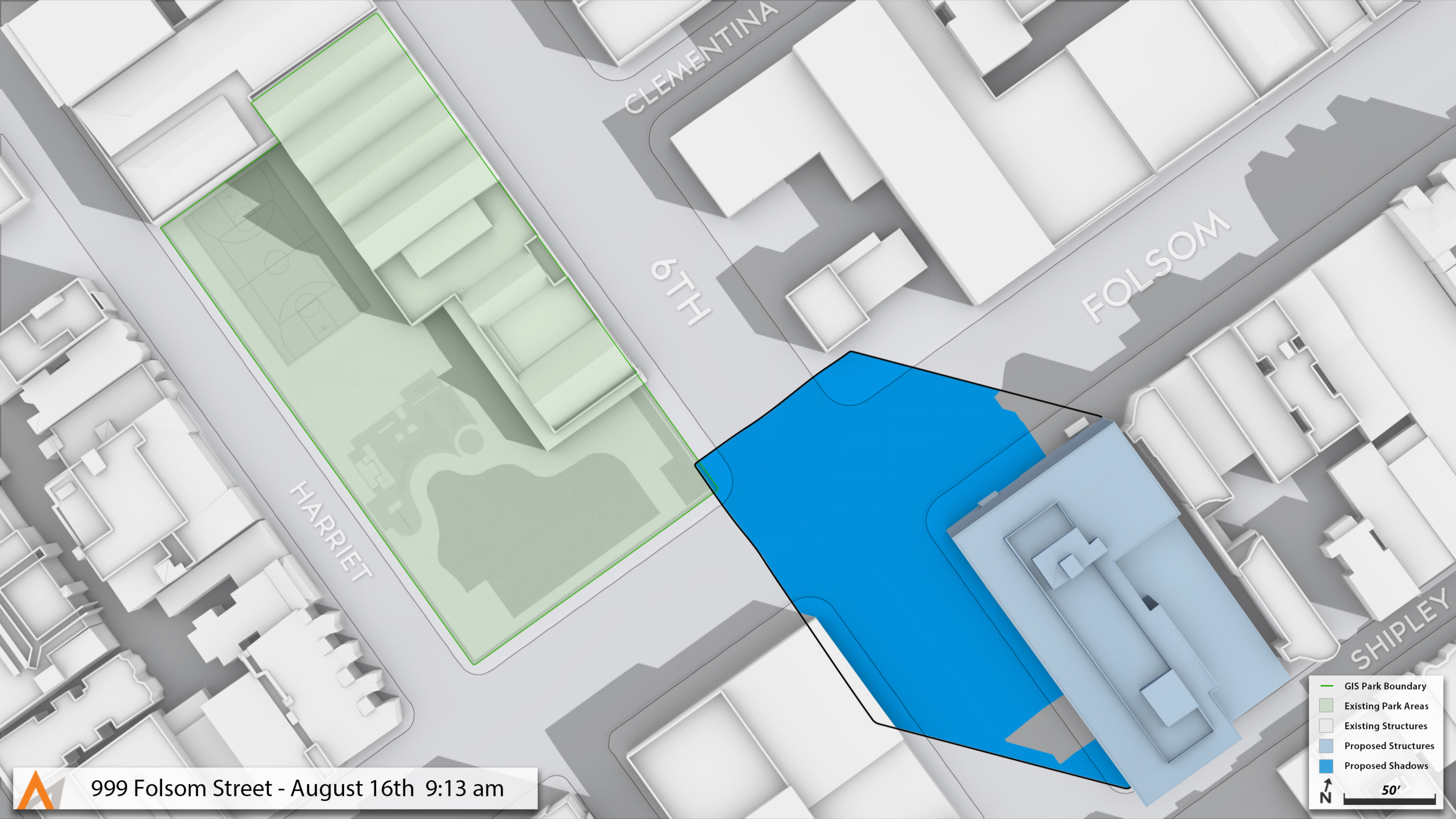
Proposed Shadows

N

50'



999 Folsom Street - August 16th 9:12 am



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

Proposed Structures

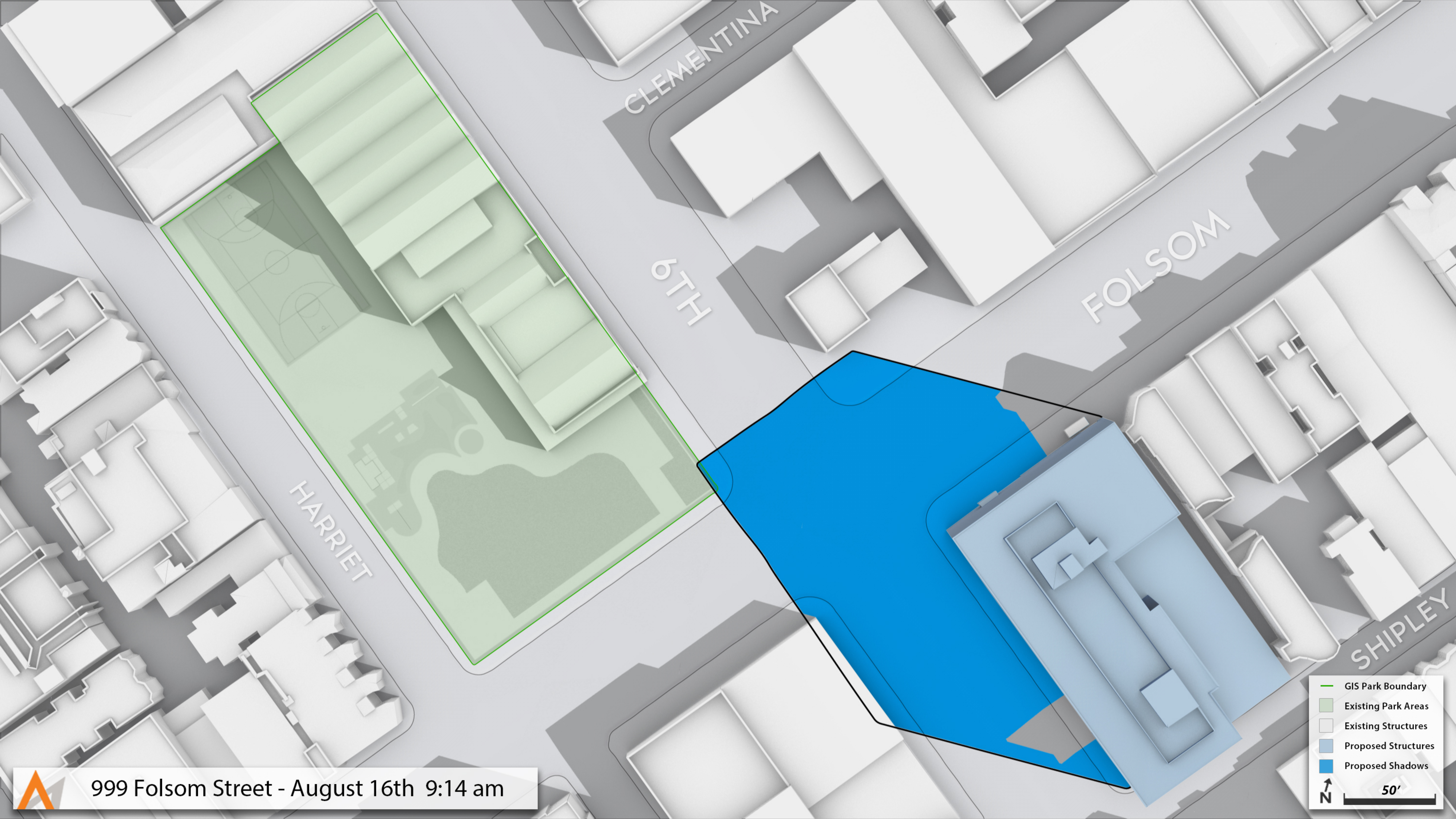
Proposed Shadows

N

50'



999 Folsom Street - August 16th 9:13 am



CLEMENTINA

9TH

FOLSOM

HARRIET

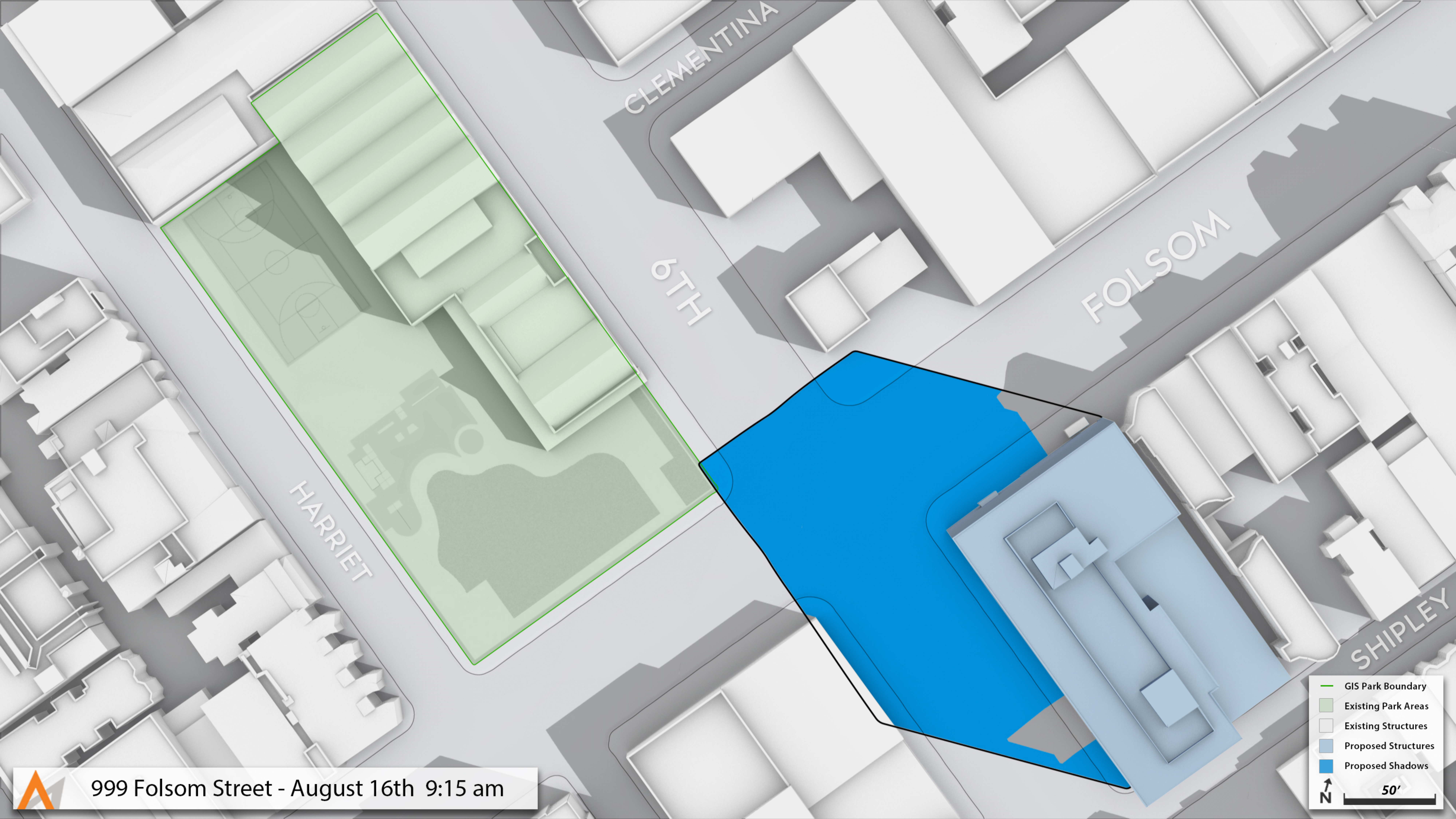
SHIPLEY

GIS Park Boundary  
Existing Park Areas  
Existing Structures  
Proposed Structures  
Proposed Shadows

N  
50'



999 Folsom Street - August 16th 9:14 am



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Existing Park Areas

Existing Structures

Proposed Structures

Proposed Shadows

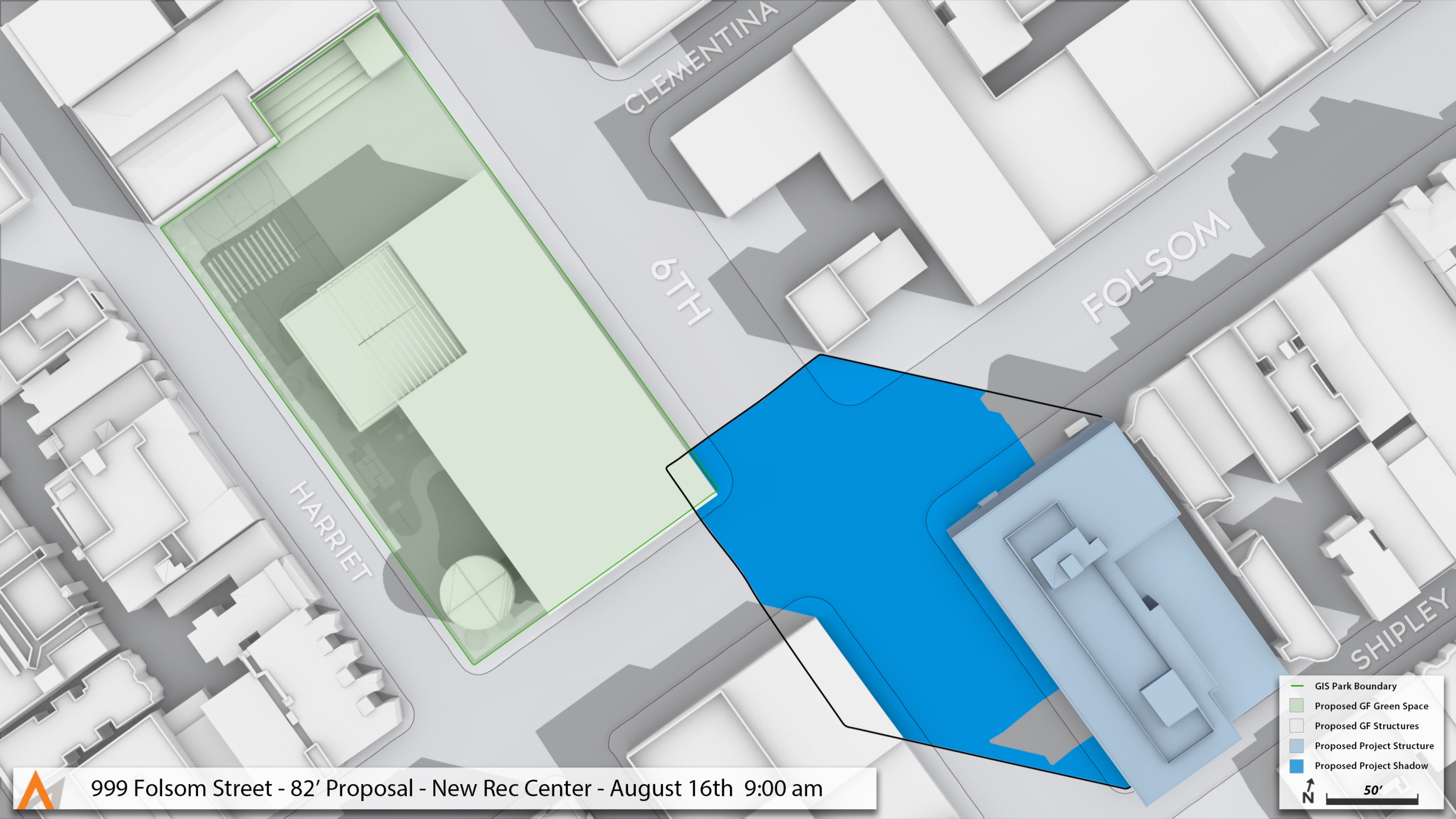
N

50'



999 Folsom Street - August 16th 9:15 am

## **EXHIBIT C**



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

GIS Park Boundary

Proposed GF Green Space

Proposed GF Structures

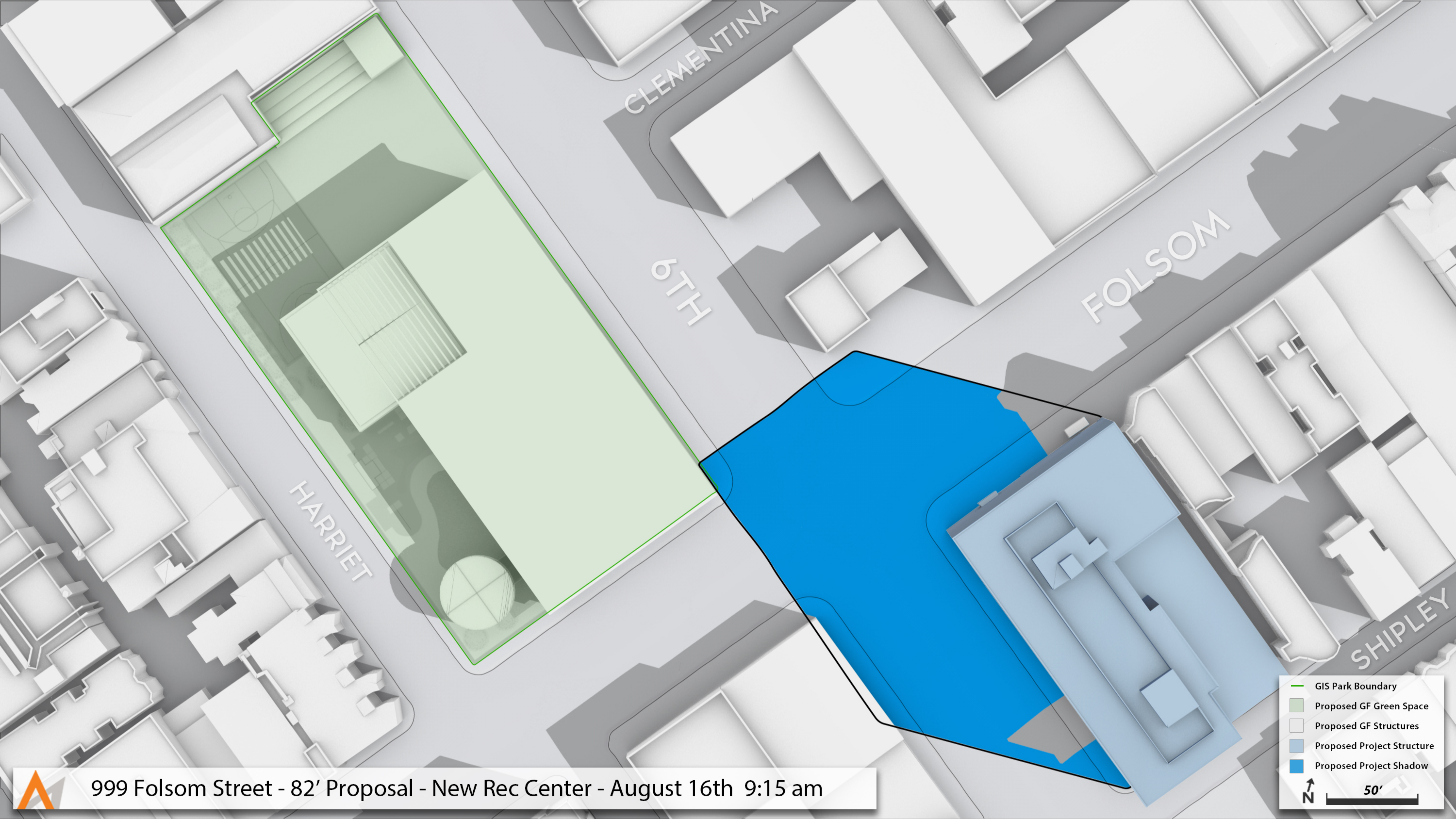
Proposed Project Structure

Proposed Project Shadow

N

50'

999 Folsom Street - 82' Proposal - New Rec Center - August 16th 9:00 am



CLEMENTINA

9TH

FOLSOM

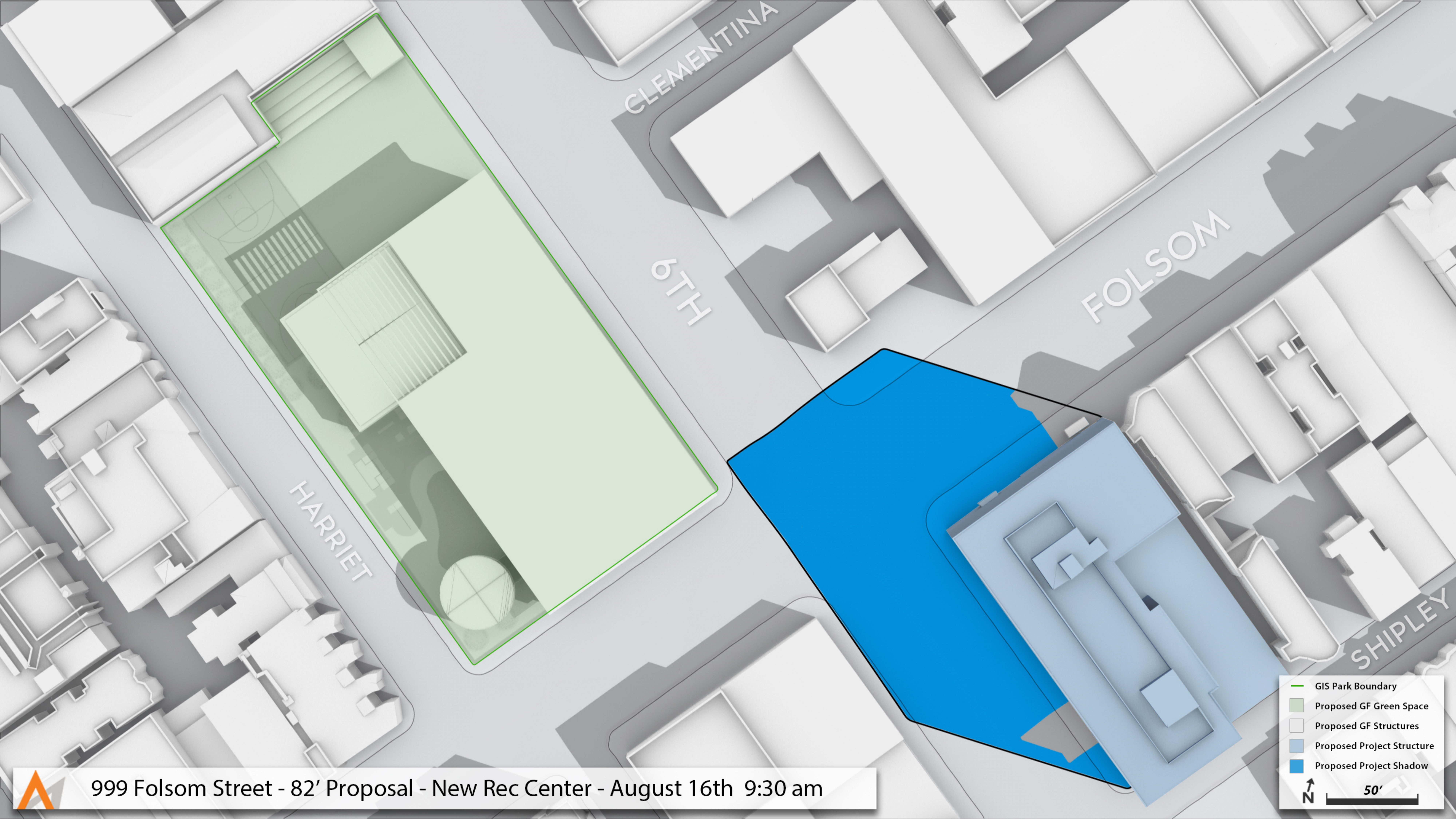
HARRIET

SHIPLEY

GIS Park Boundary  
Proposed GF Green Space  
Proposed GF Structures  
Proposed Project Structure  
Proposed Project Shadow

N  
50'

999 Folsom Street - 82' Proposal - New Rec Center - August 16th 9:15 am



CLEMENTINA

9TH

FOLSOM

HARRIET

SHIPLEY

- GIS Park Boundary
- Proposed GF Green Space
- Proposed GF Structures
- Proposed Project Structure
- Proposed Project Shadow

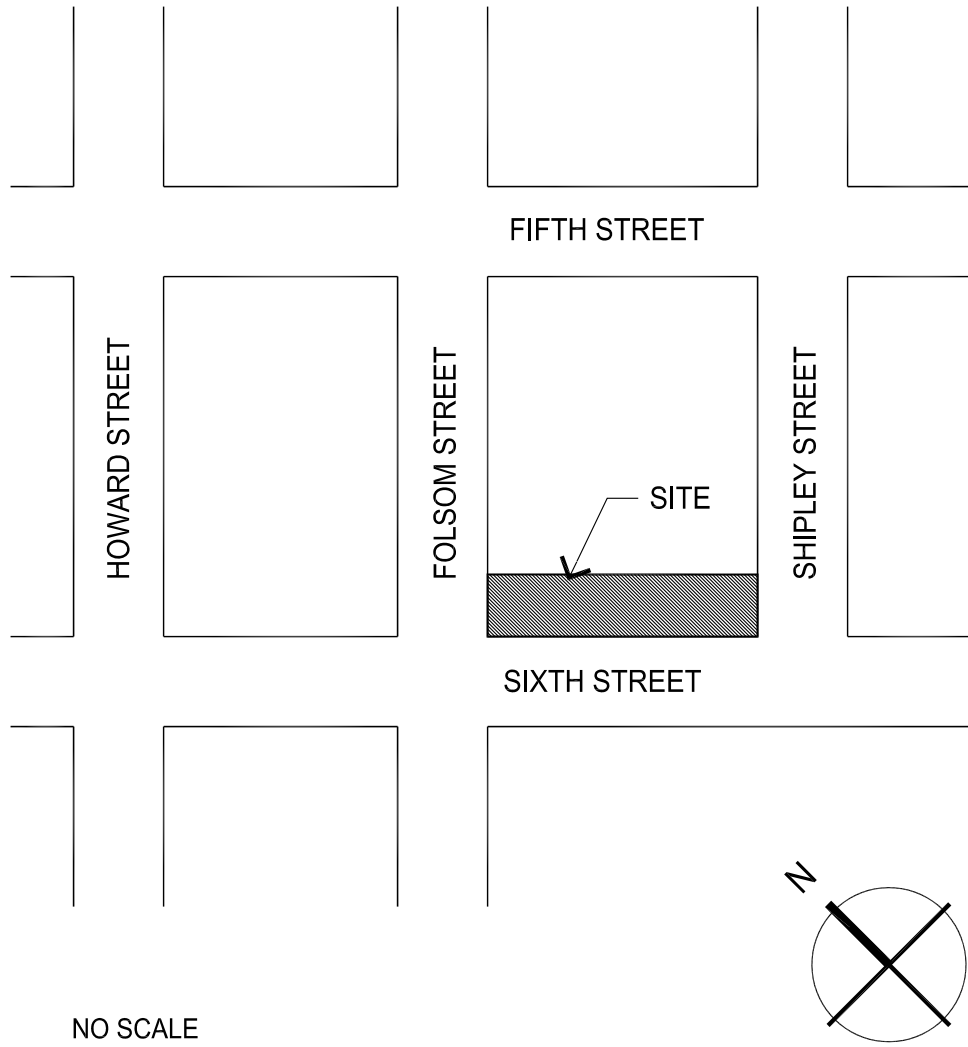
N 50'

999 Folsom Street - 82' Proposal - New Rec Center - August 16th 9:30 am



999 Folsom Street/301 6th Street  
Folsom and 6th Street Vista

VICINITY MAP



SCOPE OF WORK

NEW CONSTRUCTION OF 84 RESIDENTIAL UNIT MIXED USE BUILDING:  
EIGHT STORY BUILDING WITH SEVEN STORIES OF RESIDENTIAL USE  
ABOVE GROUND FLOOR COMMERCIAL AND PRIVATE PARKING GARAGE.

DRAWING INDEX

- A0.0 VICINITY MAP, SCOPE OF WORK, DRAWING INDEX
- A0.1 BUILDING DEPARTMENT NOTES
- SURVEY
- A1.0 SITE PLAN
- A2.1 GROUND LEVEL FLOOR PLAN
- A2.2 SECOND LEVEL FLOOR PLAN
- A2.3 THIRD LEVEL FLOOR PLAN
- A2.4 FOURTH LEVEL FLOOR PLAN
- A2.5 FIFTH LEVEL FLOOR PLAN
- A2.9 ROOF PLAN
- A3.1 ELEVATION
- A3.2 ELEVATION
- A3.3 ELEVATION
- A3.4 ELEVATION
- A4.1 SECTION
- A4.2 SECTION
- A5.1 DESIGN ELEMENTS

999  
Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
ARCHITECTS

GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984- 2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	ISSUED FOR REVIEW 01.11.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Vicinity Map,  
Scope of Work,  
Drawing Index

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

A0.0

PLANNING DEPARTMENT NOTES					
PROJECT LOCATION:	999 FOLSOM STREET, SAN FRANCISCO, CALIFORNIA 94103 BLOCK 3753, LOT 122		CAR SHARE PARKING:		
PROPOSED USE:	8 STORY MIXED USE BUILDING WITH 7 STORIES OF RESIDENTIAL USE OVER GROUND LEVEL COMMERCIAL RETAIL TENANT SPACE AND PRIVATE PARKING GARAGE.		RESIDENTIAL:		
			MINIMUM REQUIRED: 1 CAR SHARE SPACE FOR 50 - 200 RESIDENTIAL UNITS (SEC. 166.2.1)  REQUIRED: 1 CAR SHARE SPACE FOR 84 RESIDENTIAL UNITS  PROPOSED: 1 CAR SHARE PARKING STALL		
ZONING:	MUR		COMMERCIAL RETAIL:		
	85-X HEIGHT AND BULK DISTRICT  EAST SOMA AREA PLAN, CENTRAL CORRIDOR AREA  LARGE PROJECT IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS  ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.		MINIMUM REQUIRED: NONE FOR 0 - 24 NON-RESIDENTIAL CAR SPACES (SEC. 166.2.1)  REQUIRED: NONE  PROPOSED: NONE		
SETBACKS:	FRONT: FOLSOM STREET: NONE		BICYCLE PARKING:		
	FRONT: 6TH STREET: NONE		RESIDENTIAL:		
	FRONT: SHIPLEY STREET: NONE WITHIN 60'-0" OF 6TH STREET, BEYOND 60'-0": 10'-0" ABOVE 43'-9"		CLASS 1 MINIMUM REQUIRED: 1 SPACE FOR EVERY DWELLING UNIT (SEC. 155.2.11, TABLE 152.1)  REQUIRED: 84 CLASS 1 SPACES FOR 84 DWELLING UNITS  PROPOSED: 84 CLASS 1 SPACES (AT GROUND LEVEL: 56 LIFT ASSIST BICYCLE RACKS IN SECURE ROOM PLUS 28 CLASS 1 BICYCLE LOCKERS IN GARAGE AREA )		
	SIDE: NONE		CLASS 2 MINIMUM REQUIRED: ONE CLASS 2 SPACE PER 20 DWELLING UNITS (SEC. 155.2.11)  REQUIRED: 84 DWELLING UNITS / 20 = 4.2 (4 CLASS 2 SPACES)  PROPOSED: 4 CLASS 2 BICYCLE RACKS (8 SPACES): SIDEWALK ON FOLSOM STREET		
LOT AREA:	16,390 SF				
LOT COVERAGE:	REQUIREMENT: MINIMUM 25% OF LOT AREA OPEN TO SKY AT FIRST RESIDENTIAL LEVEL AND ABOVE: MINIMUM 4,098 SF		COMMERCIAL RETAIL:		
	PROPOSED: REAR YARD OPEN TO SKY AT FIRST RESIDENTIAL LEVEL (SECOND LEVEL): 4,112 SF		CLASS 1 MINIMUM REQUIRED: ONE CLASS 1 SPACE FOR EVERY 7,500 SQ.FT. OF OCCUPIED FLOOR AREA (SEC. 155.2.16)  REQUIRED: 5,570 SQ.FT. OCCUPIED FLOOR AREA / 7,500 = .74 (1 CLASS 1 SPACE)  PROPOSED: ONE CLASS 1 BICYCLE LOCKER (IN GARAGE AT GROUND LEVEL)		
BUILDING HEIGHT:	PROPOSED:	82'-0"	CLASS 2 MINIMUM REQUIRED: ONE CLASS 2 SPACE FOR EVERY 750 SQ.FT. OF OCCUPIED FLOOR AREA (SEC. 155.2.16)  REQUIRED: 5,570 SQ.FT. OCCUPIED FLOOR AREA / 750 = 7.43 (7 CLASS 2 SPACES)  PROPOSED: 4 CLASS 2 BICYCLE RACKS (8 SPACES): SIDEWALK ON 6TH STREET		
RESIDENTIAL UNITS:	PROPOSED:	84 UNITS (34 2 BEDROOM (40.5%), 49 1 BEDROOM, 1 STUDIO) *			
COMMERCIAL RETAIL SPACE:	PROPOSED:	5,868 SQ.FT. GROSS FLOOR AREA (5,570 SQ.FT. OCCUPIED FLOOR AREA)	RESIDENTIAL OPEN SPACE:		
OFF-STREET PARKING:	MINIMUM REQUIRED: NONE IN MUR DISTRICT (SEC. 151.1(b))		REQUIRED PRIVATE OR COMMON: 80 SF/UNIT X 84 = 6,720 SF		
	MAXIMUM PERMITTED AS ACCESSORY (CONDITIONAL): IN MUR DISTRICTS, DWELLING UNITS WITH AT LEAST 2 BEDROOMS AND AT LEAST 1,000 SQ.FT. OF OCCUPIED FLOOR AREA: 1 CAR PER DWELLING UNIT; OTHERWISE, 0.75 CARS PER DWELLING UNIT (SEC. 151.1; TABLE 151.1)		PROVIDED: COMMON AREA: 4,112 SF (AT REAR YARD) 2,690 SF (AT ROOF DECK) <div>6,802 SF **</div>		
RESIDENTIAL:	PERMITTED (CONDITIONAL): 7 2 - BR UNITS 1,000 SQ.FT. OR GREATER X 1 = 7 STALLS 77 REMAINING UNITS X 0.75 = 58 STALLS		COMMERCIAL OPEN SPACE:		
	PROPOSED: 36 RESIDENTIAL PARKING STALLS		REQUIRED: 1 SF/250 SF X 5,868 = 23.47 SF  PROVIDED: 25 SF (ALCOVE AREA ON SHIPLEY STREET)		
COMMERCIAL RETAIL:	MINIMUM REQUIRED: NONE IN MUR DISTRICT (SEC. 151.1(b))		BUILDING GROSS AREAS:		
	MAXIMUM PERMITTED AS ACCESSORY: IN MUR DISTRICTS, 1 CAR FOR EACH 1,500 SQ.FT. OF GROSS FLOOR AREA (SEC. 151.1; TABLE 151.1)  PERMITTED: 5,868 SQ.FT. / 1,500 = 3.91 STALLS (4 STALLS)  PROPOSED: NONE		RESIDENTIAL UNITS: 80,151 SF (OCCUPIED AREA: 63,045 SF)  COMMERCIAL RETAIL: 5,868 SF  BUILDING COMMON: *** 2,231 SF		
FREIGHT LOADING / SERVICE VEHICLES:	MINIMUM REQUIRED: 0 FREIGHT LOADING SPACES FOR 0 -100,000 GROSS SQ.FT. OF STUCTURE OR USE. (SEC. 152.1, TABLE 152.1)		TOTAL GROSS AREA: 88,250 SF ****		
	REQUIRED: 0 FREIGHT LOADING SPACES FOR 88,250 SQ.FT. GROSS FLOOR AREA (PLANNING CODE DEFINITION)  PROPOSED: NONE				
COMMERCIAL RETAIL:	MINIMUM REQUIRED: 0 FREIGHT LOADING SPACES FOR 0 - 10,000 GROSS SQ.FT. (SEC. 152.1, TABLE 152.1)  REQUIRED: 0 FREIGHT LOADING SPACE FOR 5,868 SQ.FT. GROSS FLOOR AREA (PLANNING CODE DEFINITION)  PROPOSED: NONE				
			*		
			7 2 - BEDROOM UNITS HAVE AN AREA OF AT LEAST 1,000 SQ. FT.		
			**		
			AN ADDITIONAL 3,192 SQ. FT. OF RESIDENTIAL OPEN SPACE PROVIDED ON PRIVATE DECKS IS NOT COUNTED TOWARD OPEN SPACE REQUIREMENT.		
			***		
			BUILDING COMMON INCLUDES LOBBIES, CORRIDORS, STAIRS, ELEVATORS, WALLS, STRUCTURE NOT OTHERWISE ASSIGNED OR EXCLUDED.		
			****		
			PLANNING CODE SECTION 102.9 DEFINITION EXCLUDES FROM GROSS AREA CALCULATIONS: ROOF LEVEL STAIR, ELEVATOR AND MECHANICAL PENTHOUSES; ACCESSORY PARKING AND MANEUVERING SPACE; BICYCLE PARKING; MECHANICAL SPACES AND AREAS THAT SERVE THE OPERATION OF THE BUILDING; AT NON-RESIDENTIAL LEVELS, ELEVATOR SHAFTS AND LIFE SUPPORT SYSTEMS SERVING EXCLUSIVELY RESIDENTIAL USES ABOVE FROM NON-RESIDENTIAL LEVELS BELOW; AND OPEN SPACE PROVIDED AT ROOF OR IN REAR YARD.		
NOTE:			AUTO PARKING AND MANEUVERING AREAS ARE TYPICALLY EXCLUDED FROM CALCULATION OF GROSS AREA BY PLANNING CODE DEFINITION (SECTION 102.9, SEE ABOVE).		
			THE "AREA" OF THE PRIVATE GARAGE, AS SHOWN ON THE PLANS, INCLUDES AUTO PARKING SPACES AND MANEUVERING AREAS, AUTO INTERIOR DRIVEWAY, PEDESTRIAN CIRCULATION, ADA STRIPPED WALKWAYS, AND BICYCLE WALKWAYS FROM THE LOBBY. BICYCLE PARKING ROOM, BICYCLE STORAGE LOCKERS, FAMILY AMENITY LOCKERS, DELIVERY STORAGE, UTILITY ROOM AND TRASH ROOM ARE NOT INCLUDED IN THE 6,190 SQ.FT. AREA OF THE PRIVATE GARAGE.		

999

Folsom Street

(AKA 301 6th Street)

Residential & Commercial Condominiums

Mixed Use Project

San Francisco • California

GARY GEE ARCHITECTS

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984- 2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No.

13-015

Date

04.01.13

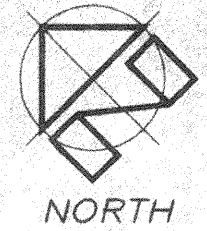
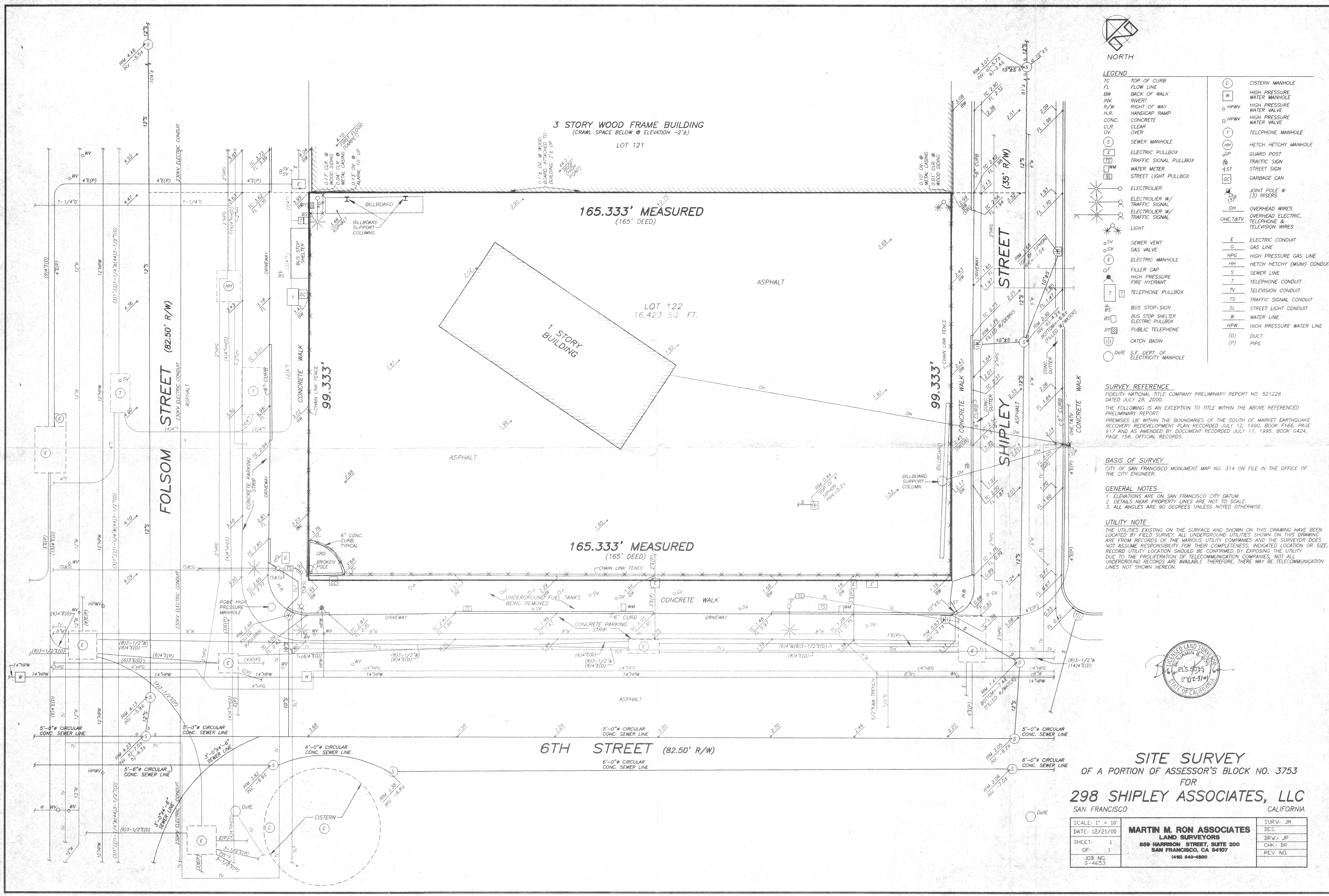
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	ISSUED FOR REVIEW 01.11.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Planning Department Notes

Scale: NO SCALE

A0.1



LEGEND

TC	TOP OF CURB	(C)	CISTERN MANHOLE
FL	FLOW LINE	(W)	HIGH PRESSURE WATER MANHOLE
BW	BACK OF WALK	(HPW)	HIGH PRESSURE WATER VALVE
INV.	INVERT	(HPW)	HIGH PRESSURE WATER VALVE
R/W	RIGHT OF WAY	(T)	TELEPHONE MANHOLE
H.R.	HANDICAP RAMP	(HH)	HATCH HATCHY MANHOLE
CONC.	CONCRETE	(GP)	GUARD POST
CLR.	CLEAR	(TS)	TRAFFIC SIGN
OV.	OVER	(ST)	STREET SIGN
(S)	SEWER MANHOLE	(GC)	GARBAGE CAN
(E)	ELECTRIC PULLBOX	(JO)	JOINT POLE W (3) RISERS
(TS)	TRAFFIC SIGNAL PULLBOX	(OH)	OVERHEAD WIRES
(WM)	WATER METER	(OHE,T&TV)	OVERHEAD ELECTRIC, TELEPHONE & TELEVISION WIRES
(SL)	STREET LIGHT PULLBOX	(E)	ELECTRIC CONDUIT
(E)	ELECTROLIER	(G)	GAS LINE
(E)	ELECTROLIER W/ TRAFFIC SIGNAL	(HPG)	HIGH PRESSURE GAS LINE
(E)	ELECTROLIER W/ TRAFFIC SIGNAL	(HH)	HATCH HATCHY (MUNI) CONDUIT
(L)	LIGHT	(S)	SEWER LINE
(SV)	SEWER VENT	(T)	TELEPHONE CONDUIT
(GV)	GAS VALVE	(TV)	TELEVISION CONDUIT
(E)	ELECTRIC MANHOLE	(TS)	TRAFFIC SIGNAL CONDUIT
(F)	FILLER CAP	(SL)	STREET LIGHT CONDUIT
(H)	HIGH PRESSURE FIRE HYDRANT	(W)	WATER LINE
(T)	TELEPHONE PULLBOX	(HPW)	HIGH PRESSURE WATER LINE
(BS)	BUS STOP SIGN	(D)	DUCT
(BS)	BUS STOP SHELTER	(P)	PIPE
(PT)	PUBLIC TELEPHONE		
(CB)	CATCH BASIN		
(DoE)	S.F. DEPT. OF ELECTRICITY MANHOLE		

SURVEY REFERENCE

FIDELITY NATIONAL TITLE COMPANY PRELIMINARY REPORT NO. 521226 DATED JULY 28, 2000.  
THE FOLLOWING IS AN EXCEPTION TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:  
PREMISES LIE WITHIN THE BOUNDARIES OF THE SOUTH OF MARKET EARTHQUAKE RECOVERY REDEVELOPMENT PLAN RECORDED JULY 12, 1990, BOOK F166, PAGE 917 AND AS AMENDED BY DOCUMENT RECORDED JULY 17, 1995, BOOK G424, PAGE 156, OFFICIAL RECORDS.

BASIS OF SURVEY

CITY OF SAN FRANCISCO MONUMENT MAP NO. 314 ON FILE IN THE OFFICE OF THE CITY ENGINEER.

GENERAL NOTES

- ELEVATIONS ARE ON SAN FRANCISCO CITY DATUM.
- DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.
- ALL ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.

UTILITY NOTE

THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION OR SIZE. RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY. DUE TO THE PROLIFERATION OF TELECOMMUNICATION COMPANIES, NOT ALL UNDERGROUND RECORDS ARE AVAILABLE THEREFORE, THERE MAY BE TELECOMMUNICATION LINES NOT SHOWN HEREON.



**SITE SURVEY**  
OF A PORTION OF ASSESSOR'S BLOCK NO. 3753  
FOR  
**298 SHIPLEY ASSOCIATES, LLC**  
SAN FRANCISCO CALIFORNIA

SCALE: 1" = 10'	<b>MARTIN M. RON ASSOCIATES</b> LAND SURVEYORS 880 HARRISON STREET, SUITE 200 SAN FRANCISCO, CA 94107 (415) 849-4800	SURV: JM DES: DRW: JP CHK: BR REV NO.
DATE: 12/21/00		
SHEET: 1		
OF: 1		
JOB NO. S-4653		

999

Folsom Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
ARCHITECTS

GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.  
DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.  
THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No. 13-015 Date 04.01.13

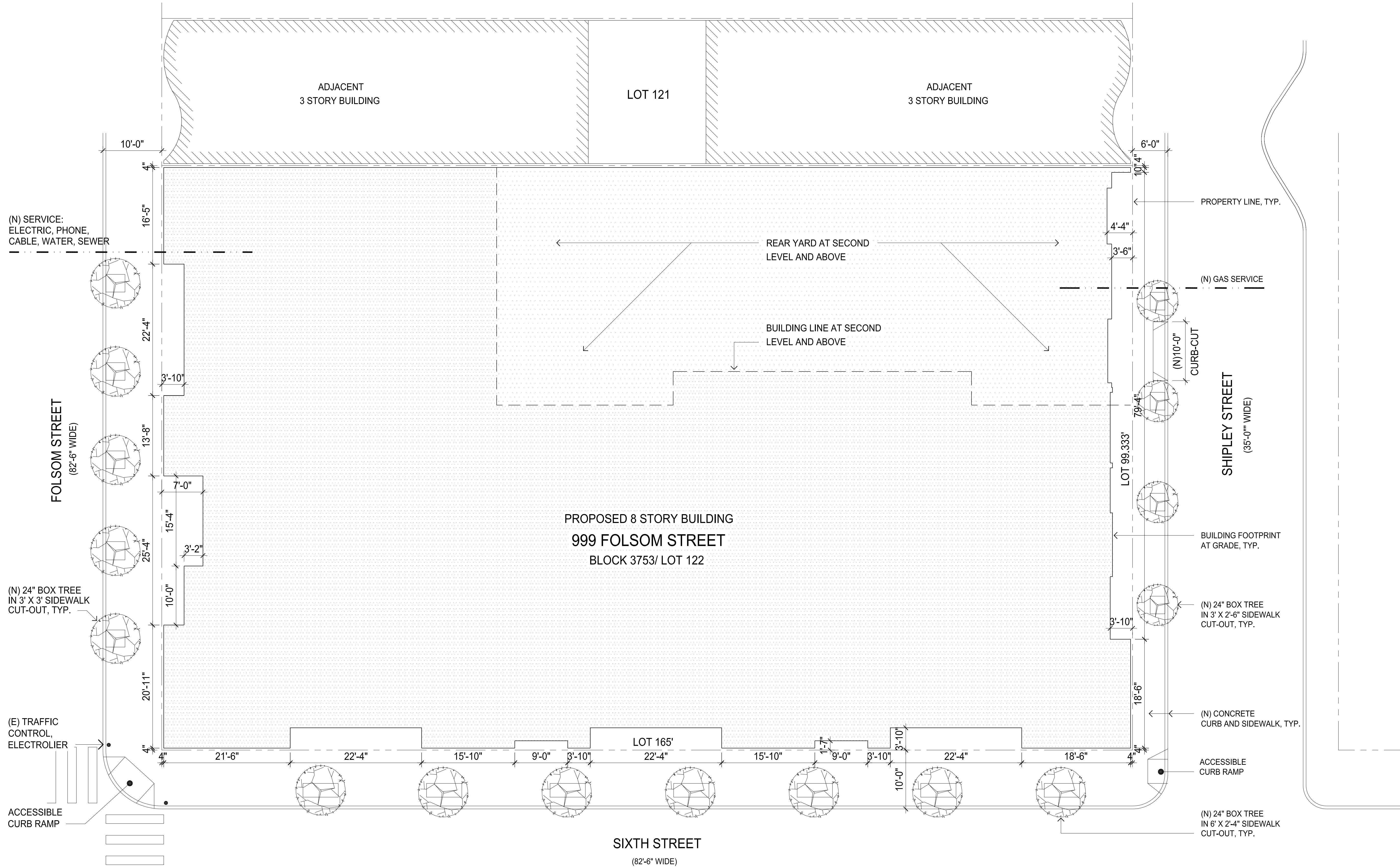
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	ISSUED FOR REVIEW 01.11.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

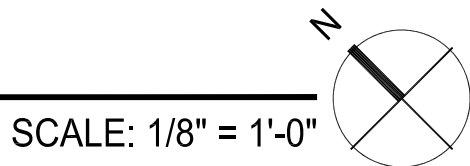
Site Plan

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

A1.0



SITE PLAN



REFER TO SHEET A2.1 FOR ADDITIONAL NOTES AND DIMENSIONS

## A2.1



999

Folsom Street

(AKA 301 6th Street)

Residential & Commercial Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
AIA

GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED.  
DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT.  
THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No. 13-015  
Date 04.01.13

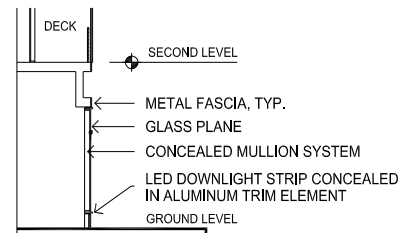
Revisions

No.	Issue / Date
	REVISED LPA 04.20.17
	REVISED LPA 05.02.17

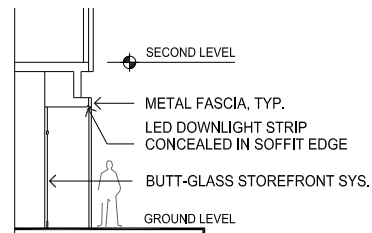
Ground Level Floor Plan - Lighting and Security

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

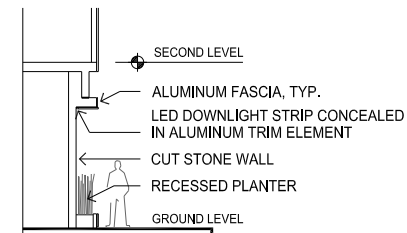
A2.1S



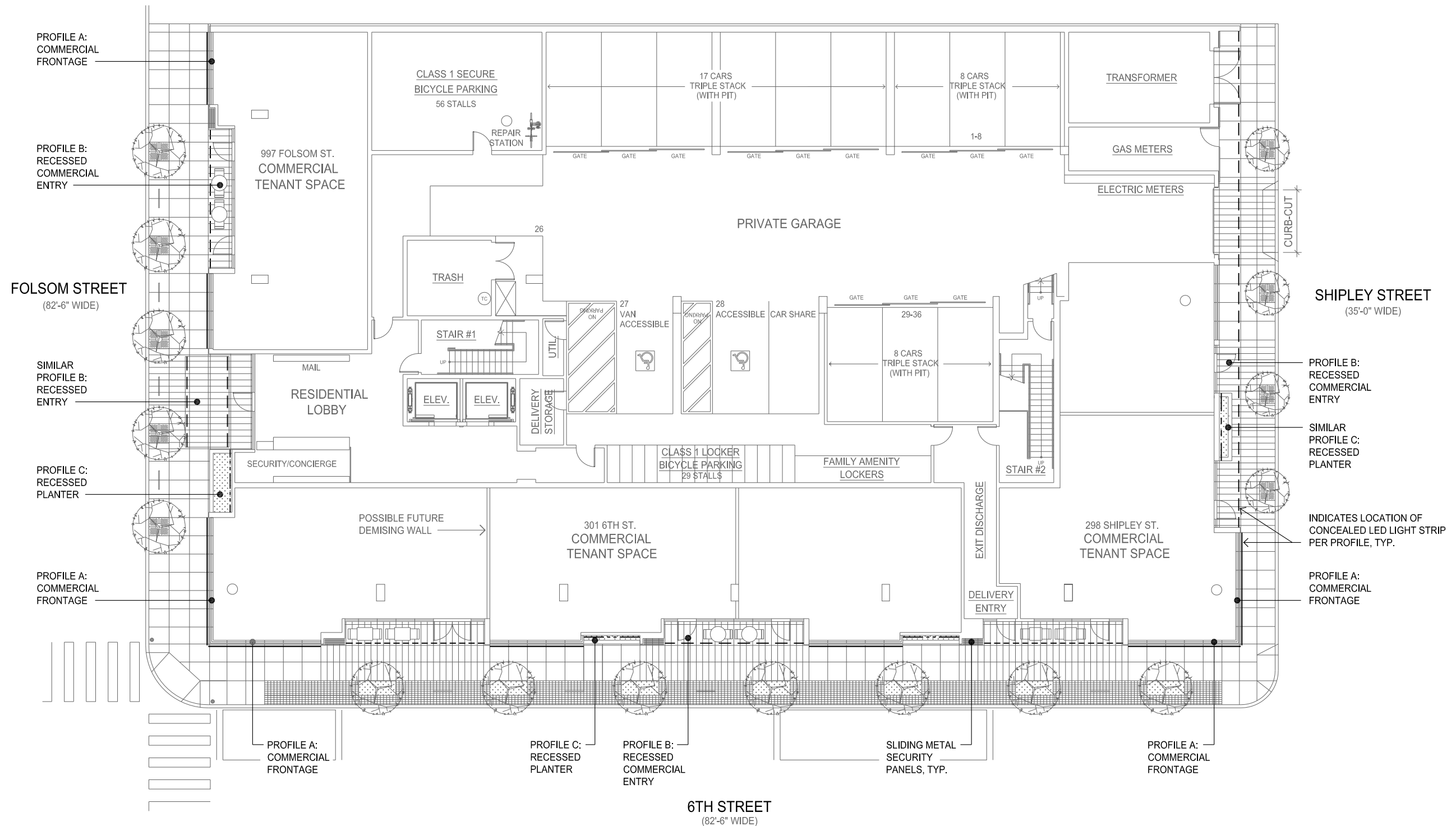
PROFILE A:  
AT COMMERCIAL FRONTAGE



PROFILE B: AT RECESSED  
COMMERCIAL ENTRY



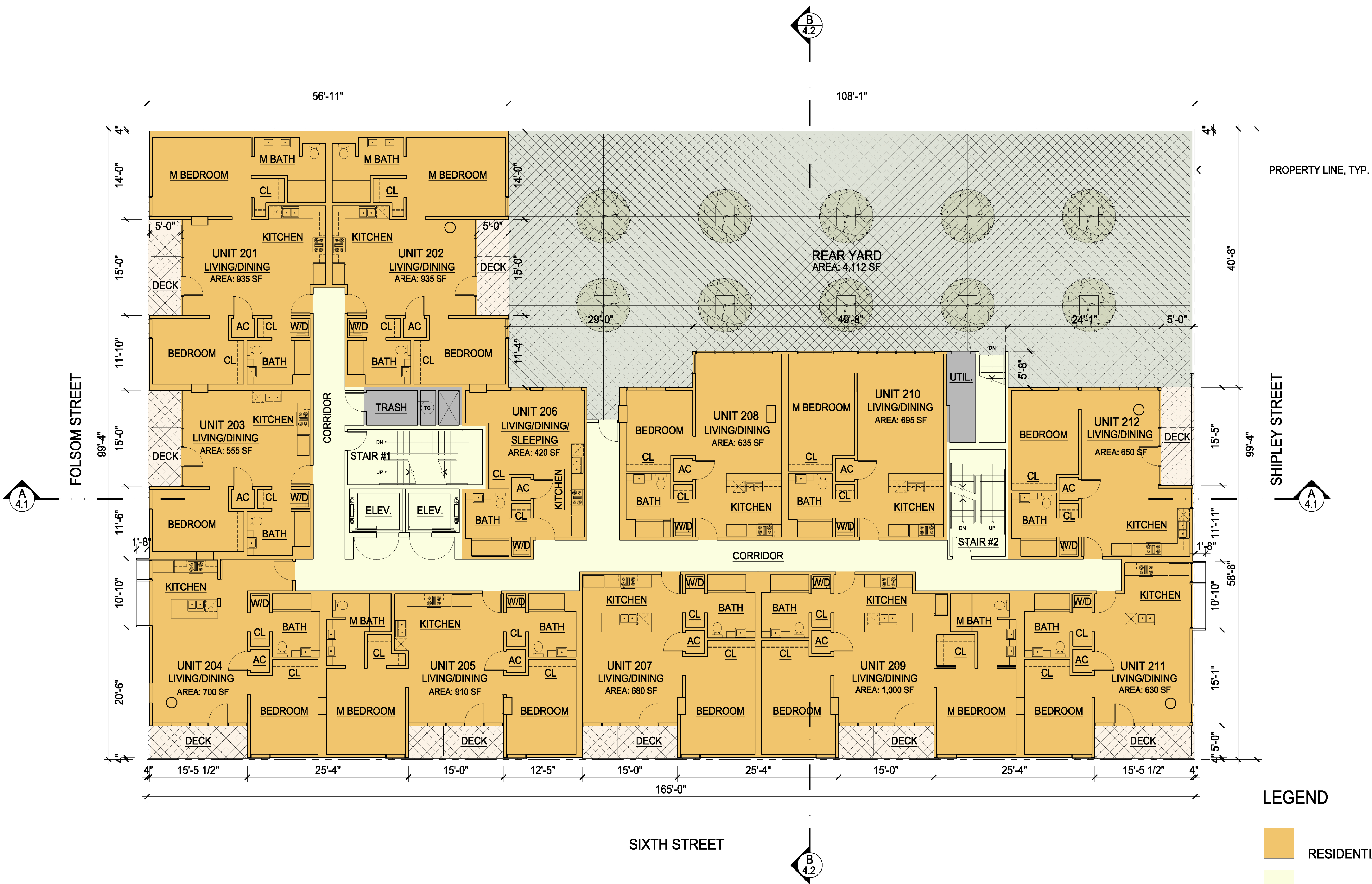
PROFILE C:  
AT RECESSED PLANTER



GROUND LEVEL FLOOR PLAN : EVENING LIGHTING AND SECURED DOOR OPENINGS

ALL EXTERIOR DOORS ARE SECURED OPENINGS.

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



SECOND LEVEL FLOOR PLAN

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

- LEGEND
- RESIDENTIAL
  - CIRCULATION
  - SERVICE
  - LANDSCAPE

999  
Folsom  
Street  
(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
AIA

GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984 - 2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.  
DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.  
THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.  
13-015

Date  
04.01.13

Revisions

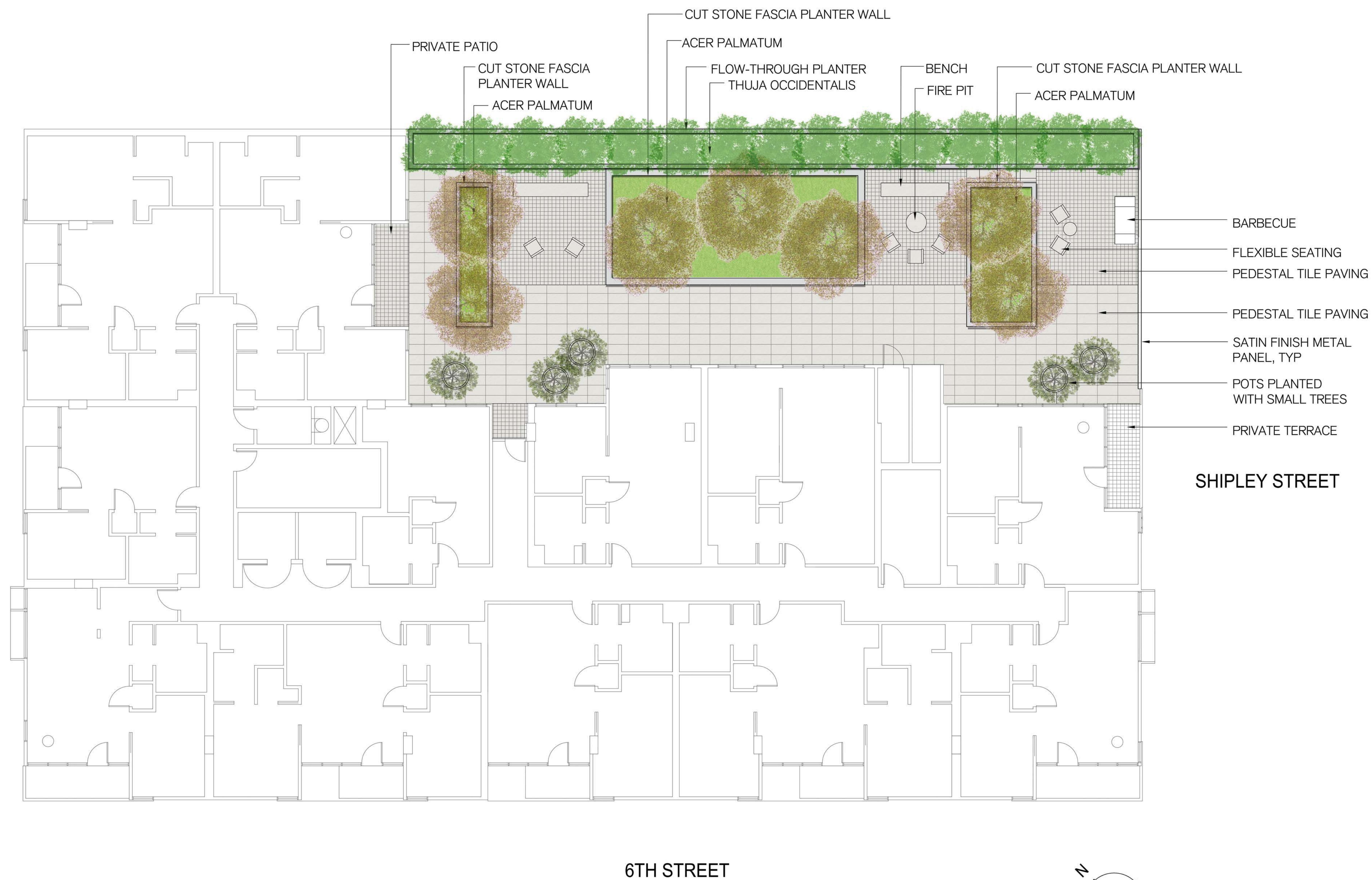
No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	ISSUED FOR REVIEW 02.07.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Second Level  
Floor Plan

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

A2.2

FOLSOM STREET



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





999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
AIA

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984 - 2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

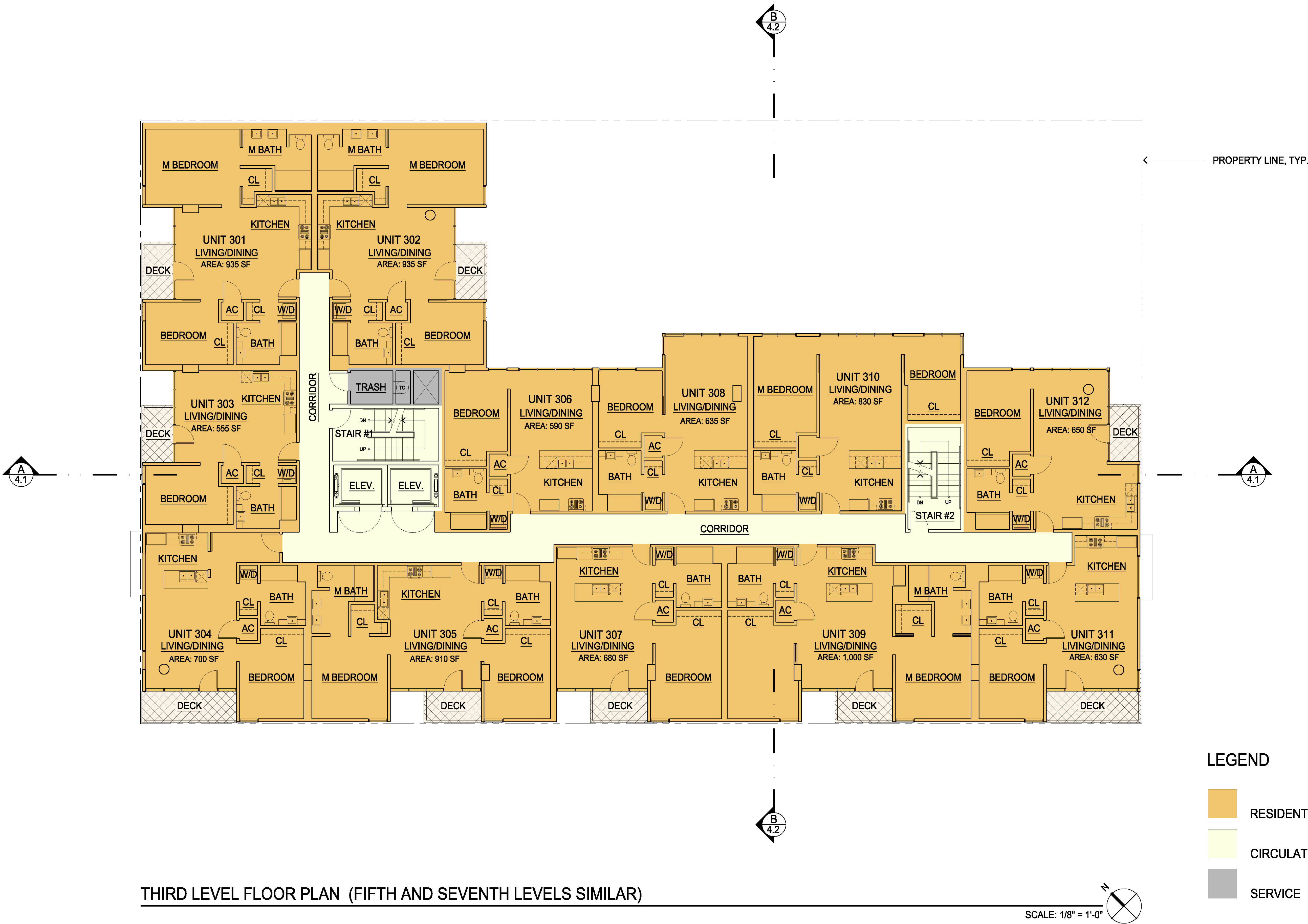
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	ISSUED FOR REVIEW 02.07.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Third Level  
Floor Plan

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

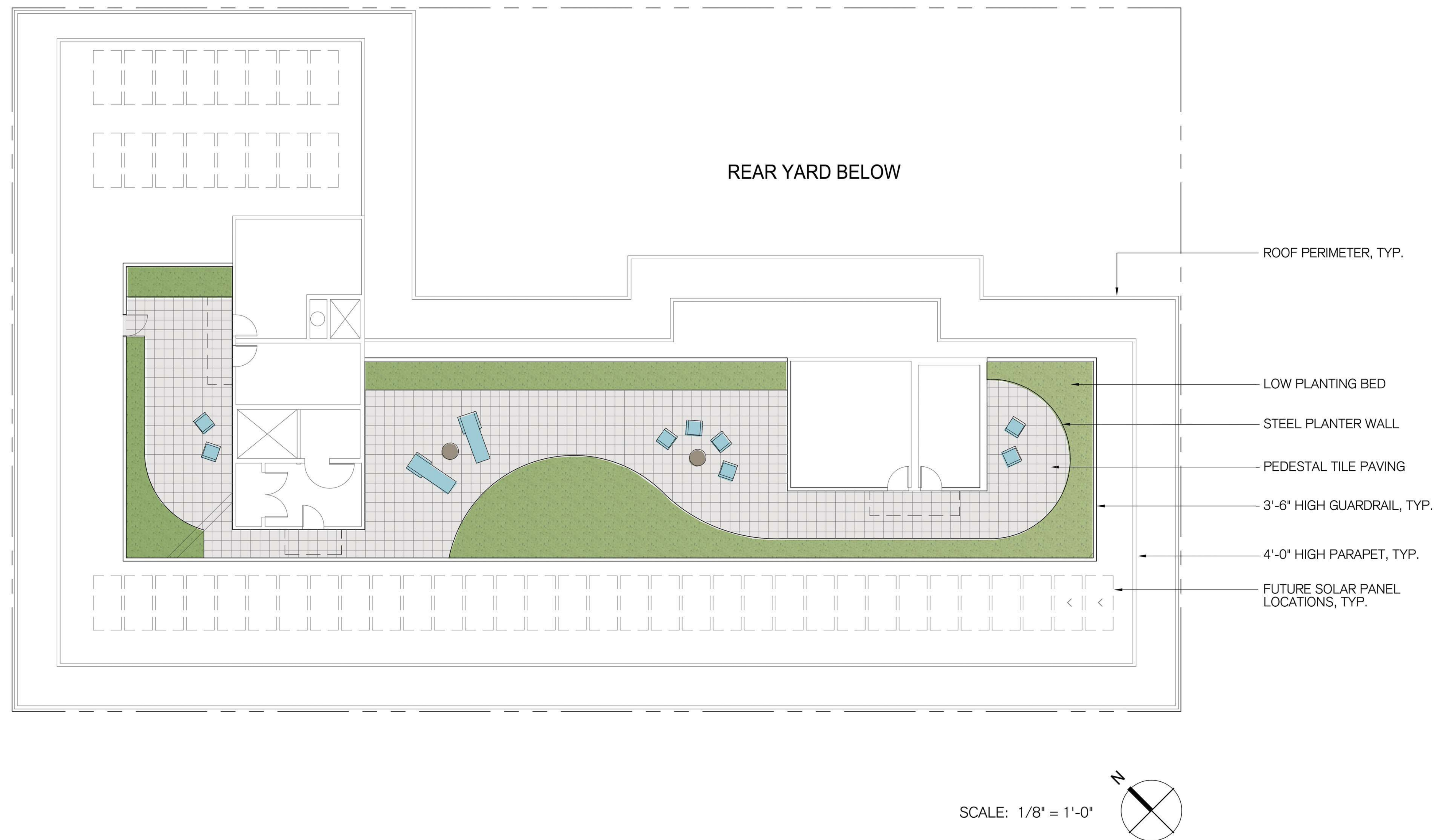
A2.3



REFER TO SHEET A2.2 FOR ADDITIONAL NOTES AND DIMENSIONS



REFER TO SHEET A2.2 FOR ADDITIONAL NOTES AND DIMENSIONS





999 Folsom Street/301 6th Street  
Folsom and 6th Street Vista



999 Folsom Street/301 6th Street  
Folsom Street Residential Entrance

999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
G E E  
A I A

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	REVISED LPA 08.16.16
	ISSUED FOR REVIEW 10.04.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	ISSUED FOR REVIEW 03.29.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Elevation

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

A3.1



WEST ELEVATION (FOLSOM STREET)

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



999 Folsom Street/301 6th Street  
6th and Shipley Street Vista

999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
ARCHITECTS

GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED.  
DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT.  
THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

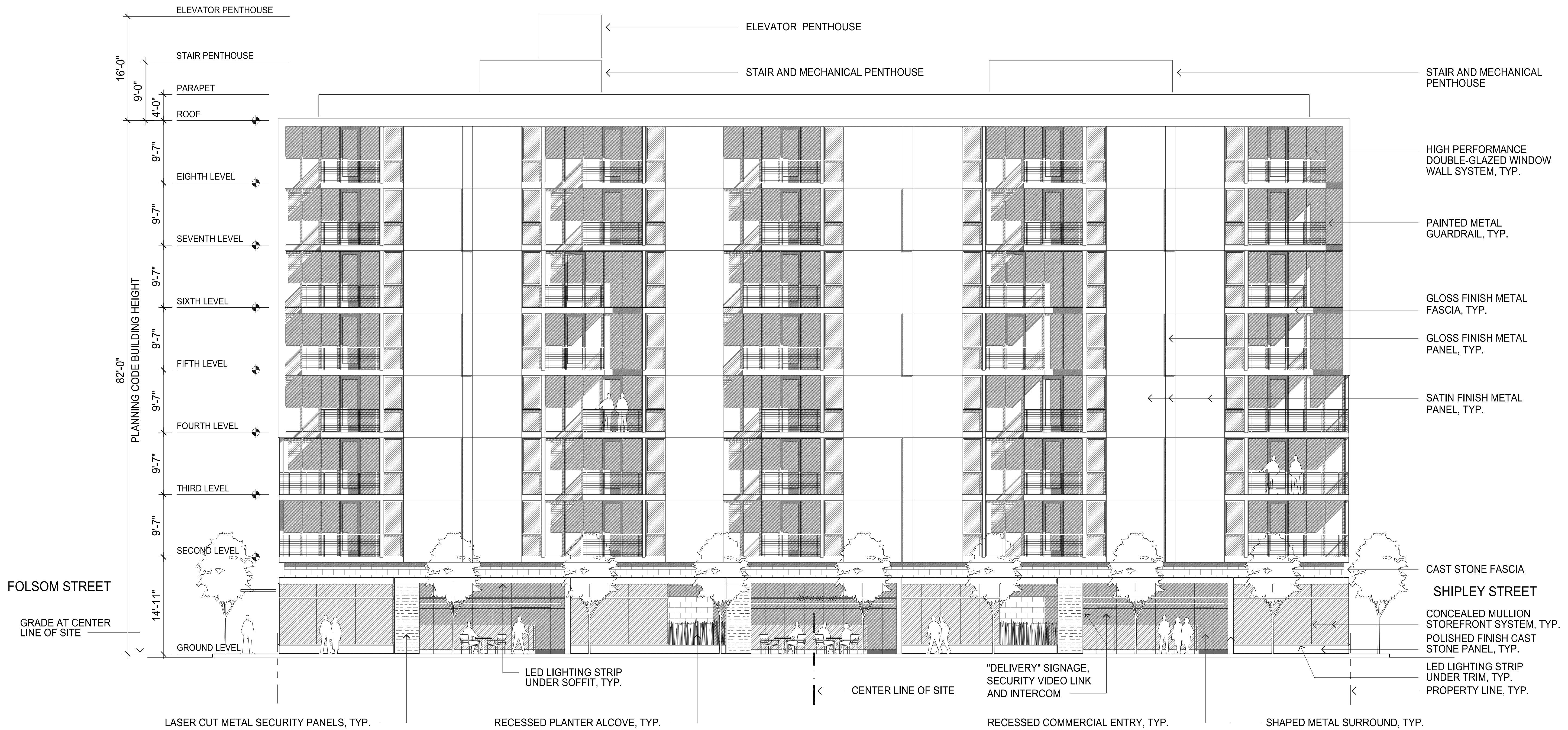
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	REVISED LPA 08.16.16
	ISSUED FOR REVIEW 10.04.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Elevation

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

A3.2



SOUTH ELEVATION (6TH STREET)

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

999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
AIA

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

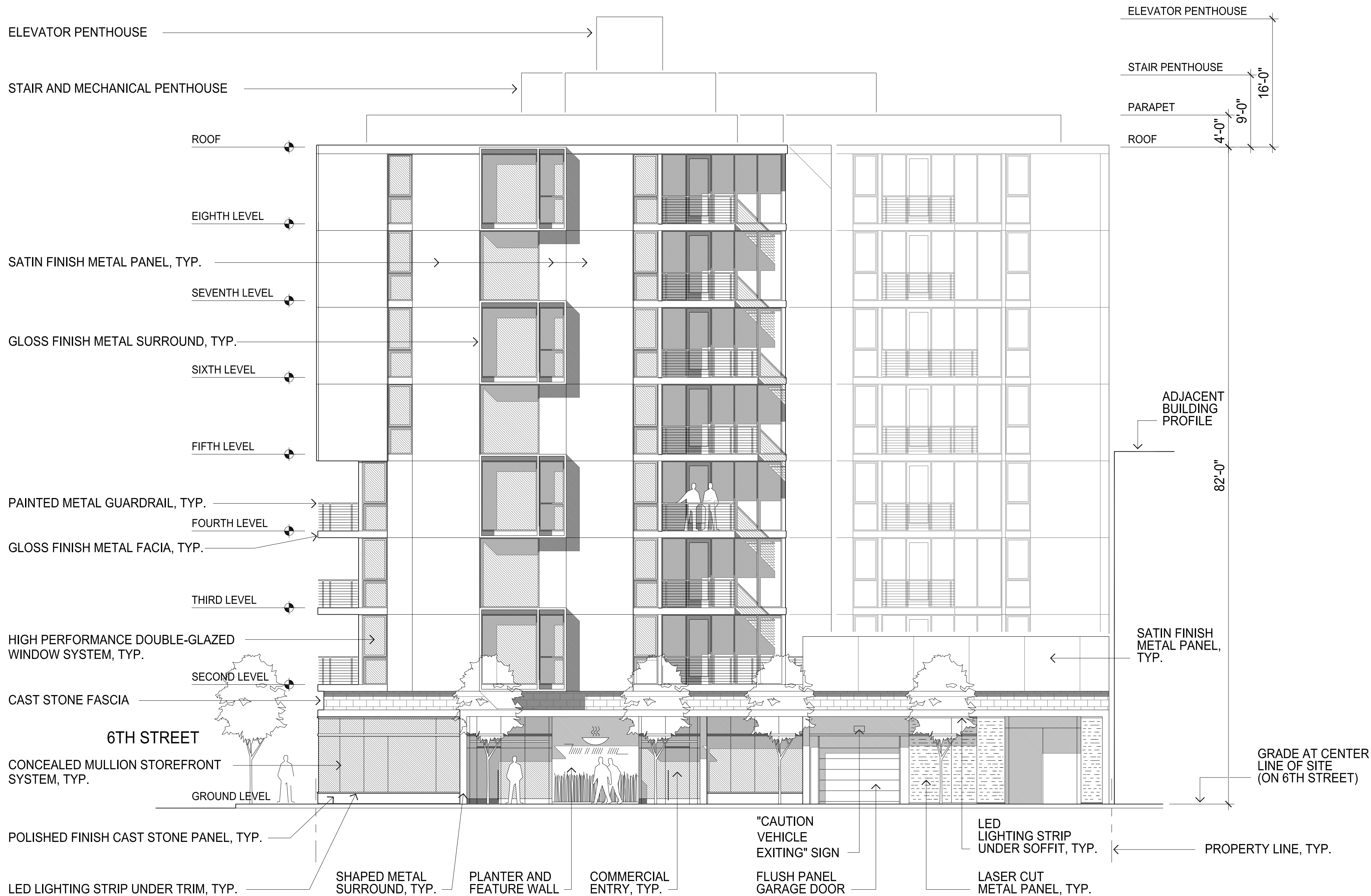
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	REVISED LPA 08.16.16
	ISSUED FOR REVIEW 10.04.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	ISSUED FOR REVIEW 03.29.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Elevation

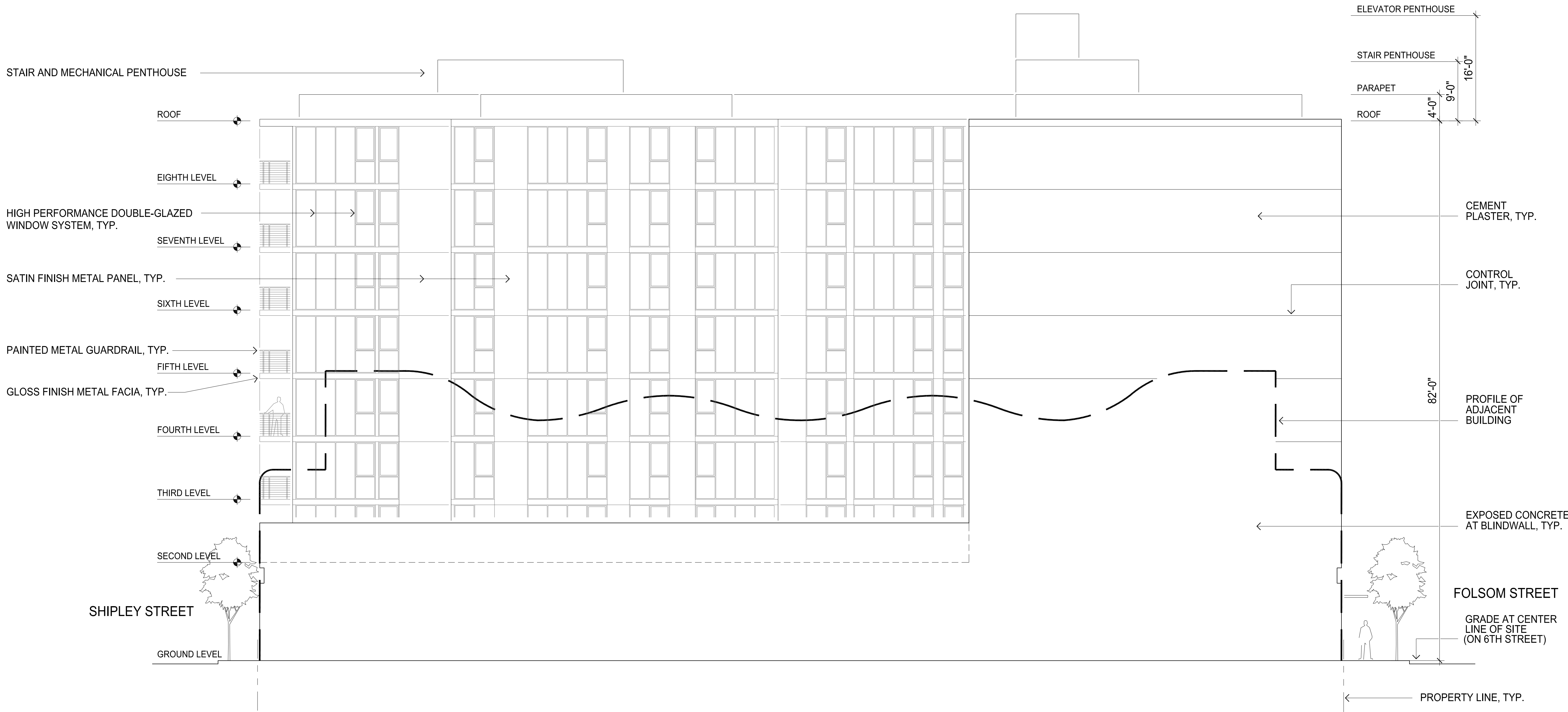
Scale: 1/8" = 1'-0"

A3.3



EAST ELEVATION (SHIPLEY STREET)

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



NORTH ELEVATION (PROPERTY LINE)

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

# 999 Folsom Street

(AKA 301 6th Street)

Residential & Commercial Condominiums

Mixed Use Project

San Francisco • California

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED. DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

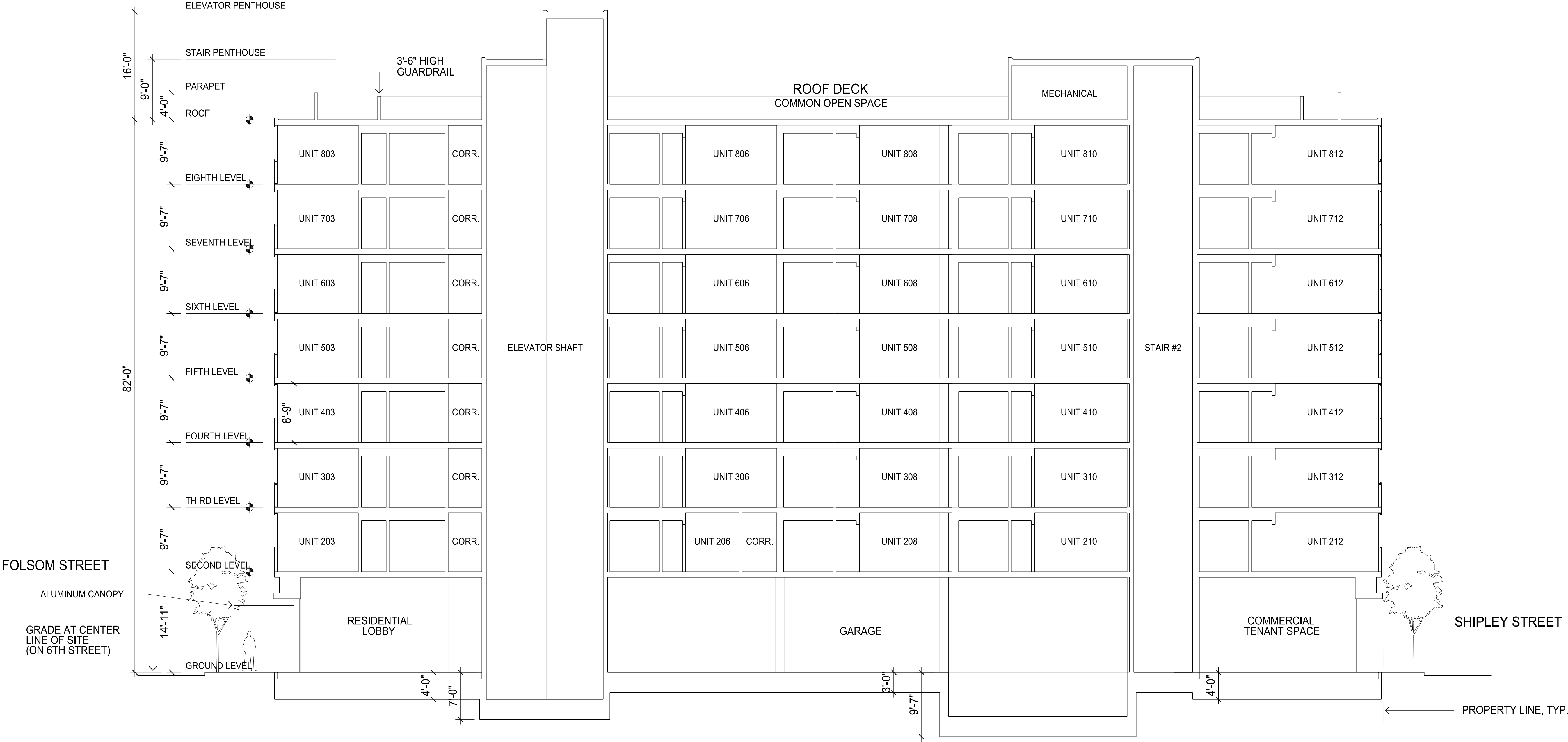
## Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

## Elevation

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

A3.4



SECTION A-A

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

999

Folsom Street

(AKA 301 6th Street)

Residential & Commercial Condominiums

Mixed Use Project

San Francisco • California

GARY GEE ARCHITECTS, INC.

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE ARCHITECTS, INC. ALL RIGHTS RESERVED. DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PROJECTS OR PURPOSES WHATSOEVER, WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF GARY GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

Revisions	
No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Section

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

999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
G E E  
A I A

GARY GEE ARCHITECTS, INC.

98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984-2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

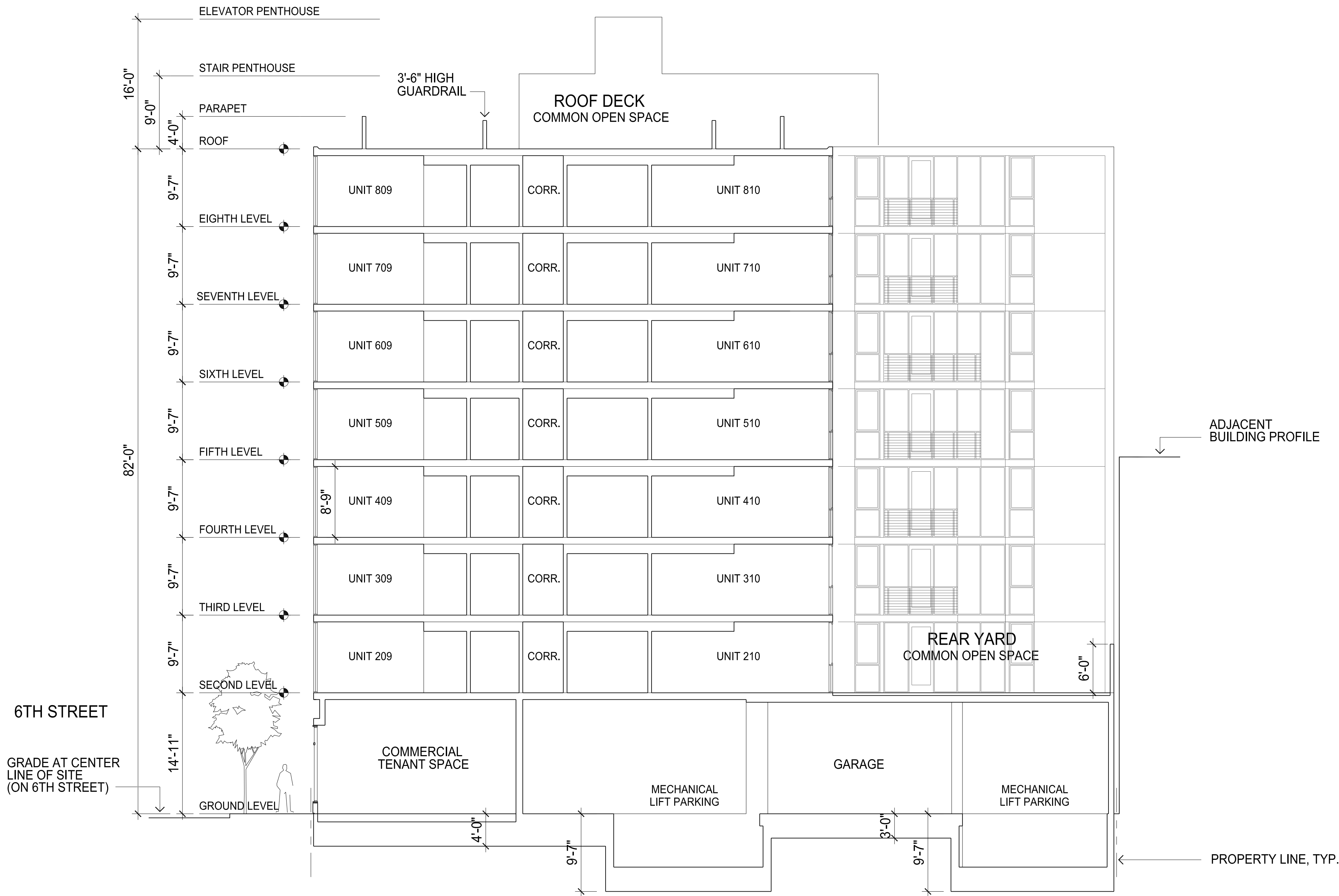
Revisions

No.	Issue / Date
	ISSUED FOR REVIEW (PPA) 04.26.13
	LPA / EE 01.31.14
	REVISED LPA / EE 03.24.15
	REVISED LPA 08.28.15
	REVISED LPA 02.25.16
	ISSUED FOR REVIEW 12.21.16
	REVISED LPA 01.16.17
	REVISED LPA 03.13.17
	REVISED LPA 03.23.17
	REVISED LPA 03.30.17
	REVISED LPA 04.20.17

Section

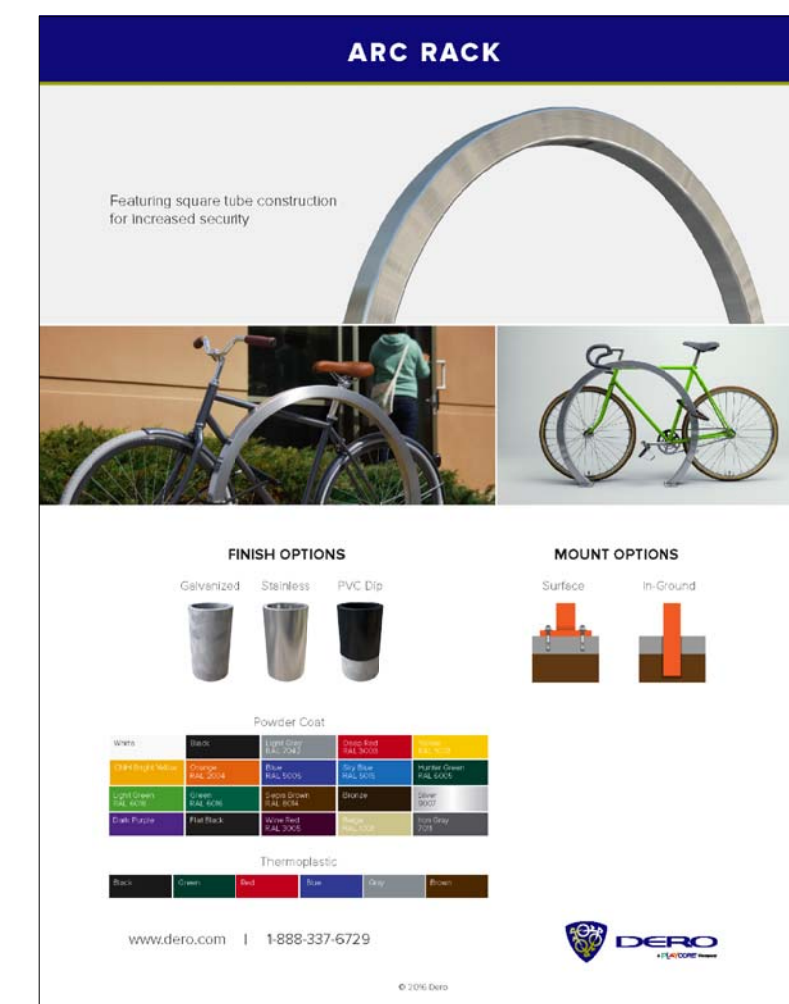
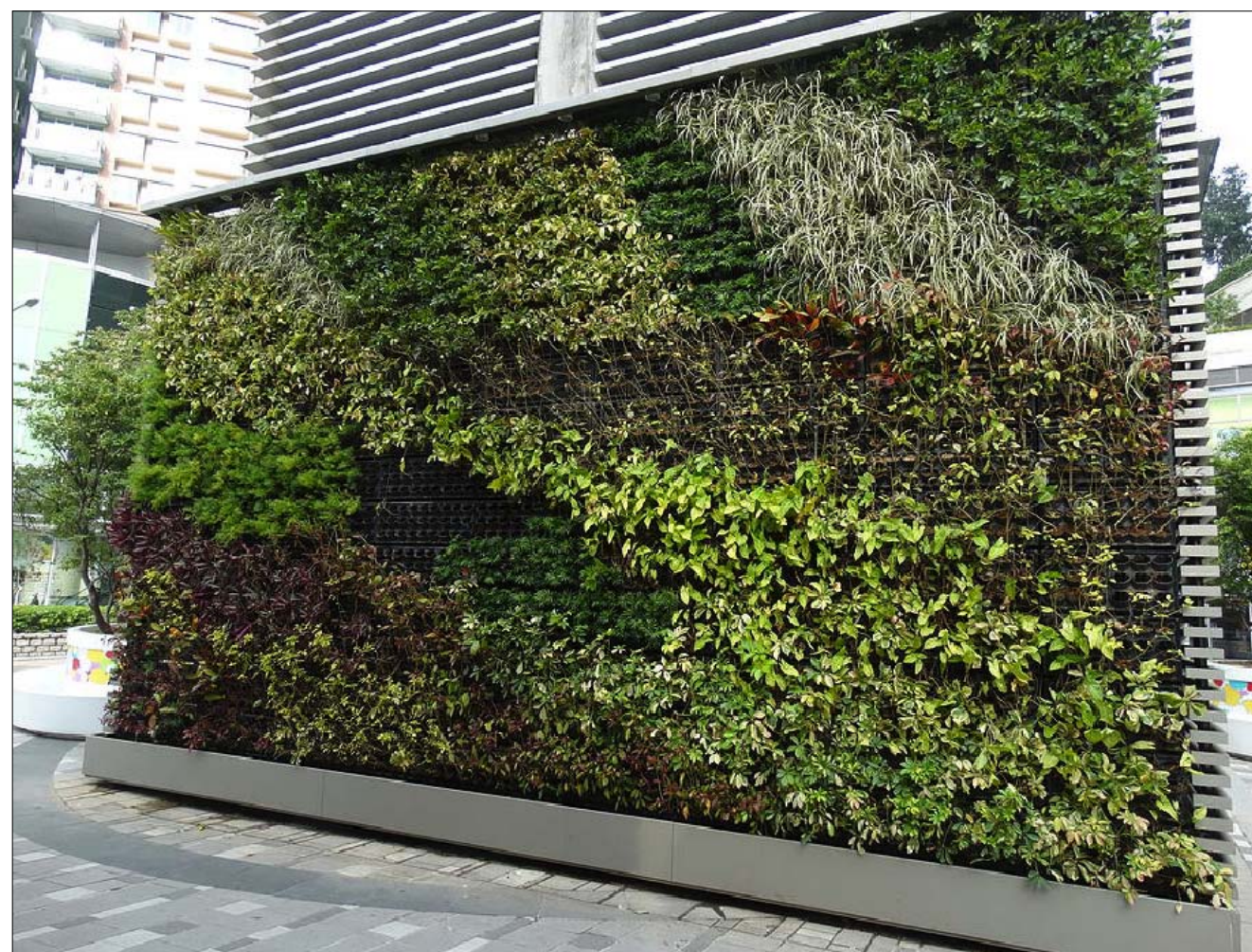
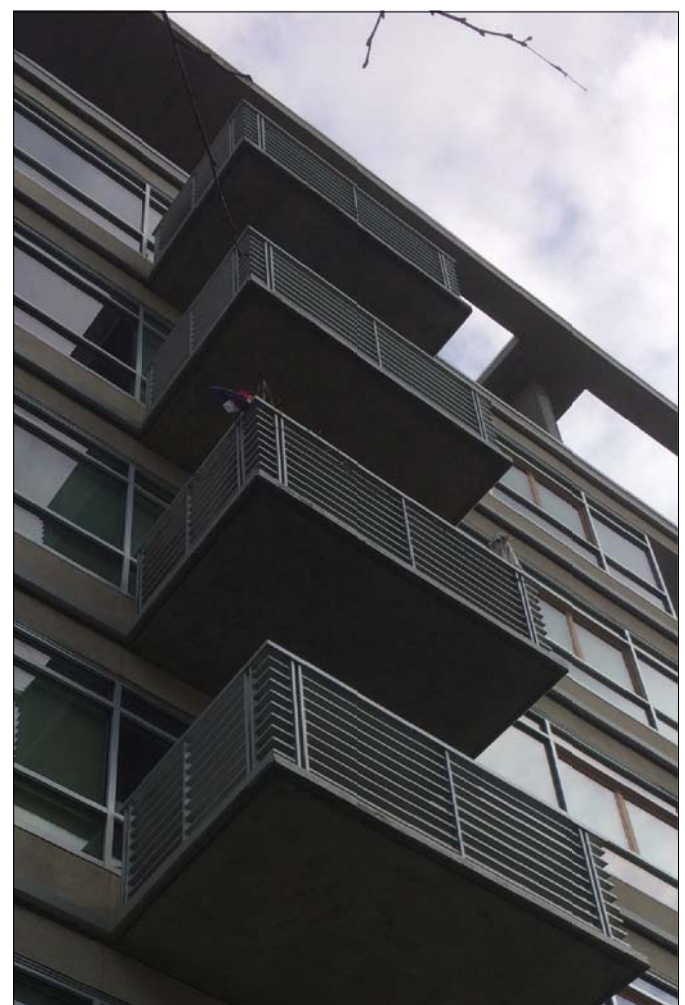
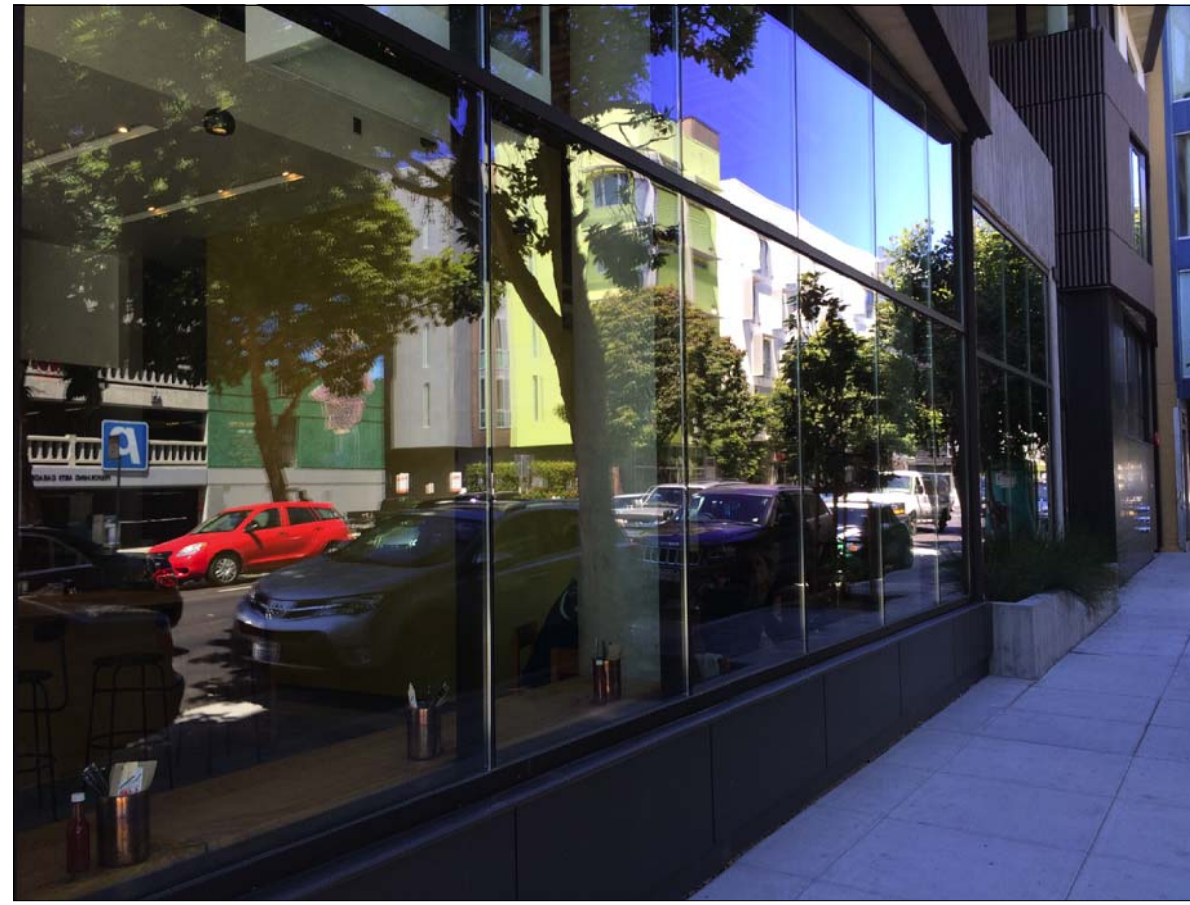
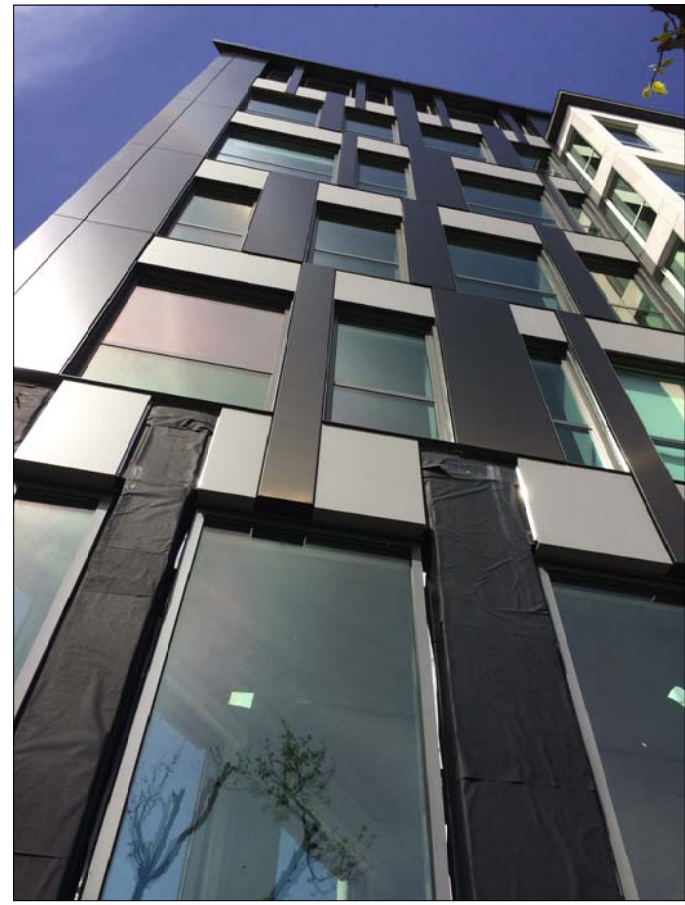
Scale: 1/8" = 1'-0"

A4.2



SECTION B-B

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



999

Folsom  
Street

(AKA 301 6th Street)

Residential &  
Commercial  
Condominiums

Mixed Use Project

San Francisco • California

GARY  
GEE  
AIA

**GARY GEE ARCHITECTS, INC.**  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel 415/863-8881  
Fax 415/863-8879

COPYRIGHT 1984 - 2017 BY GARY GEE  
ARCHITECTS, INC. ALL RIGHTS RESERVED.

DRAWINGS AND SPECIFICATIONS, AS  
INSTRUMENTS OF PROFESSIONAL SERVICE, ARE  
AND SHALL REMAIN THE PROPERTY OF THE  
ARCHITECT.

THESE DOCUMENTS ARE NOT TO BE USED, IN  
WHOLE OR IN PART, FOR ANY PROJECTS OR  
PURPOSES WHATSOEVER, WITHOUT THE PRIOR  
SPECIFIC WRITTEN AUTHORIZATION OF GARY  
GEE ARCHITECTS, INC.

Project No.	Date
13-015	04.01.13

Revisions

No.	Issue / Date
	REVISED LPA 04.20.17

## Design Elements

Scale: No Scale

## A5.1



Planters and Intimate Spaces



Hedge



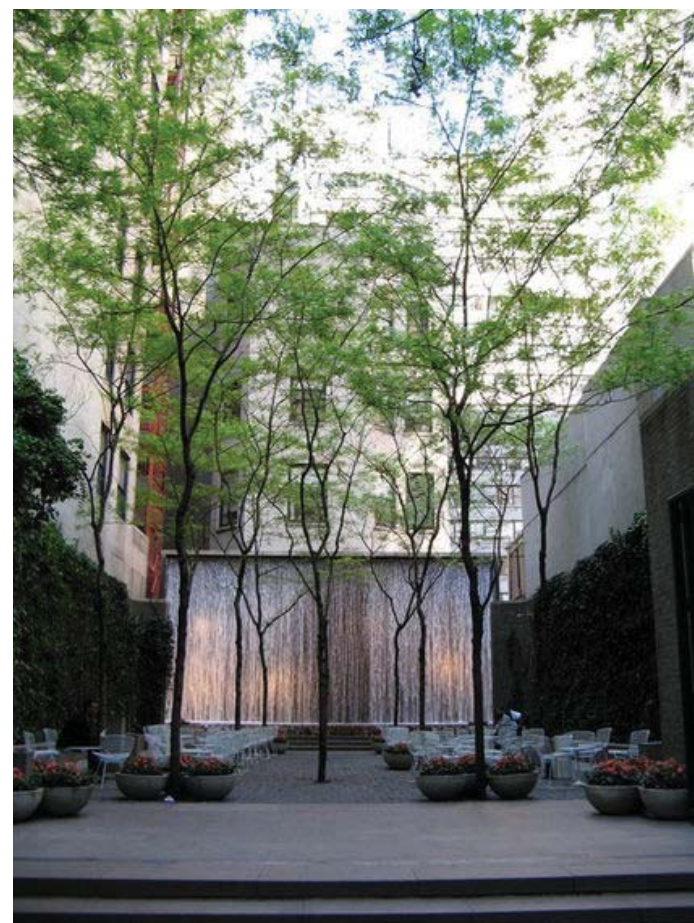
Japanese Maple



Tristania Laurina Street Trees



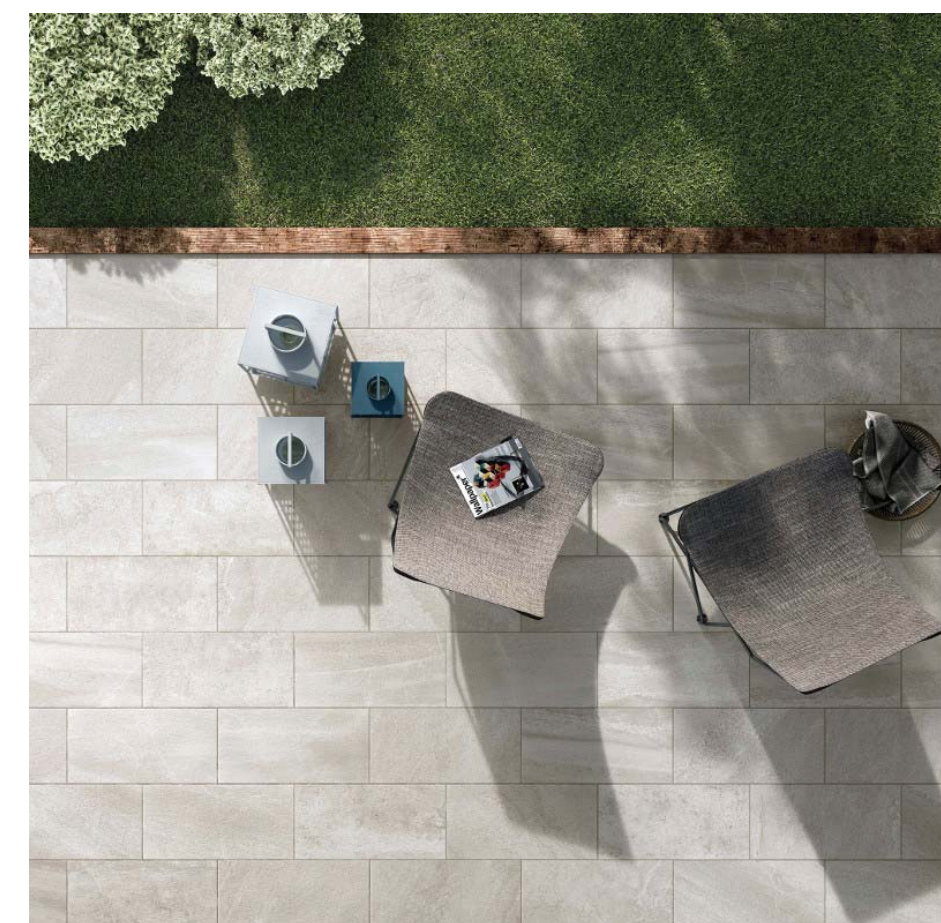
Hakonechloa Under Maples



Trees and Screening



Fire Pit



Pedestal Tile Paving



Japanese Maple in Winter

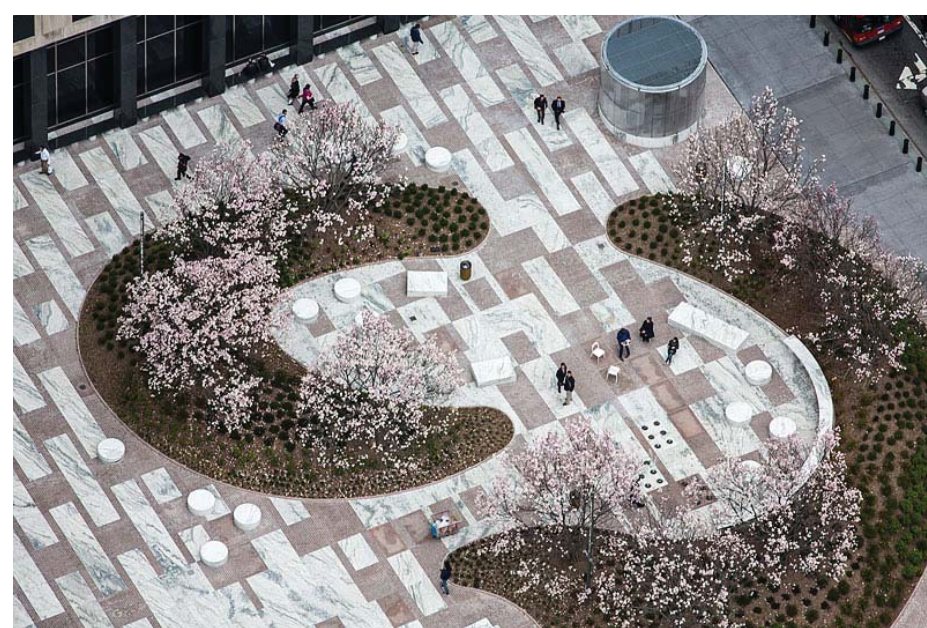


Thuja Occidentalis Hedge

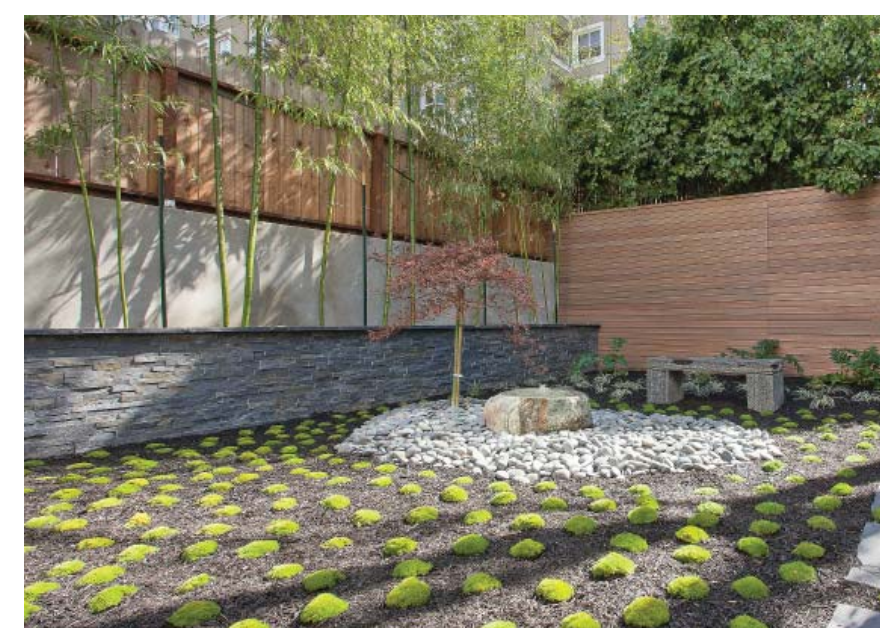


Lomandra Under Street Trees

## Plant Images



Planters and Intimate Spaces



Cut Stone Fascia Planter



## Material and Character Images





Project Site

Folsom St.

Shipley Street

6th Street

999 Folsom Street/301 6th Street  
Aerial Massing Images