



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: NOVEMBER 30, 2017

CONTINUED FROM: OCTOBER 26, 2017

*Date:* November 22, 2017  
*Case No.:* 2014-001400ENX  
*Project Address:* 2750 19<sup>th</sup> STREET  
*Zoning:* UMU (Urban Mixed Use) Zoning District;  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Project Sponsor:* Mark Loper, Reuben, Junius & Rose, LLP  
One 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**

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### BACKGROUND

On October 26, 2017, the Planning Commission continued the proposed project at 2750 19<sup>th</sup> Street to November 30, 2017, at the request of the Project Sponsor and Supervisor Malia Cohen to allow the Project Sponsor and additional time to discuss alternative proposals related to the affordable housing commitment with the community.

### CURRENT PROPOSAL

Since the public hearing on October 26, 2017, the Project Sponsor has continued discussions with the community and has proposed the following changes: 1) 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; 2) to voluntarily increase the amount on-site affordable housing to 20 percent of the total number of dwelling units in the building (equivalent to 12 units); 3) to decrease the amount of on-site parking to 24 spaces; and, 4) to provide a second car share space.

As of November 22, 2017, the Planning Department has received the following additional public comment:

- The Department received correspondence from United to Save the Mission, La Raza Centro Legal, Calle 24 Latino Cultural District and the Pacific Felt Factory and Spike Kahn in opposition to the proposal. They have expressed opposition to this project because the project is not proposing to provide on-site affordable housing, does not have a commitment to hiring union labor and does not provide replacement PDR space, and because 45 vehicle parking spaces is too high for a transit corridor. They further believe the project to be counter to the goals of the Mission Area Plan or the objective of the Mission Interim Controls and Map 2020,

and that it does not contribute positively to the neighborhood and the affordability of housing. They also raise concerns that the environmental evaluation was inadequate because of the underlying EIR's assumptions on the cumulative total of units built.

- The Department has received 17 letters of opposition and two phone calls from neighborhood residents and 1 business owner concerned that the height and density of the building is inappropriate for the neighborhood and requesting it be lowered to three to four stories. Two residents encouraged increased on-site parking, two expressed concern for the loss of the PDR space and one wanted on-site affordable housing.
- To date, the Department has received 52 letters in support of the proposal, including from the Mission Creek Merchants Association, 3 local business owners, and 4 from the Fitzgerald Furniture Company. They expressed support for the design of the building, development of new housing and the proposed community benefits package to develop partnerships with local high school, arts organizations, and community base organization, create an on-site restaurant accelerator space and commitment to hiring small and local businesses.
- The Project Sponsor also has provided a list of 64 signatures in support, including employees of the Fitzgerald Furniture Company.

## **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 new construction of a six-story residential building with up to 60 dwelling units and 7,471 square feet of ground floor commercial space, and to allow modifications to the requirements for rear yard (Planning Code Section 134), dwelling unit exposure (Planning Code Section 140), and transparency for street frontages (Planning Code Section 145).

## **BASIS FOR RECOMMENDATION**

- The Project complies with the applicable requirements of the Planning Code.
- The Project is, on balance, consistent with the Mission Interim Controls and the Objectives and Policies of the General Plan.
- The Project is located in a zoning district where residential and ground floor commercial uses are principally permitted.
- 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.
- The Project adds 60 new dwelling units to the City's housing stock, including 25 two-bedroom units and 35 one-bedroom units.
- The Project would create an active ground floor commercial frontage and provide 7,471 square feet of floor commercial space, of which 2,500 square feet would be a limited restaurant use operated as a culinary business accelerator space in partnership with a neighborhood community-based organization.

- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
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**Attachments:**

- Draft Motion-Large Project Authorization
- Affordable Housing Affidavit
- Architectural Drawings
- Community Plan Exemption
- Costa Hawkins Agreement



# 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) |

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## Planning Commission Draft Motion

HEARING DATE: NOVEMBER 30, 2017

*Case No.:* **2014-001400ENX**  
*Project Address:* **2750 19<sup>th</sup> STREET**  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
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**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 140, AND 3) STREET FRONTAGE PURSUANT TO PLANNING CODE SECTION 145.1 AND TO ALLOW CONSTRUCTION OF A NEW SIX-STORY, 68-FT TALL, RESIDENTIAL BUILDING (APPROXIMATELY 74,446 SQUARE FEET) WITH 60 DWELLING UNITS (CONSISTING OF 35 1-BEDROOM UNITS AND 25 2-BEDROOM UNITS), 7,471 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, AND 24 OFF-STREET PARKING SPACES, LOCATED AT 2750 19<sup>th</sup> STREET, LOT 004A IN ASSESSOR'S BLOCK 4023, WITHIN THE UMU (URBAN MIXED-USE) ZONING DISTRICTS AND A 68-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On May 5, 2016, Mark Loper of Reuben, Junius and Rose, LLP, on behalf of Willin Properties LLC (hereinafter "Project Sponsor") filed Application No. 2014-001400ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new six-story, 68-ft tall, mixed-use building with 60 dwelling units and 7,471 square feet of ground floor commercial space at 2750 19<sup>th</sup> Street (Block 4023, Lot 004A) 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 November 21, 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.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2014-001400ENX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 26, 2107, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2014-001400ENX and continued the item to November 30, 2017.

On November 30, 2107, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2014-001400ENX

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. 2014-001400ENX, 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 a rectangular lot) located at the northeast corner of the intersection of Bryant and 19th Streets. The Project site has a lot area of 15,000 square feet, with 100-foot of frontage along 19th Street and 150-foot of frontage along Bryant Streets. Currently, the subject property is occupied by a single-story brick masonry and wood-frame building (10,934 square feet), which houses warehouse and office space for furniture manufacturing services, the Fitzgerald Furniture Company.
3. **Surrounding Properties and Neighborhood.** The project site is located within the UMU Zoning Districts in the Mission Area Plan. The project site is located within the UMU Zoning Districts in the Mission Area Plan. The neighborhood is mixed in character with residential, industrial, and commercial uses. Immediately adjacent to the project site to the east and north are one to two-story masonry office and industrial buildings. Across, 19th Street is a four-story residential and office building, and a two-story live/work building. Currently, across Bryant Street from the project are two and three-story residential buildings and industrial warehouse building. However a Large Project Authorization (Case No. 2013.0677X) was approved to demolish these building and construct a six-story mixed-use building containing 199 units and ground floor retail and PDR space. The surrounding neighborhood transitions from predominately two to four-story commercial and industrial properties to the north and west to two-to-three-story residential development on small lots on adjacent blocks to the south and east and. Other zoning districts in the vicinity of the project site include: RH-2 (Residential-House, Two Family), PDR-1-G (Production, Distribution & Repair – 1- General) and P (Public) Zoning District.

4. **Project Description.** The proposed Project includes demolition of the existing industrial building on the project site, with the exception of the brick facade, and construction of a six-story, 68-foot tall, mixed-use building (approximately 74,446 square feet). The Project would contain 60 dwelling units, with a dwelling unit mix consisting of 25 two-bedroom units and 35 one-bedroom units, approximately 7,471 square feet ground floor retail, 24 below-grade off-street parking spaces, 1 car-share parking space, 84 Class 1 bicycle parking spaces, and 13 Class 2 bicycle parking spaces. Approximately 2,500 square feet of the ground floor commercial space would be a limited restaurant use, operated as a culinary business/restaurant accelerator in partnership with neighborhood community-based organization. The Project includes 4,800 square feet of common open space roof deck.
5. **Public Comment.** The Department has received a few public correspondences regarding the proposed project.

From Spike Kahn, the Department received correspondence questioning the amount of off-street parking for the project and expressing concern that the location of the garage entrance would interfere with public transit and that the car share space would not be utilized and available to the general public. She expressed concern for the loss of the existing business and jobs in the neighborhood and that the project did not provide sufficient community benefits. She also advocated for on-site affordable units and the provision of replacement PDR space.

The Department has taken part in the dialogue between community members and the Project Sponsors to review aspects of the project, including the inclusion of on-site PDR space, on-site affordable housing, inclusion of artwork and the project's larger public benefits.

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 UMU Zoning Districts.** Planning Code Section 843.20 and 843.45 states that residential and retail sales and service uses are a principally permitted use within the UMU Zoning District.

*The Project would construct 60 new dwelling units and 7,471 square feet of ground floor retail sales and service use within the UMU Zoning District; therefore, the Project complies with Planning Code Sections 843.20.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 5.0 to 1 for properties within the UMU Zoning District and a 68-X Height and Bulk District.

*The subject lot is 15,000 square feet, thus resulting in a maximum allowable floor area of 75,000 square feet for non-residential uses. The Project would construct a total of 7,471 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. The Project would require a rear yard of 25 feet in depth 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 19th Street. The Project would provide a rear yard that is approximately 27 feet in depth (measuring approximately 3,216 square feet) at the second level and above. However, this open area is a courtyard and does not extend the full width of the lot (as required by the Planning Code), because of the residential units facing onto 19<sup>th</sup> Street. While the block does not currently have a clearly defined mid-block open space, the location of the courtyard would align with a developing central mid-block open space.*

- 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 4,800 square feet of open space for the 60 dwelling units. Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet is located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sq ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

*The Project satisfies this requirement with a 4,800 square-foot common roof deck.*

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20-ft wide, side yard or rear yard must be at least 25 ft in width, or an open area (either an inner court or a space between separate buildings on the same lot) must be no less than 25 ft in every horizontal dimension for the floor at which the dwelling unit is located 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 fifteen of the dwelling units at the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<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 or compliant open area.*

- F. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given



street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; 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 is seeking an exception to the street frontage requirement as part of the Large Project Authorization because the brick facade on the ground floor, which would be retained from the existing building, does not meet the transparency and fenestration requirements. The Project otherwise meets the requirements of Planning Code Section 145.1; all off-street parking is located below-grade, the garage door and curb cut are 10-foot wide, the ground floor ceiling height is 17 feet and the Project features active uses on the ground floor with a 7,471 square feet commercial space and the residential lobby, and residences on the upper floors.*

- G. **Off-Street Parking.** Off-Street vehicular parking is not required within the UMU Zoning District. Rather, per Planning Code Section 151.1, off-street parking is principally permitted at a maximum ratio of .75 per dwelling unit in the UMU Zoning District.

*The Project would construct 60 dwelling units and therefore is allowed to have a maximum of 45 off-street parking spaces. The Project provides 24 off-street parking spaces, therefore, the Project complies with Planning Code Section 151.1.*

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

*The Project includes 60 dwelling units and 7,471 square feet of retail use; therefore, the Project is required to provide 60 Class 1 bicycle parking spaces and 6 to 13 Class 2 bicycle parking spaces (dependent on type retail use). The Project will provide 84 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces. Therefore, the Project complies with Planning Code Section 155.2.*

- I. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for projects with 50 to 200 residential units.

*Since the Project includes 60 dwelling units, it is required to provide a minimum of one car-share parking space. The Project provides two car-share parking spaces. Therefore, the Project complies with Planning Code Section 166.*

- J. **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; therefore, the Project meets this requirement.*

- K. **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 14 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 7 points. As currently proposed, the Project will achieve its required 7 points through the following TDM measures:*

1. *Unbundled Parking*
2. *Parking Supply*
3. *Car Share (Option B)*
4. *Bicycle Parking (Option B)*
5. *Bicycle Repair Station*
6. *Onsite Affordable Housing (Option B)*

- L. **Conversion of PDR.** Planning Code Section 202.8 requires that the conversion or removal of building space where the prior use in such space was a Production, Distribution, and Repair (PDR) use of at least 5,000 square feet, an Institutional Community use of at least 2,500 square feet, or an Arts Activities use, shall be replaced at a ratio of 0.75 square feet per square foot removed.

*The Project would remove 10,934 square feet of PDR use. However, the PDR replacement controls do not apply to this project, since the legislation exempts projects which would convert less than 15,000 square feet of PDR, Institutional, Community or Arts Activities use and for which an Environmental Evaluation Application on or before June 14, 2016.*

- M. **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, or no less than 35 percent of the total number of proposed Dwelling Units shall contain at least two or three bedrooms with at least 10 percent of the total number of proposed Dwelling Units containing three bedrooms.

*For the 60 dwelling units, the Project is required to provide either 25 two-bedroom units or 20 three-bedroom units or 21 two or three-bedroom units, with no less than 6 three-bedroom units. Currently,*

*the Project provides 25 two bedrooms units; therefore, the proposed project complies with Planning Code Section 207.6.*

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

*The Project includes approximately 50,550 gsf of new residential 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 10,934 sq ft of existing PDR space.*

- O. **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 50,550 gsf of new residential use associated with the new construction of 60 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A.*

- P. **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 November 17, 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 17.5% 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 November 17, 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 November 17, 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 17.5% of the total proposed dwelling units as affordable. Eleven units (six one-bedroom and five two-bedroom) of the total 60 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.*

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

*The Project includes approximately 74,446 gross square feet of new development consisting of approximately 50,550 square feet of new residential use, 16,445 square feet of circulation, mechanical and utility space and 7,471 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 aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. Overall building mass and scale.**

*The Project mass and scale is appropriate for the corner lot, given the larger neighborhood context, which includes one-and-four-story industrial buildings, two-and-three-story residential buildings, and larger six-story mixed use buildings permitted and/or under construction. As part of the Eastern Neighborhoods Area Plan, this portion of the Mission Area Plan was rezoned from industrial to mixed –use to increase the overall height and density. The Project fulfills this intent of the by providing for a new six-story, mixed-use building and introducing new height and density to the neighborhood. The Project defines the corners of Bryant and 19<sup>th</sup> Streets with the full six-story massing and orients the second floor courtyard to align with the future mid-block open space as the block redevelops. The mass extends to the front property lines on both frontages, and is relatively plane with a regular pattern of recessed window openings, complementary to existing large industrial buildings. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*

- B. Architectural treatments, facade design and building materials:**

*The Project's architectural treatments, façade design and building materials include brick, textured fiber cement panel, zinc and copper/bronze metal panels, aluminum storefront, and darkened steel and bronze frame windows. While the project preserves the brick facade of the existing building, it is*

*overall a contemporary in character, with the palette of materials reflecting the nearby industrial uses. Overall, the Project offers a high quality architectural treatment that is consistent and compatible with the surrounding mixed use neighborhood.*

- 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 both frontages and a prominent residential lobby on Bryant Street. The retention of the brick facade of the existing industrial building, paired with full wall transparent glass at the ground floor will create a unique streetscape. The vehicular access to the below grade parking is on 19th Street, with a single curb cut. The Project's rear courtyard aligns with the developing 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 provides the required open space via a common roof deck. The project also includes a courtyard at the ground floor and second floor level that is accessible to residents.*

- 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.

*In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as new sidewalks, corner bulb-out, bicycle racks and street trees. These improvements would vastly improve the public realm and surrounding streetscape.*

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

*The Project provides ample circulation in and around the project site. The residential lobby is located on Bryant Street, and connects directly to the bicycle parking and a ground floor courtyard with open stairs to second floor courtyard. Entries to the ground floor retail tenant spaces are located on Bryant and 19<sup>th</sup> Street. Automobile access is limited to the one entry/exit on 19<sup>th</sup> Street. An off-street loading zone is provided along Bryant Street, near the residential lobby.*

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;

*The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.*

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

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

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...provided that:

(1) 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 15,000 square feet and would be required to provide a rear yard measuring 3,750 square feet, or 25 percent of the lot depth. The Project provides a courtyard of 3,216 square feet and a roof deck of 4,800 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.*

(2) 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 does not impede access to light and air for the adjacent properties. The Project is located on corner lot, abutting industrial properties with no established pattern of mid-block open space. The courtyard is designed to appropriately terminate a midblock open space that would develop if the adjacent properties were to redevelop with residential uses.*

(3) 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 15 of the 60 dwelling units. The fourteen dwelling units that require the exception to the exposure requirements face onto the sizeable second floor courtyard, approximately 27 feet in depth, by 117 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. 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 modification of the requirements for rear yard, the Project is seeking modifications of the requirements for street frontage (Planning Code Section 145.1) and dwelling unit exposure (Planning Code Section 140).*

*Under Planning Code Section 145.1(c)(7), active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The Project proposed to preserve the existing industrial brick facade and convert the ground floor to an active commercial retail use. Even with incorporating full height transparent glass for the residential lobby and portions of the 19<sup>th</sup> Street facade and glazing the existing openings, large openings would have to be punched into the brick facade to achieve the required 60 percent transparent fenestration. Although, the ground floor does not meet the fenestration requirements, the Commission supports this exception due to unique and inviting streetscape that pays tribute to the former use of the site.*

*Under Planning Code Section 140 at least one room of all dwelling units must 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, fifteen dwelling units (five 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. The Commission finds this exception is warranted, given the Project's quality of design and suitable access to light and air provided by the courtyard.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1**

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

#### **Policy 1.1**

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

**Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

**OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

*The Project is a higher density residential mixed-use development, which provides 60 new dwelling units in a mixed-use area. The project site was recently rezoned as part of a long range planning goal to create a cohesive residential and mixed-use neighborhood. The Project provides a mix of one-bedroom and two-bedroom units, with an average size of 794 square feet, which will suite a range of households. The Project includes a minimum of 11 on-site affordable dwelling units, which complies with the inclusionary affordable housing requirements. The Project Sponsor has volunteered to increase the amount on-site affordable housing to 20 percent of the total number of dwelling units in the building (equivalent to 12 units). The Project is also in proximity to public transportation options and exceeds minimum requirements for bicycle parking for future tenants.*

**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 11.3**

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 five to six-story buildings along the Bryant Street corridor. The massing and scale are appropriate for a corner parcel and is in keeping with the development controls applicable to this site. The Project design includes an active ground floor commercial frontage with residences above. The Project retains the existing brick facade at the ground floor and utilizes a limited palette of quality materials that reflect the industrial character of the site to create a contemporary building that is compatible with the diverse neighborhood and visually interesting.*

**RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 2:  
INCREASE RECREATION AND OPEN SPACE TO MEET THE LONG-TERM NEEDS OF  
THE CITY AND BY REGION**

**Policy 2.11:**

Assure that privately developed residential open spaces are usable, beautiful, and environmentally sustainable.

**OBJECTIVE 3:  
IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE**

**Policy 3.6:**

Maintain, restore, expand and fund the urban forest.

*The Project proposes landscaped open space at the ground level, second floor and roof deck. The proposed Project will add to the urban forest with the addition of street trees.*

**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 24.3:**

Install pedestrian-serving street furniture where appropriate.

**Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project includes new street trees along the public rights-of-way and streetscape elements, including new sidewalks, curb bulb-outs and bicycle racks. The ground floor frontages are designed with active spaces oriented at the pedestrian level. The new garage entrance/exit is narrow in width and assists in minimizing pedestrian and bicycle conflicts.*

**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 84 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces in secure, convenient locations, thus exceeding the amount required by the Planning Code.*

**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 proposes accessory vehicular parking at a rate of 0.4, which is principally permitted parking amounts within the Planning Code. The parking spaces are accessed by one 10-foot wide ingress and egress point on 19<sup>th</sup> Street. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.*

## **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 1.3:**

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

#### **Policy 1.7:**

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

#### **OBJECTIVE 3:**

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

#### **Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

#### **Policy 3.3:**

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

*The Project is located within the Mission neighborhood, which is characterized by the mix of uses, in an area of the neighborhood that transitions from predominately industrial and commercial uses to small scale residential uses. As such, the Project provides new high-density residential and active ground floor commercial uses in a building that is complimentary in scale and mass to existing industrial buildings in the surroundings. The Project combines the existing brick facade with contemporary facade of vertically oriented panels of metal and glass, which respond to the form, scale and material palette of the existing neighborhood.*

## **MISSION AREA PLAN**

### **Objectives and Policies**

#### **Land Use**

##### **OBJECTIVE 1.1**

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK

##### **Policy 1.1.2**

Revise land use controls in portions of the Northeast Mission Industrial Zone outside the core industrial area to create new mixed use areas, allowing mixed income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

##### **Policy 1.1.4**

In higher density residential areas of the Mission, recognize proximity to good transit service by eliminating density limits and minimum parking requirements; permit small neighborhood-serving retail.

##### **OBJECTIVE 1.2**

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

##### **Policy 1.2.1**

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

##### **Policy 1.2.2**

For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

##### **Policy 1.2.3**

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

#### **Housing**

##### **OBJECTIVE 2.1**

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE MISSION IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

**Policy 2.1.1**

Require developers in some formally industrial areas to contribute towards the City's very low-, low-, moderate- and middle-income needs as identified in the Housing Element of the General Plan.

**Policy 2.1.2**

Provide land and funding for the construction of new housing affordable to very low- and low-income households.

**OBJECTIVE 2.3**

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

**Policy 2.3.3**

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

**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 impact fee to be allocated towards 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.

**Built Form**

**OBJECTIVE 3.1**

**PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'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 the Mission'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 3.1.2**

The design of new, mixed-use infill development in the Northeast Mission Industrial Zone (NEMIZ) should strengthen the area's industrial character through appropriate materials, massing, and setback.

**Policy 3.1.6**

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them.

**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.

**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 3.2.2**

Make ground floor retail and PDR uses as tall, roomy and permeable as possible.

**Policy 3.2.3**

Minimize the visual impact of parking.

**Policy 3.2.4**

Strengthen the relationship between a building and its fronting sidewalk.

*Overall, the Project provides the mix of uses encouraged by the Area Plan for this location. The Project would add 60 new dwelling units and over 7,000 square feet of small neighborhood serving retail space on the ground floor. In addition, the Project is designed within the prescribed height and bulk limits, and includes the appropriate dwelling-unit mix, since 25 of the 60 units are two-bedroom dwelling units. Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and mixed industrial character of the neighborhood. The Project utilized a material palette, including brick, fiber cement and metal panels, and dark steel and bronze frame windows, that is compatible with the neighborhood. The ground floor of the building would be 17 feet in height and contain street facing active uses. The visual impact of the off-street parking would be minimized by placing it below grade and proposing a single entrance along 19th Street. The project will meet the City's affordable housing requirements by providing 11 on-site affordable units, and has volunteered one additional on-site affordable unit. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees.*

**Transportation**

**OBJECTIVE 4.7**

**IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE MISSION**

**Policy 4.7.2**

Provide secure, accessible and abundant bicycle parking, particularly at transit stations, within shopping areas and at concentrations of employment.

**OBJECTIVE 4.8**

**ENCOURAGE ALTERNATIVES TO CAR OWNERSHIP AND THE REDUCTION OF PRIVATE VEHICLE TRIPS**

**Policy 4.8.1**

Continue to require car-sharing arrangements in new residential and commercial developments, as well as any new parking garages.

**Policy 4.8.3**

Develop a Transportation Demand Management (TDM) program for the Eastern Neighborhoods that provides information and incentives for employees, visitors and residents to use alternative transportation modes and travel times.

**Streets & Open Space OBJECTIVE 5.3**

CREATE A NETWORK OF GREEN STREETS THAT CONNECTS OPEN SPACES AND IMPROVES THE WALKABILITY, AESTHETICS AND ECOLOGICAL SUSTAINABILITY OF THE NEIGHBORHOOD.

**Policy 5.3.1**

Redesign underutilized portions of streets as public open spaces, including widened sidewalks or medians, curb bulb-outs, “living streets” or green connector streets.

**Policy 5.3.2**

Maximize sidewalk landscaping, street trees and pedestrian scale street furnishing to the greatest extent feasible.

*The Project improves the public rights of way with new streetscape improvements and street trees. The project has submitted a Transportation Demand Management Plan that includes measures such as providing bicycle parking in excess of the code requirement, bicycle repair stations and real-time information on public transportation to promote alternative modes of transportation. The Project minimizes the impact of off-street parking, provides a car share space, and is in proximity to public transit options.*

**Economic Development**

**OBJECTIVE 6.1**

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS

**Policy 6.1.3**

Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

*The Project includes the demolition of 10, 943 square feet of PDR space, which is encouraged to be retained within the Mission to assist in diversifying the neighborhood economy. However, the existing furniture upholstery business is owned by the property owner, who is part of the Project Sponsor team, and will voluntarily relocate. The project will provide over 7,000 square feet of commercial space, which includes 2,500 square feet of limited restaurant use, which will be a culinary business accelerator space. The Project proposes to partner with a local community base organization to create a turn-key restaurant/commercial kitchen that will enable new culinary entrepreneurs to grow their businesses with lower initial costs and operational risk. Additionally, the Project Sponsor has voluntarily committed to spending at least 50% of the project costs on professional services with local business enterprises. The project, while removing PDR space will promote new opportunities for local small businesses.*

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 project site does not possess any neighborhood-serving retail uses and is a PDR use (furniture upholstery). Although the Project would remove this use, the Project does provide for a new neighborhood-serving retail establishment, as well as, in partnership with a local non-profit organization, a small business accelerator space focused on emerging culinary businesses/restaurants. Additionally the Project provides 60 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The project site does possess any existing housing. The Project would provide 60 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. Additionally the project provides 7,471 square feet of ground floor commercial space, which would be divided into two or more units that would suit for neighborhood serving retail and services. The massing and scale of the building and the palette of metal, brick and glass reflects nearby industrial buildings and uses. Overall, the Project offers an architectural treatment and design that is contemporary, yet consistent and compatible with the surrounding neighborhood. For these reasons, the proposed Project would protect and preserve the cultural and economic diversity of the neighborhood.*

- 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. The Project Sponsor has volunteered to increase the amount on-site affordable housing to 20 percent of the total number of dwelling units in the building (equivalent to 12 units).*

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

*The project site is served by nearby public transportation options. The Project is located along a Muni bus line (27-Bryant), and is within walking distance of the 9- San Bruno, 9R-San Bruno Rapid, and 33-Ashby/18<sup>th</sup> bus routes. The Project also provides off-street parking at the principally permitted amounts and bicycle parking for commercial tenants and 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 include commercial office development. Although the Project would remove a PDR use, it would provide new ground floor commercial space, of which 2,500 square feet would be a*

*culinary business/restaurant accelerator in partnership with a neighborhood community base organization focused on low-income food entrepreneurs. The culinary business/restaurant accelerator would provide a lower risk environment to develop and grow new small businesses. Thus the project would assist in creating opportunities for local employment and ownership.*

- F. That the City achieves 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. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the project site does not contain any City Landmarks or historic buildings.*

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

*The Project does not have shadow impacts on public parks and open space.*

9. **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.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the 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. 2014-001400ENX** under Planning Code Section 329 to allow the new construction of a six-story, 68-foot tall, residential building with 60 dwelling units and 7,471 square feet of retail space , and a modification to the requirements for: 1) rear yard (Planning Code Section 134); 2) dwelling unit exposure (Planning Code Section 140); and 3) street frontage (Planning Code Section 145.1) within the UMU (Urban Mixed Use) Zoning District and a 68-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 November 17, 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.

**Draft Motion**  
**November 30, 2017**

**CASE NO. 2014-001400ENX**  
**2750 19<sup>th</sup> Street**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 30, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 30, 2017

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Large Project Authorization to allow for the new construction of a six-story, 68-ft tall, mixed-use building with 60 dwelling units and 7,471 square feet of ground floor commercial space, and exceptions to the requirements for rear yard, dwelling unit exposure, and street frontage, located at 2750 19<sup>th</sup> Street, Lot 004A in Assessor's Block 4023, pursuant to Planning Code Section 329, within the UMU (Urban Mixed Use) Zoning District, and a 68-X Height and Bulk District; in general conformance with plans, dated November 17, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2014-001400ENX and subject to conditions of approval reviewed and approved by the Commission on November 30, 2017 under Motion No. **XXXXX**. 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 November 30, 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. 2014.0999ENV) 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)*

## **DESIGN – COMPLIANCE AT PLAN STAGE**

7. **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)*

8. **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)*

9. **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)*

10. **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>*

## PARKING AND TRAFFIC

11. **Unbundled Parking.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

12. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 24 off-street parking spaces for the 60 dwelling units in the UMU Zoning District.

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

13. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may



homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

14. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one 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. Currently, the Project provides two car share spaces.

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

15. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 60 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces. Currently, the Project provides 84 Class 1 bicycle parking spaces and 13 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)*

16. **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.

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

17. **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)*

## PROVISIONS

18. **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)*
19. **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)*
20. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
21. **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)*
22. **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)*

## MONITORING

23. **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)*
24. **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

25. **Ground Floor Commercial Space.** The Project Sponsor shall conduct neighborhood notification akin to Planning Code Section 312 for a change in tenancy or the termination of the operation of the limited restaurant use as a culinary business/restaurant accelerator in partnership with a community-based organization.

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

26. **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>*

27. **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>*

28. **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)*

29. **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.

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide seventeen and one half percent (17.5%) of the proposed dwelling units as affordable to qualifying households. The Project contains 60 units; therefore, 11 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 11 affordable units on-site. The Project Sponsor has also elected to provide twenty percent (20%) of the units as Inclusionary Units by adding one additional affordable unit beyond what's required by Section 415. The Project Sponsor requested that the additional unit would be 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") for ease of implementation. Accordingly, all affordable units will be subject to the same requirements and the Procedures Manual. 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).*

2. **Voluntary Affordable Units.** The Project Sponsor has elected to provide a total of twenty percent (20%) of the proposed units as Inclusionary Units by adding one additional affordable unit beyond what's required by Section 415. The additional unit 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").
3. **Unit Mix.** The Project contains 35 one-bedroom, and 25 two-bedroom units; therefore, the required affordable unit mix is 6 one-bedroom and 5 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).*
4. **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).*

5. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than eighteen percent (18%), 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).*
6. **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).*
7. **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.

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



Date: October 25, 2017  
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 and Community Development.

**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 provisions of the Inclusionary Housing Program have recently been revised by the Board of Supervisors, effective on August 26, 2017 (Ord. No. 158-17 and File NO. 161351). Please be aware that the inclusionary requirements may differ for projects depending on when a complete Environmental Evaluation Application (EEA) was deemed complete by the Department ("EEA Accepted date"). Please also note that there are different requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached charts to determine the applicable requirement. Charts 1-3 include two sections. The 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.

For new projects with complete EEA's accepted on or after January 12, 2016, the Inclusionary Affordable Housing Program requires the provision of on-site and off-site affordable units at a mix of income levels. The number of units provided at each income level depends on the project tenure, date the EEA for the project is deemed complete, and the applicable schedule of on-site rate increases. Income levels are defined as a percentage of the Area Median Income (AMI), for low-income, moderate-income, and middle-income units, as shown in Chart 5. Projects with a complete EEA accepted prior to January 12, 2016 must provide the all of the inclusionary units at the low income AMI. **NOTE: Any project with a complete EEA accepted prior to January 12, 2016 must obtain a site or building permit by December 7, 2018, or will be subject to the Inclusionary Housing rates and requirements in effect at the time the project proceeds to pursue a permit.**

**Summary of requirements.** Please determine what requirement 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 deemed complete by Planning Staff. Chart 1-A applies to all projects throughout San Francisco with EEA's accepted prior to January 12, 2016, whereas Chart 1-B specifically addresses UMU (Urban Mixed Use District) Zoning Districts. Charts 2-A and 2-B apply to rental projects and Charts 3-A and 3-B apply to ownership projects with a complete EEA accepted on or after January 12, 2016. Charts 4-A and 4-B apply to three geographic areas with higher inclusionary requirements: the North of Market Residential SUD, SOMA NCT, and Mission Area Plan.

Projects that received a first discretionary approval prior to January 12, 2016 are not subject to the revised Inclusionary requirement. The applicable requirements for these projects are those listed in the "EEA accepted before 1/1/13" column.



The Project contains:  <b>60 UNITS</b>	The zoning of the property is:  <b>UMU</b>	Complete EEA was submitted on:  <b>November, 2014</b>
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**CHART 1-A: Inclusionary Requirements for all projects with Complete EEA accepted before 1/12/2016**

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

\* 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, which are subject to the requirements of 25+ unit projects at or below 120 feet.

**CHART 1-B: Requirements for all projects in UMU Districts with Complete EEA accepted before 1/12/2016**

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

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









**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



**San Francisco Planning**

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

**November 14, 2017**  
Date

I, **David Balducci**,  
do hereby declare as follows:

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

**2750 19th Street, San Francisco, CA 94110**  
Address

**4023/004A**  
Block / Lot

**B** The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

**2014-001400ENX**  
Planning Case Number

**NA**  
Building Permit Number

This project requires the following approval:

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

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

**Ella Samonsky**  
Planner Name

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

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

Is this project in an UMU Zoning District within the Eastern Neighborhoods Plan Area?

- Yes **B**  No  
(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

- Yes  No

Is this project a State Density Bonus Project?

- Yes  No  
(If yes, please indicate whether the project is an Analyzed or Individually Requested State Density Bonus Project)

**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)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- Land Dedication (Planning Code Section 419)

**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 any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

**F** 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.

**G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

**H** For projects with EEA's accepted before January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor proceeds with pursuing a permit.

**I** For projects with EEA's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

**J** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the 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.

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

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

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**

---

*Location*

**November 14, 2017**

---

*Date*

~~Signature~~

*Signature*

**David Balducci**

**David Balducci, Authorized Signatory**

---

*Name (Print), Title*

**415-370-1767**

---

*Contact Phone Number*

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



## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

<b>TOTAL UNITS:</b> <b>60</b>	SRO / Group Housing:	Studios:	One-Bedroom Units: <b>35</b>	Two-Bedroom Units: <b>25</b>	Three (or more) Bedroom Units:
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If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.3. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

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

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

<b>TOTAL UNITS:</b> <b>11</b>	SRO / Group Housing:	Studios:	One-Bedroom Units: <b>6</b>	Two-Bedroom Units: <b>5</b>	Three (or more) Bedroom Units:
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<b>LOW-INCOME</b> <b>17.5%</b>	Number of Affordable Units <b>11</b>	% of Total Units <b>17.5%</b>	AMI Level <b>55%</b>
<b>MODERATE-INCOME</b>	Number of Affordable Units	% of Total Units	AMI Level
<b>MIDDLE-INCOME</b>	Number of Affordable Units	% of Total Units	AMI Level

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

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

<b>TOTAL UNITS:</b>	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:	

<b>AMI LEVELS:</b>	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level

**UNIT MIX TABLES: CONTINUED**

**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. On-Site  % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

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:

2. 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:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee  % of affordable housing requirement.

**Is this Project a State Density Bonus Project?**  Yes  No

If yes, please indicate the bonus percentage, up to 35% \_\_\_\_\_, and the number of bonus units and the bonus amount of residential gross floor area, if applicable \_\_\_\_\_

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- On-site Affordable Housing Alternative
- Payment of the Affordable Housing Fee prior to the first construction document issuance
- Off-site Affordable Housing Alternative (Planning Code Sections 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5)

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

**MT Ventures, LLC**

Company Name

**David Balducci**

Name (Print) of Contact Person

**1 California Street, Suite 400**

Address

**San Francisco, CA 94111**

City, State, Zip

**415-370-1767**

Phone / Fax


**INFO@ALIGNREALESTATE.COM**

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.

**Sincerely,**

Signature:



Name (Print), Title:

**David Balducci, Authorized Signatory**

**David Balducci**

**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:



**19B- 2750 19TH STREET  
RESIDENTIAL DEVELOPMENT**

**PLANNING COMMISSION HEARING-2014-001400ENX  
~~OCTOBER 26, 2017~~  
NOVEMBER 30, 2017**

**PLANNING COMMISSION HEARING-2014-001400ENX  
~~OCTOBER 26, 2017~~  
NOVEMBER 30, 2017**

OWNER

ALIGN REAL ESTATE, INC.  
ONE BUSH STREET, SUITE 400  
SAN FRANCISCO, CA 94104  
T: (415) 351-6842  
CONTACT: DAVID BALDUCCI

ARCHITECT

Perry Architects, Inc.  
**PA**  
Pier 28 / The Embarcadero  
San Francisco, CA 94105  
Phone : 415.495.8200  
www.perryarchitects.com  
CONTACT: STEVE PERRY  
EMAIL: SPERRY@PERRYARCHITECTS.COM

LIST OF ABBREVIATIONS			
ACC.	ACCESSIBLE	EQ.	EQUAL EQUIPMENT
ACT.	ACOUSTICAL CEILING TILE	(E)	EXISTING
AFF.	ABOVE FINISH FLOOR BOARD	FIN.	FINISH
BD.	BOARD	FKT.	FIXTURE
CL.	CENTER LINE	F.O.S.	FACE OF STUD
C.M.U.	CONCRETE MASONRY UNIT	FT.	FEET
CLG.	CEILING	GL.	GLASS
CLR.	CLEAR	GYP. BD.	GYPSUM BOARD
COL.	COLUMN	H.C.	HANDICAPPED
CONC.	CONCRETE	HO.	HAND
CONT.	CONTINUOUS	H.M.	HOLLOW METAL
DIA.	DIAMETER	HR.	HOUR
DM.	DIMENSION	HT.	HEIGHT
DTL.	DETAIL	INT.	INTERIOR
DS.	DOWNSPOUT	LT.	LIGHT
EA.	EACH	MTD.	MOUNTED
ELECT.	ELECTRICAL	MANUF.	MANUFACTURER
ELEV.	ELEVATION	MECH.	MECHANICAL
ENCL.	ENCLOSED	MIN.	MINIMUM
		MTL.	METAL
		M.C.	NOT IN CONTRACT
		MTS.	NOT TO SCALE
		O.C.	ON CENTER
		OPP.	OPPOSITE
		O.S.C.I.	OWNER SUPPLIED CONTRACTOR INSTALLED
		P.W.D.	PLYWOOD
		P.T.D.	PAINTED
		RAO.	RADIUS
		R.C.P.	REFLECTED CEILING PLAN
		REQD.	REQUIRED
		RET.	RETARDANT
		RM.	ROOM
		S.M.	SIMILAR
		SP.	STANDPIPE
		SPEC'D.	SPECIFIED
		SPECS.	SPECIFICATIONS
		SQ.	SQUARE
		S.S.	STAINLESS STEEL
		S.S.D.	SEE STRUCTURAL DRAWINGS
		STD.	STANDARD
		STL.	STEEL
		SUSP.	SUSPENDED
		TEMP.	TEMPERED
		TYP.	TYPICAL
		V.I.F.	VEHICLE IN FIELD
		WC.	WATER CLOSET
		WD.	WOOD

**SYMBOLS LEGEND**

DRAWING TITLE <b>FIRST FLOOR PLAN</b>	MATCH LINE A110 A111
SECTION CUT KEY 10 1000	ELEVATION MARK FIN FLOOR +10'
ELEVATION KEY 10 1000	NOTE KEY 21
DETAIL KEY 10 1000	METAL GRILL KEY G02
WALL SECTION 10 1000	WALL TYPE KEY FIRE RATING (IN HOURS) WALL DESCRIPTION
INTERIOR ELEVATION 10 1000	ROOM NAME KEY ROOM NAME 101
COLUMN LINE/GRID KEY A	CLG HEIGHT KEY 8'-2"
CHANGE CLOUD and AIR TAG	FINISH KEY ST-02
NORTH ARROWS	ROOM NAME KEY (COMBINED) MANAGEMENT OFFICE ROOM NAME 111 ROOM NUMBER 897 CEILING HEIGHT (A-F-F)
DOOR KEY 100	METAL RAILING TAG M001
WINDOW STOREFRONT KEY	FIRE EXTINGUISHER CABINET FEC
BENCHMARK +0'-0" GRADE	ELEVATOR TAG ELEVATOR 1
UNIT DESCRIPTION DWELLING UNIT TYPE 2A 1,025 sq ft UNIT TYPE UNIT NUMBER	FABRIC AWNING KEY 31

**PROJECT DESCRIPTION**

THE SITE IS LOCATED AT THE NORTHEAST PORTION OF THE INTERSECTION OF 19TH STREET AND BRYANT STREET. THE EXISTING SITE IS CURRENTLY OWNED AND OPERATED BY A FURNITURE MAKING AND UPHOLSTERY BUSINESS. PARTIAL DEMOLITION ALONG WITH SHORING TO RETAIN THE EXISTING BRICK FACADE WILL BE COMPLETED UNDER A SEPARATE PERMIT.

THE PROJECT PROPOSES TO RETAIN THE EXISTING, APPROXIMATELY, TWO-STORY BRICK FACADE AND CONSTRUCT A SIX-STORY, 68-FOOT TALL MIXED USE BUILDING. THE PROPOSED BUILDING WOULD CONTAIN 60 UPPER-STORY DWELLING UNITS, 35 ONE-BEDROOM (58%) AND 25 TWO-BEDROOM (42%), ABOVE 7,471 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE. IT WILL INCLUDE 84 CLASS I BICYCLE PARKING SPACES AND 26 VEHICLE PARKING SPACES, WITH THE VEHICLE PARKING SPACES LOCATED IN A BASEMENT GARAGE THAT WILL BE ACCESSIBLE FROM 19TH STREET. A LANDSCAPED COURTYARD WILL BE LOCATED ON LEVEL 01 AND 02, ALONG WITH A ROOFTOP COMMON OPEN SPACE TO COMPLY WITH OPEN SPACE REQUIREMENTS. THE EXISTING BUILDING'S BRICK FACADE IS BEING RETAINED AS A GESTURE TO PRESERVE EXISTING NEIGHBORHOOD ARCHITECTURAL CHARACTER.

THE BUILDING WILL CONSIST OF: TYPE IA (1) STORY BELOW GRADE PARKING + TYPE IA 17'-0" HIGH PODIUM STRUCTURE, WITH (5) STORY TYPE V (RESIDENTIAL) ABOVE THE PODIUM WITH 2 HR EXTERIOR WALLS. THE BUILDING WILL BE CONSIDERED TYPE IIIA.

PROJECT DESCRIPTION 3

**07 MARCH 2017 - NOTICE OF PLANNING DEPT REQUIREMENTS #2 - BUILDING SUMMARY**

LEVEL	UNITS					GSF (PER SEC 102)				ADDITIONAL SF (EXEMPT PER SEC 102)					ABSOLUTE SF
	S	1 BR	2 BR	3 BR	GSF-RES	NET- RES SF	RETAIL	OTHER (MECH./CIRC./UTILITY)	GSF (TOTAL W/EXEMPTIONS)	PARKING (BELOW GRADE)	BIKES	LIFE/ SUPPORT	MECH/ UTILITY	TOTAL	
B1	0	0	0	0				2,182	2,182	11,940	934	447	878	12,818	15,000
1	0	0	0	0			TENANT 1: 2,500 TENANT 2: 2,200 TENANT 3: 2,731	6,148	13,619					1,381	15,000
2	12	0	7	5	10,110	9,531		1,623	11,733						11,733
3	12	0	7	5	10,110	9,531		1,623	11,733						11,733
4	12	0	7	5	10,110	9,531		1,623	11,733						11,733
5	12	0	7	5	10,110	9,531		1,623	11,733						11,733
6	12	0	7	5	10,110	9,531		1,623	11,733						11,733
Roof															
<b>TOTAL</b>	<b>60</b>	<b>0</b>	<b>35</b>	<b>25</b>	<b>50,550 gsf</b>	<b>47,655 net</b>	<b>7,471 (3 TENANTS)</b>	<b>16,445 gsf</b>	<b>74,466 gsf</b>	<b>11,940</b>	<b>934</b>	<b>447</b>	<b>878</b>	<b>14,199 gsf</b>	<b>88,665 gsf</b>
%	100%		58%	42%	AVERAGE UNIT SIZE [net] = 794 SQ. FT.										

**BUILDING SUMMARY**

SHEET	DRAWING NAME	ISSUED
G000	COVER SHEET/PROJECT DIRECTORY	
G001	PROJECT INDEX/ LOCATION / BUILDING SUMMARY	
G002	PLANNING CODE ANALYSIS	
G003	PLANNING CODE 135B - OPEN SPACE	
G004	PLANNING CODE 134-REAR YARD / 140-DU EXPOSURE	
G005	PLANNING CODE 145-STREET FRONTAGE / 263,21	
A100	EXISTING PLOT PLAN/ADJACENT PARCELS	
A101	PROPOSED PLOT PLAN/ADJACENT PARCELS	
A102	EXISTING & PROPOSED STREETS/SCAPE	
A200	LEVEL B1- BASEMENT FLOOR PLAN	
A201	LEVEL 01- FIRST FLOOR PLAN	
A202	LEVEL 02- SECOND FLOOR PLAN	
A203	LEVEL 03-06 THIRD-SIXTH FLOOR PLAN	
A204	LEVEL ROOF- ROOF PLAN	
A300	BUILDING ELEVATION	
A301	BUILDING ELEVATION	
A302	BUILDING ELEVATION	
A303	BUILDING ELEVATION	
A304	BUILDING SECTION	
A305	BUILDING SECTION	
A400	ENLARGED PARTIAL ELEVATIONS	
A401	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A402	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A403	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A404	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A405	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A406	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
A407	ENLARGED PARTIAL ELEVATIONS-SECTIONS	
REF IMAGES	BUILDING MODEL REFERENCE VIEWS	
PALETTE A	MATERIAL SELECTIONS - PRELIMINARY	
PALETTE B	MATERIAL SELECTIONS - PRELIMINARY	
*SP-1	*SITE PHOTOS	
*SP-2	*STREET PHOTO MONTAGE	
*SP-3	*STREET PHOTO MONTAGE	
	*SUBMITTED ON 11 X17 FORMAT PER LARGE PROJECT AUTHORIZATION INSTRUCTIONS	
RENDERING	VIEW ALONG BRYANT STREET	
RENDERING	VIEW ALONG 19TH STREET	
PALETTE	EXTERIOR MATERIAL PALETTE	
URBAN DIAGRAM	SITE-EASTERN NEIGHBORHOOD AREA	
URBAN DIAGRAM	DISTRICT TYPOLOGY	
URBAN DIAGRAM	LOT BLOCK PATTERNING	
URBAN DIAGRAM	ARCHITECTURAL CONTEXT	
URBAN DIAGRAM	CONTEXT TYPOLOGY	
URBAN DIAGRAM	WAREHOUSE TYPOLOGY ANALYSIS	
URBAN DIAGRAM	ADJACENT URBAN FABRIC	
URBAN DIAGRAM	ADJACENT URBAN FABRIC	
URBAN DIAGRAM	PROCESS DIAGRAMS	

PROJECT LOCATION 3 SHEET INDEX 1

**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALIGN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: PROJECT LOCATION BUILDING SUMMARY  
 SHEET NUMBER: **G001**  
 PROFESSIONAL SEAL

PLANNING COMMISSION TICKET #

2015 Perry Architects, Inc.

CODE SECTION	TOPIC	REQUIRED / ALLOWED	PROVIDED
MAP ZN08	ZONING MAP	UMU (URBAN MIXED USE)	RESIDENTIAL AND MERCANTILE USE
SFPC 209	PERMITTED USE	THE URBAN MIXED USE (UMU) DISTRICT IS INTENDED TO PROMOTE A VIBRANT MIX OF USES WHILE MAINTAINING THE CHARACTERISTICS OF THIS FORMERLY INDUSTRIALLY-ZONED AREA. IT IS ALSO INTENDED TO SERVE AS A BUFFER BETWEEN RESIDENTIAL DISTRICTS AND PDR DISTRICTS IN THE EASTERN NEIGHBORHOODS. WITHIN THE UMU, ALLOWED USES INCLUDE PRODUCTION, DISTRIBUTION, AND REPAIR USES SUCH AS LIGHT MANUFACTURING, HOME AND BUSINESS SERVICES, ARTS ACTIVITIES, WAREHOUSE, AND WHOLESALING. ADDITIONAL PERMITTED USES INCLUDE RETAIL, EDUCATIONAL FACILITIES, AND NIGHTTIME ENTERTAINMENT. HOUSING IS ALSO PERMITTED, BUT IS SUBJECT TO HIGHER AFFORDABILITY REQUIREMENTS. FAMILY-SIZED DWELLING UNITS ARE ENCOURAGED. WITHIN THE UMU, OFFICE USES ARE RESTRICTED TO THE UPPER FLOORS OF MULTIPLE STORY BUILDINGS. IN CONSIDERING ANY NEW LAND USE NOT CONTEMPLATED IN THIS DISTRICT, THE ZONING ADMINISTRATOR SHALL TAKE INTO ACCOUNT THE INTENT OF THIS DISTRICT AS EXPRESSED IN THIS SECTION AND IN THE GENERAL PLAN	RESIDENTIAL, MERCANTILE
SFPC 207.5	DENSITY	THERE SHALL BE NO DENSITY LIMITS FOR ANY RESIDENTIAL USE, AS DEFINED BY SECTION 890.88, IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.	60 UNITS
SFPC 124	F.A.R.	5.0 : 1 IN R, RC, NC, AND MIXED USE DISTRICTS, FLOOR AREA RATIO LIMITS SHALL NOT APPLY TO DWELLINGS OR TO OTHER RESIDENTIAL USES.	RESIDENTIAL ( F.A.R. DOES NOT APPLY TO RESIDENTIAL USES) NON-RESIDENTIAL (COMMERCIAL/PDR)= .908 (13,619 GSF / 15,000 SF LOT)
HT08	HEIGHT	68' MAXIMUM HEIGHT TO ROOF STRUCTURE	68' HEIGHT TO ROOF STRUCTURE
SFPC 270	BULK LIMIT	NOT APPLICABLE	NOT APPLICABLE
SFPC 132	FRONT YARD SETBACK	CORNER LOT WITH PARTIAL BUILDING TO REMAIN	NO SETBACK AT REQUIRED AT 19TH STREET - [N] PORTION ALONG BRYANT WILL BE EQUAL TO ADJACENT PROPERTY
SFPC 134	REAR YARD SETBACK	REAR YARD PREFERRED CALCULATION IS 25% OF LOT AREA = 3,750 SQ.FT. OR REAR YARD ALLOWED CALCULATION IS 25% OF LOT DEPTH = MIN DEPTH REQUIRED: 25'-0"	PROVIDING 27'-0" DEPTH FOR REAR YARD REAR YARD WILL BE OPEN TO THE NORTH EXCEPTION REQUESTED
SFPC 135	OPEN SPACE	TABLE 135B - EASTERN NEIGHBORHOODS 80 SQ.FT./ UNIT - USABLE OPEN SPACE = 4,800 SQ.FT. 1/250 SF NON-RESIDENTIAL = 7,471 / 250 = 29.884	3, 200 SQ.FT. PROVIDED AT LEVEL 2 (DOES NOT CONTRIBUTE TO OPEN SPACE) 4,800 SQ.FT.- OPEN SPACE AT ROOF WILL BE PROVIDED ( 60 UNITS = [60 X 80 = 4,800 SQ. FT. REQUIRED])
SFPC 138.1	STREET TREES	1 TREE PER 20' OF 250 ' COMBINED FRONTAGE = 13 TREES	13 NEW TREES (8 EXISTING AND 5 NEW) FINAL QUANTITY TO BE DETERMINED
SFPC 139	BIRD-SAFE BUILDING	LOCATION-RELATED	REVIEW WITH ZONING ADMINISTRATOR
SFPC 140	DWELLING UNIT EXPOSURE	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	5 UNITS PER FLOOR AT LEVELS 4-6 = 15 TOTAL UNITS AT REAR OF BUILDING EXCEPTION REQUESTED
SFPC 145.1	STREET FRONTAGE	PARKING ENTRY WIDTH MAX = 20' GROUND FLOOR NON-RESIDENTIAL USES IN UMU DISTRICTS SHALL HAVE A MINIMUM FLOOR-TO-FLOOR HEIGHT OF 17 FEET, AS MEASURED FROM GRADE	10'-0" WIDTH OF PARKING ENTRY ALONG 19TH STREET ARCHITECTURAL FEATURES ALONG THE ENTIRE GROUND FLOOR FACADE 17'-0" MINIMUM FLOOR-TO-FLOOR - RETAINING THE EXISTING BRICK FACADE DOES NOT ALLOW FOR 60 % TRANSPARENCY- REQUESTING EXCEPTION
SFPC 151.1 + 329	OFF-STREET PARKING	RESIDENTIAL: UP TO .75 / RESIDENTIAL UNIT/ UP TO 1 / 2B UNIT WITH 50 UNITS OR MORE. ALL RESIDENTIAL ACCESSORY PARKING SHALL BE STORED & ACCESSED BY MECHANICAL STACKERS OR LIFTS, VALET OR OTHER. TOTAL PARKING SPACES ALLOWED: 50 SPACES	SPACES FOR RESIDENTIAL USE 23 SPACES FOR RETAIL/RESTAURANT 0 2 CAR SHARE - 1 VAN ACCESSIBLE 3 TOTAL SPACES WITH STACKERS PROVIDED 26
SFPC TABLE 152.1	OFF-STREET FREIGHT LOADING SPACES	1 SPACE REQUIRED PER 0-10,000 SQ.FT.	RETAIL-RESTAURANT = 0 SPACES PROVIDED
SFPC TABLE 155.2	BICYCLE PARKING - CLASS 1 (RESIDENTIAL USE)	1 SPACE / UNIT = 60 SPACES FOR 60 UNITS	60 SPACES REQUIRED- 84 PROVIDED
SFPC TABLE 155.2	BICYCLE PARKING - CLASS 2 (RESIDENTIAL USE)	1 SPACE / 20UNITS = 3 SPACES FOR 60 UNITS	3 SPACES
SFPC TABLE 155.2	BICYCLE PARKING - CLASS 1 (RETAIL)	1 SPACE PER 7,500 SF	0 SPACES (RETAIL INDICATED PER PLAN IS BELOW 7,500 SF)
SFPC TABLE 155.2	BICYCLE PARKING - CLASS 2 (RETAIL-RESTAURANT)	(RETAIL) 1 SPACE PER 2,500 SF = 3 / (RESTAURANT) 1 SPACE PER 750 SF = 10	3 CLASS II SPACES-PROVIDED FOR RETAIL - 10 CLASS II PROVIDED FOR RESTAURANT
SFPC 167	PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW RESIDENTIAL BUILDINGS	10 DWELLING UNITS OR MORE SHALL BE UNBUNDLED FROM THE RENTAL OR PURCHASE FEES OF UNIT	PROJECT WILL COMPLY WITH UNBUNDLED PARKING REQUIREMENT
SFPC TABLE 419.3	AFFORDABLE HOUSING REQUIREMENT-TIER B	ON-SITE / OFF-SITE OR IN-LIEU FEE	PROJECT SPONSOR WILL COMPLY WITH SECTION 419
<b>PLANNING DEPARTMENT PERMITS REQUIRED</b>			
1. NOTICE OF PLANNING DEPARTMENT REQUIREMENTS #2 - EXCEPTIONS REQUESTED A. 134 - REAR YARD B. 140-DWELLING UNIT EXPOSURE C. 145.1-GROUND FLOOR TRANSPARENCY			

19B-2750 19th Street  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALIEN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY

PROJECT NUMBER 14004

SCALE AS NOTED

SHEET TITLE PLANNING CODE ANALYSIS

SHEET NUMBER

**G002**

PROFESSIONAL SEAL

# CONTEXT PHOTOS

PLANNING COMMISSION HEARING

~~10.26.2017~~

NOVEMBER 30, 2017

2750 19TH STREET-SAN FRANCISCO-RESIDENTIAL DEVELOPMENT-2017



BRYANT STREET - WEST FACING FACADE



19TH STREET - SOUTH FACING FACADE



INTERSECTION OF 19TH AND BRYANT STREETS - SOUTHWEST CORNER



VIEW ALONG BRYANT STREET - LOOKING SOUTH TO 19TH STREET





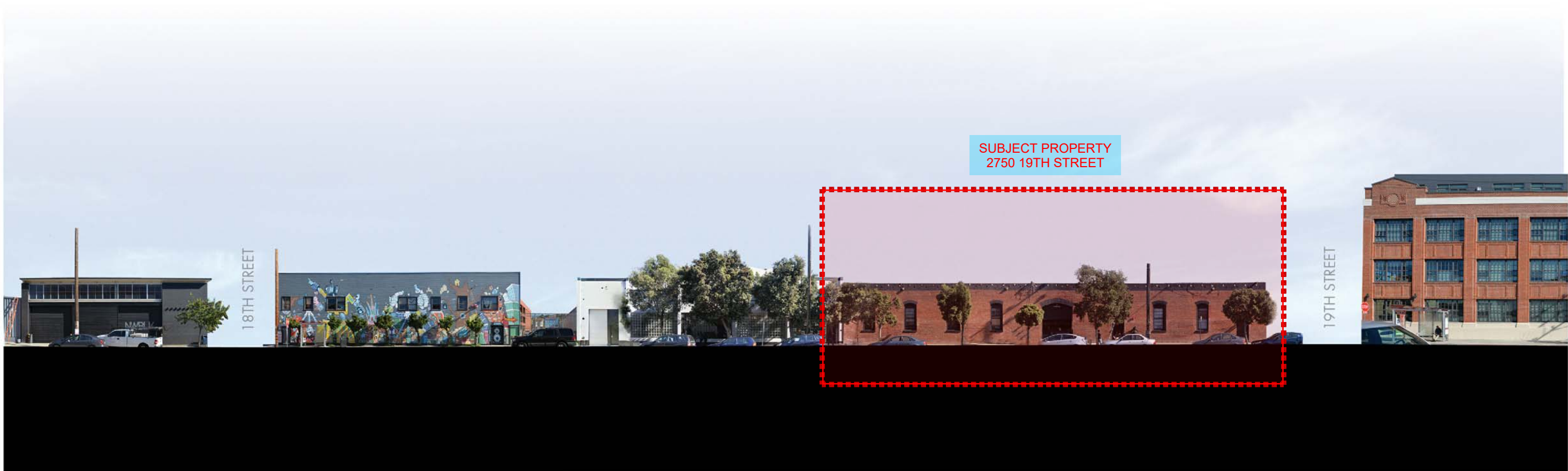
19TH STREET SOUTH ELEVATION



19TH STREET NORTH ELEVATION



BRYANT STREET WEST ELEVATION



BRYANT STREET EAST ELEVATION

# URBAN DIAGRAMS

PLANNING COMMISSION HEARING

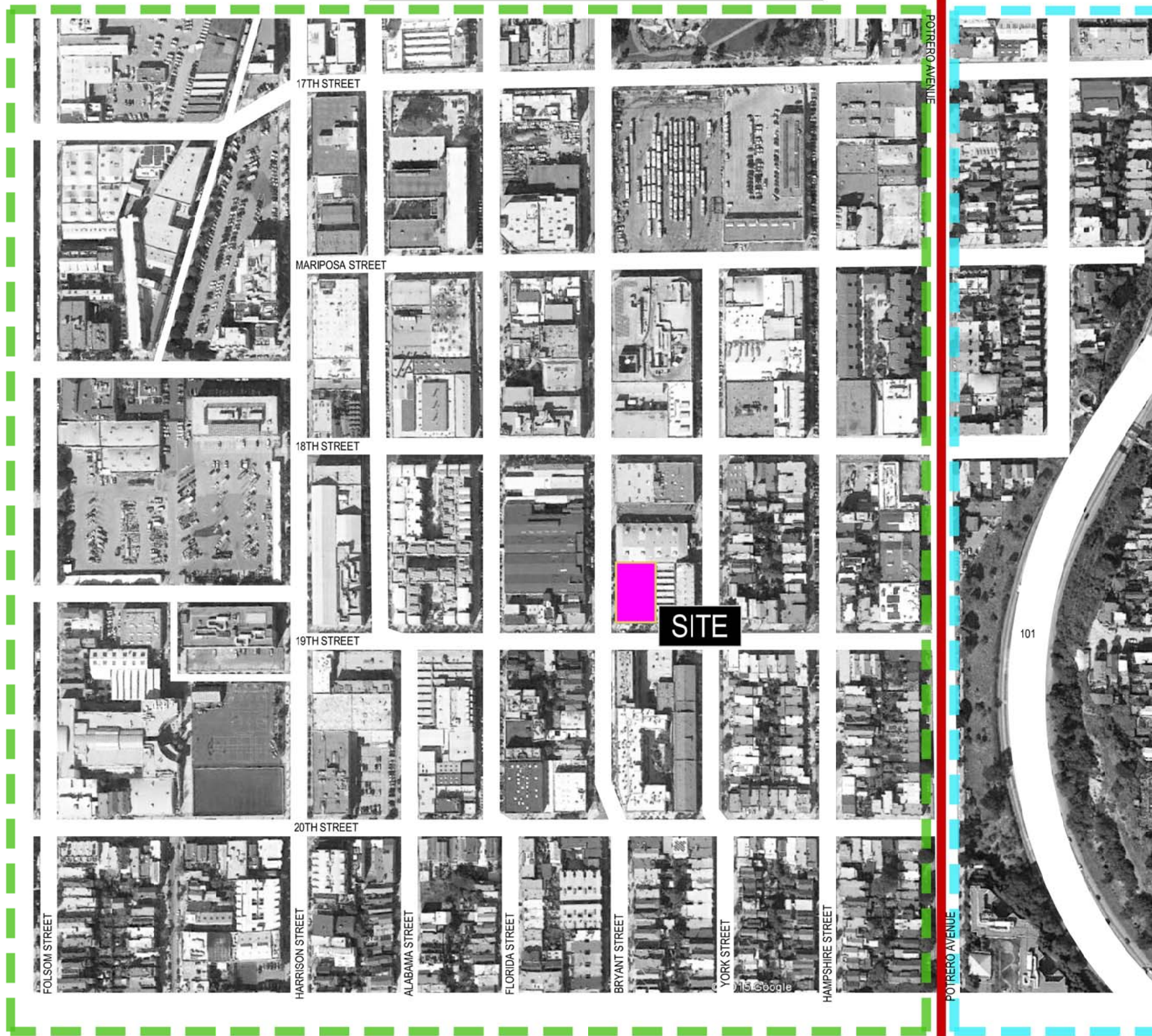
~~10.26.2017~~

NOVEMBER 30, 2017

2750 19TH STREET-SAN FRANCISCO-RESIDENTIAL DEVELOPMENT-2017

# DESIGN SHOWPLACE / EAST SOMA

MISSION DISTRICT

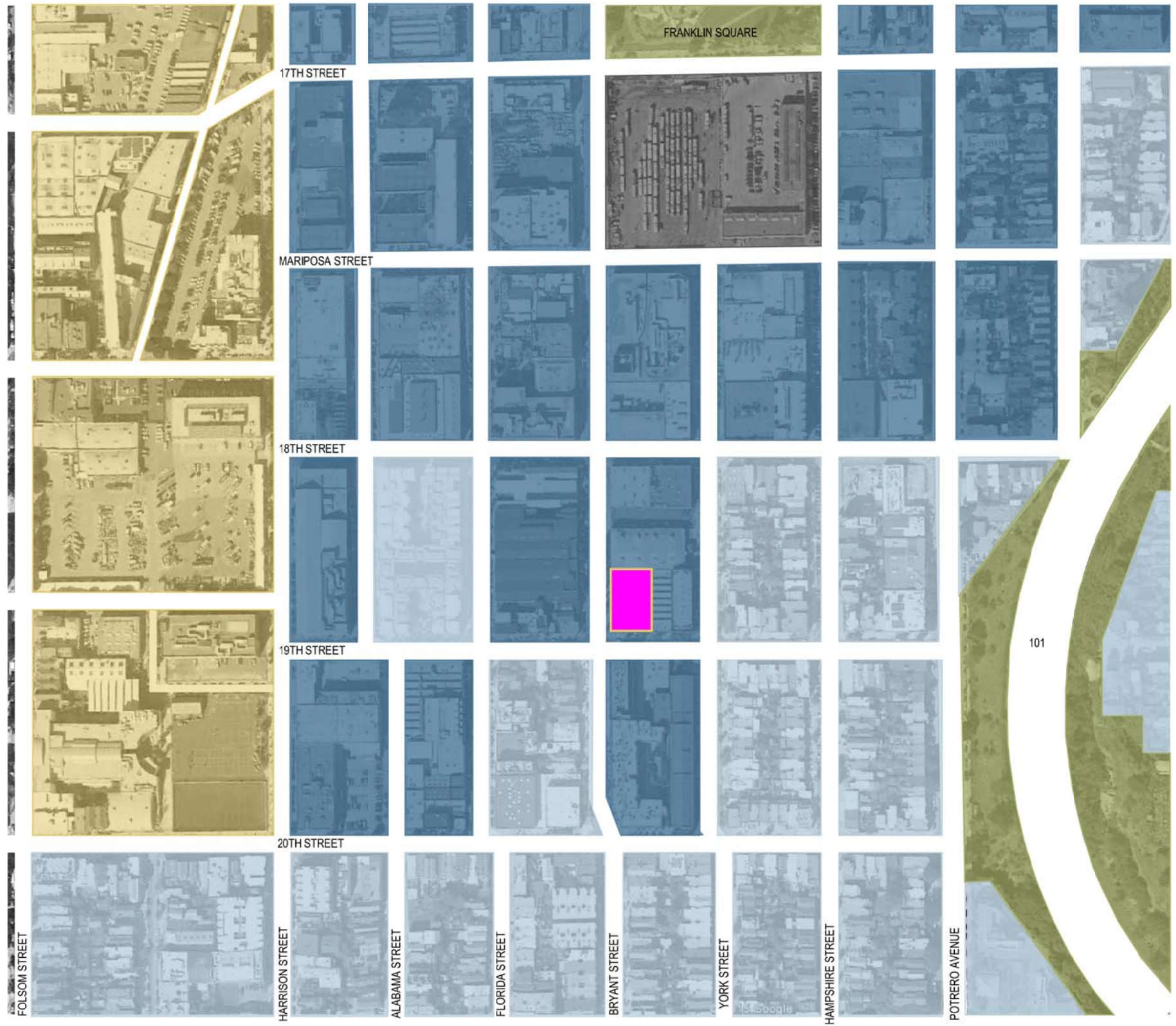


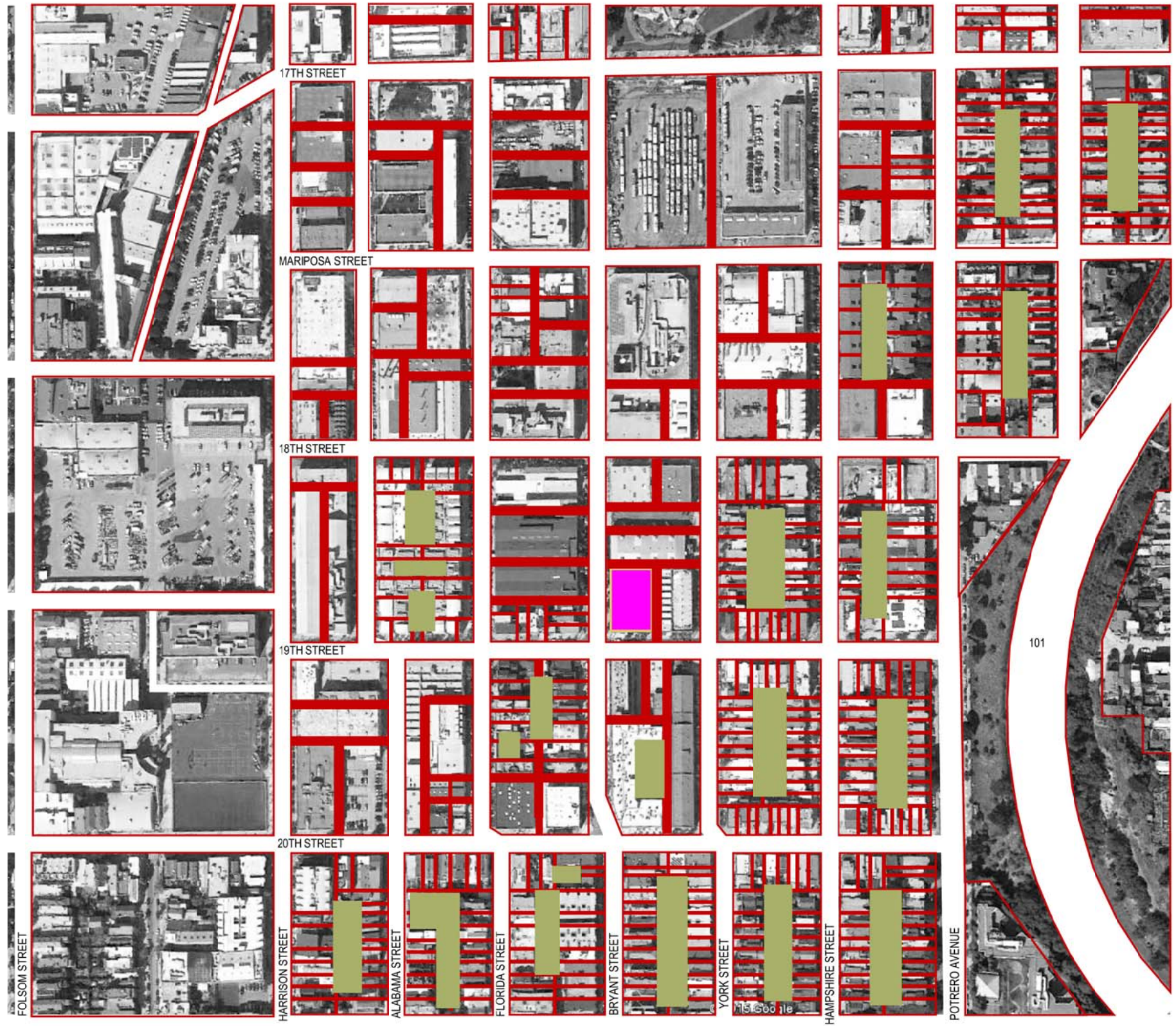
POTRERO HILL



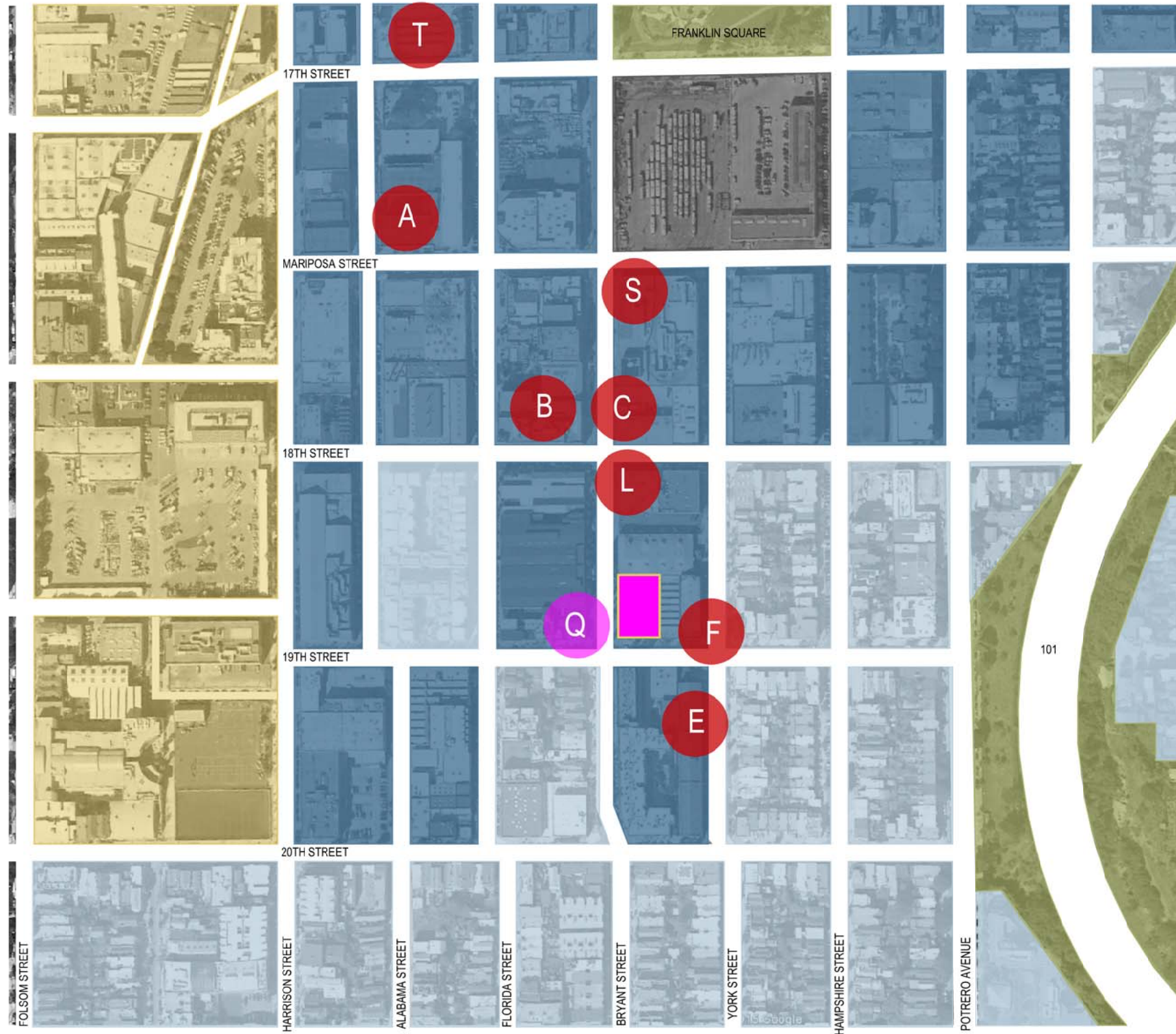
EASTERN NEIGHBORHOODS AREA PLAN

MISSION DISTRICT





- █ BLOCK MASSING - PARCEL BLOCK / LOT
- █ COURTYARD-REAR YARD



X ARCHITECTURAL CHARACTER EXAMPLES

1880-1920



Q 19th-Bryant-Site-Existing



E 2710 19th Street



F 598 York Street

1920-1950



A 499 Alabama Street



B 499 Bryant Street



T 375 Alabama Street

1950-Present



C 2795 18th Street



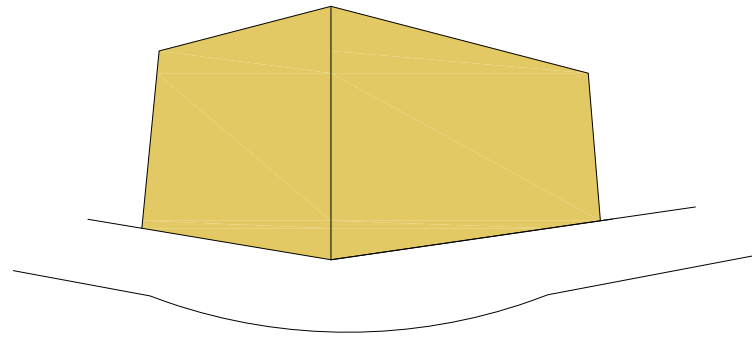
L 18th Street & Bryant



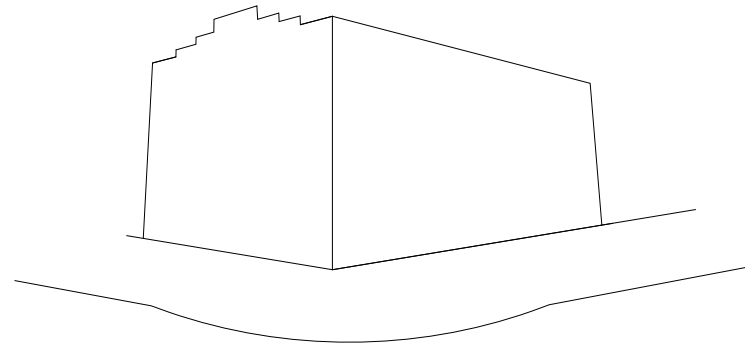
S 2601 Mariposa Street



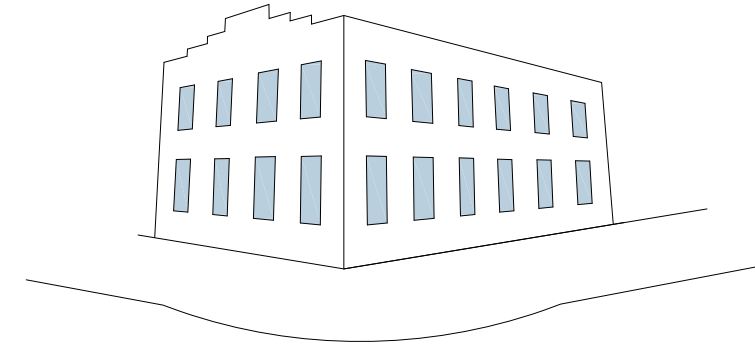
1880-1920



Mass

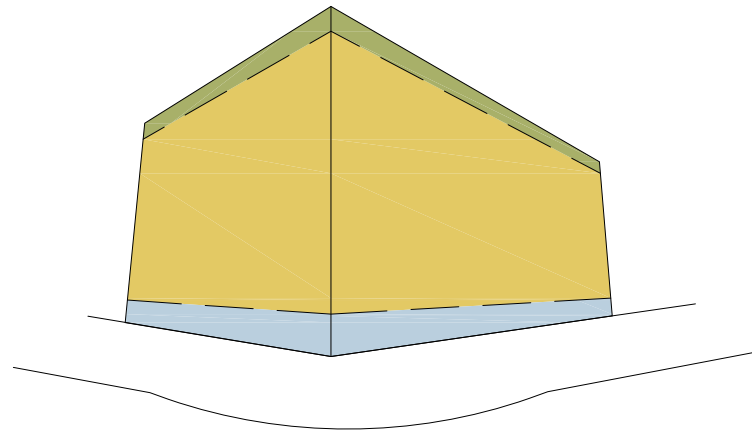


Articulated Parapet

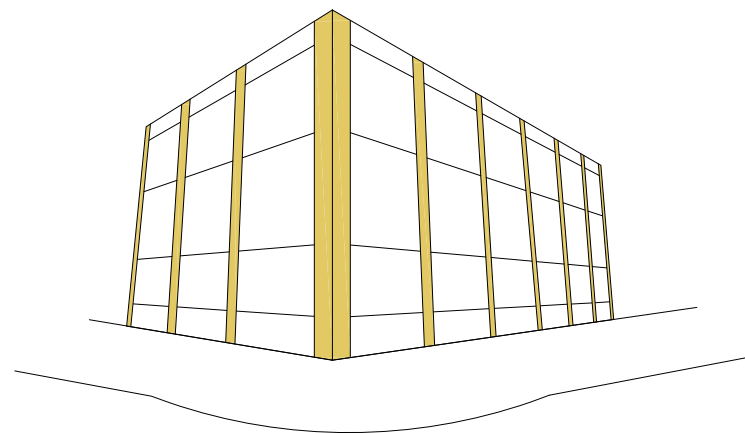


Punched Windows - Narrow Vertical Opening

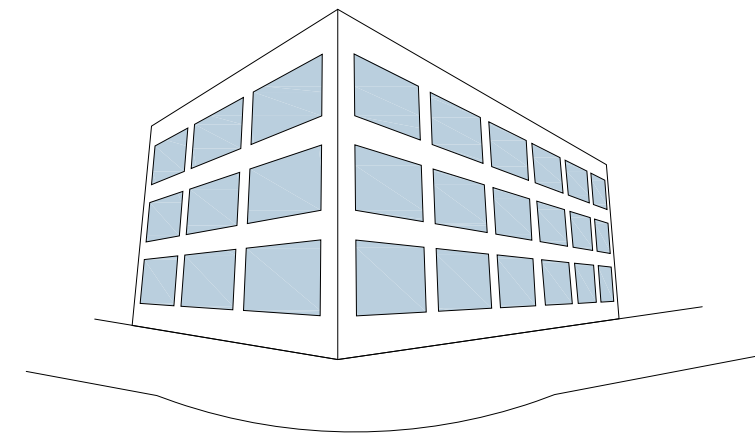
1920-1950



Abbreviated-Base-Middle-Top

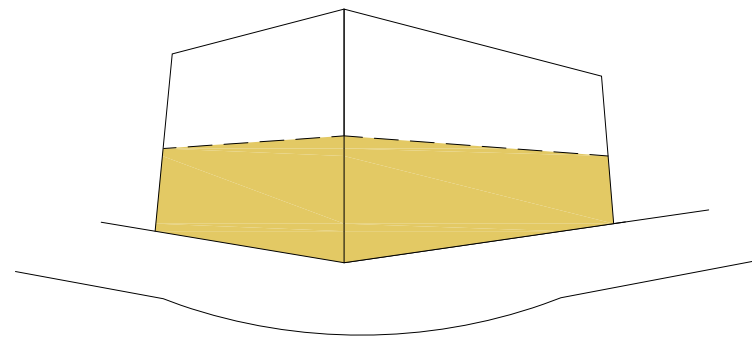


Expressed Vertical Pier

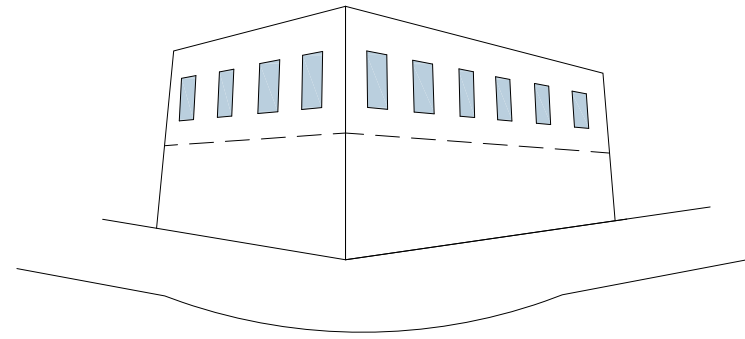


Window Character-Punched Expression-Wide Opening

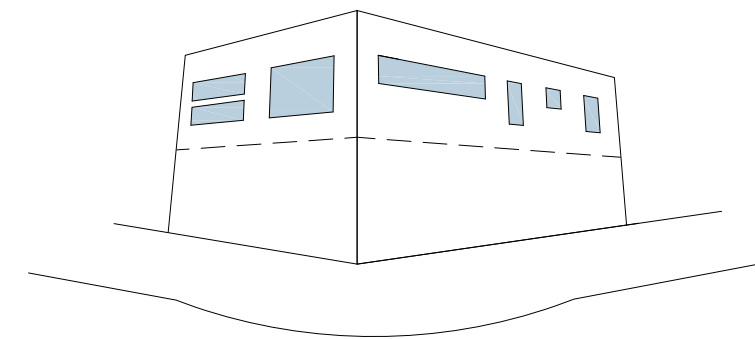
1950-Present



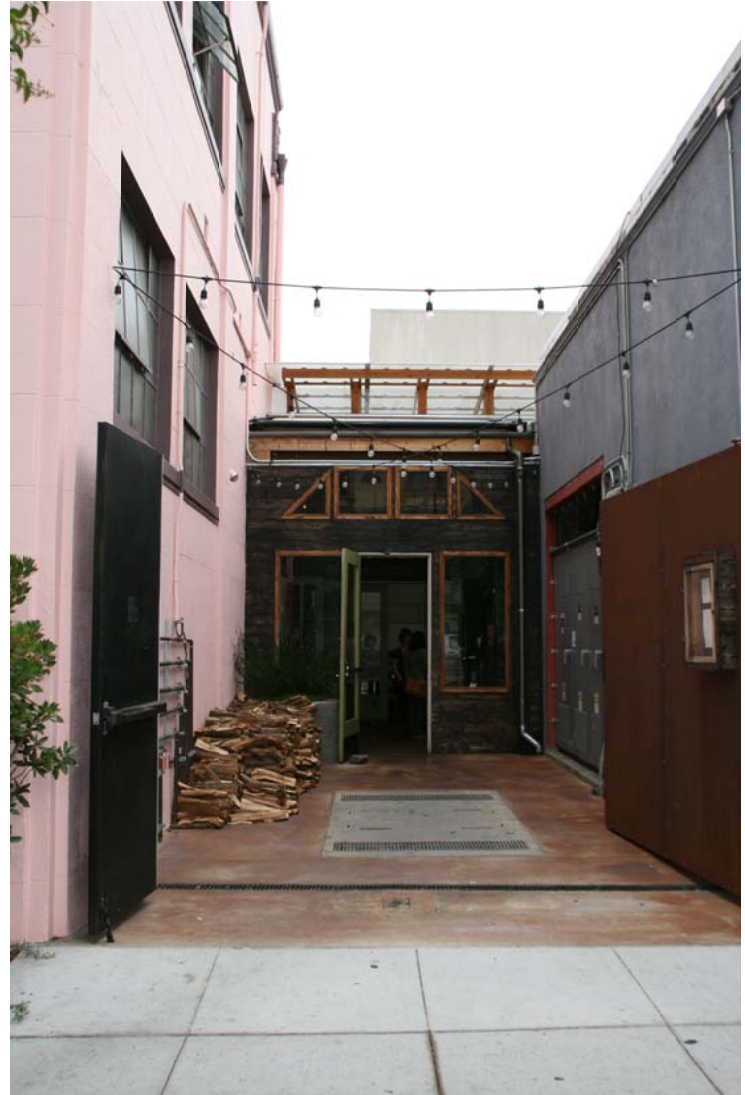
Utilitarian / Solid Base



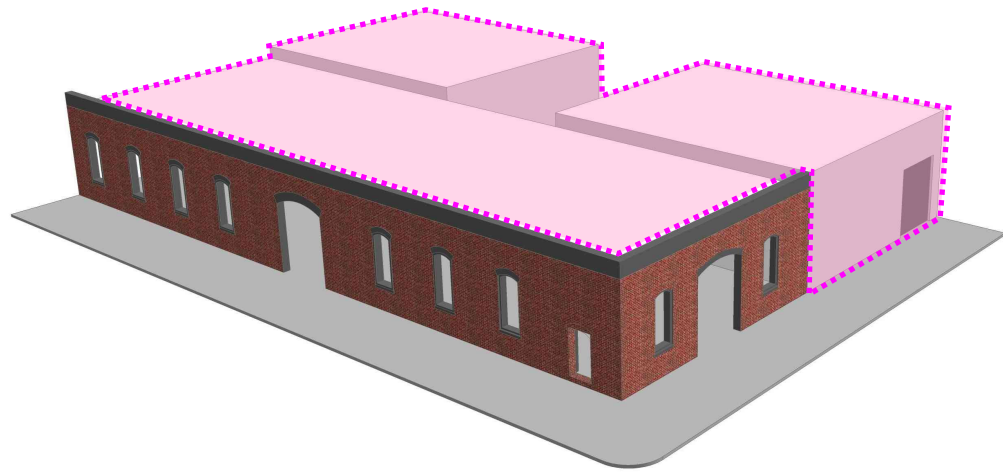
Fenestration Above Base



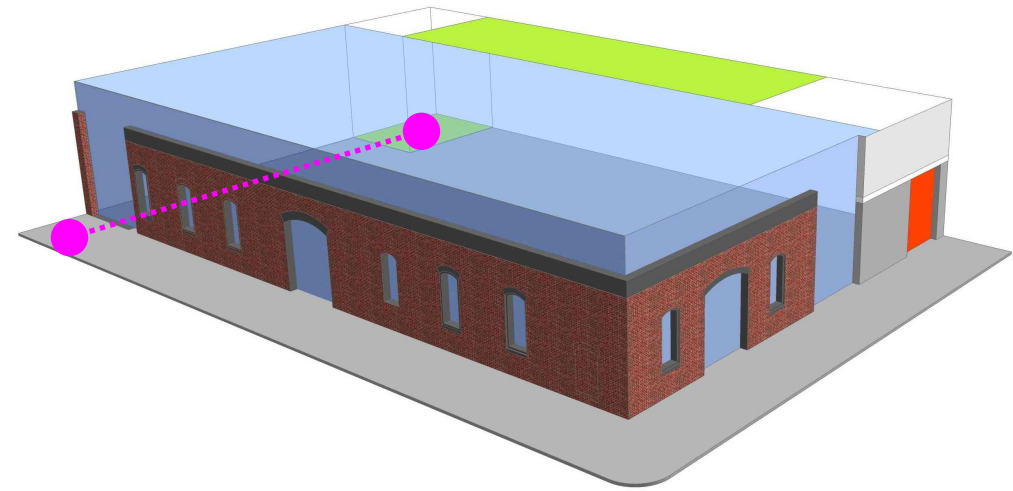
Fenestration Variety



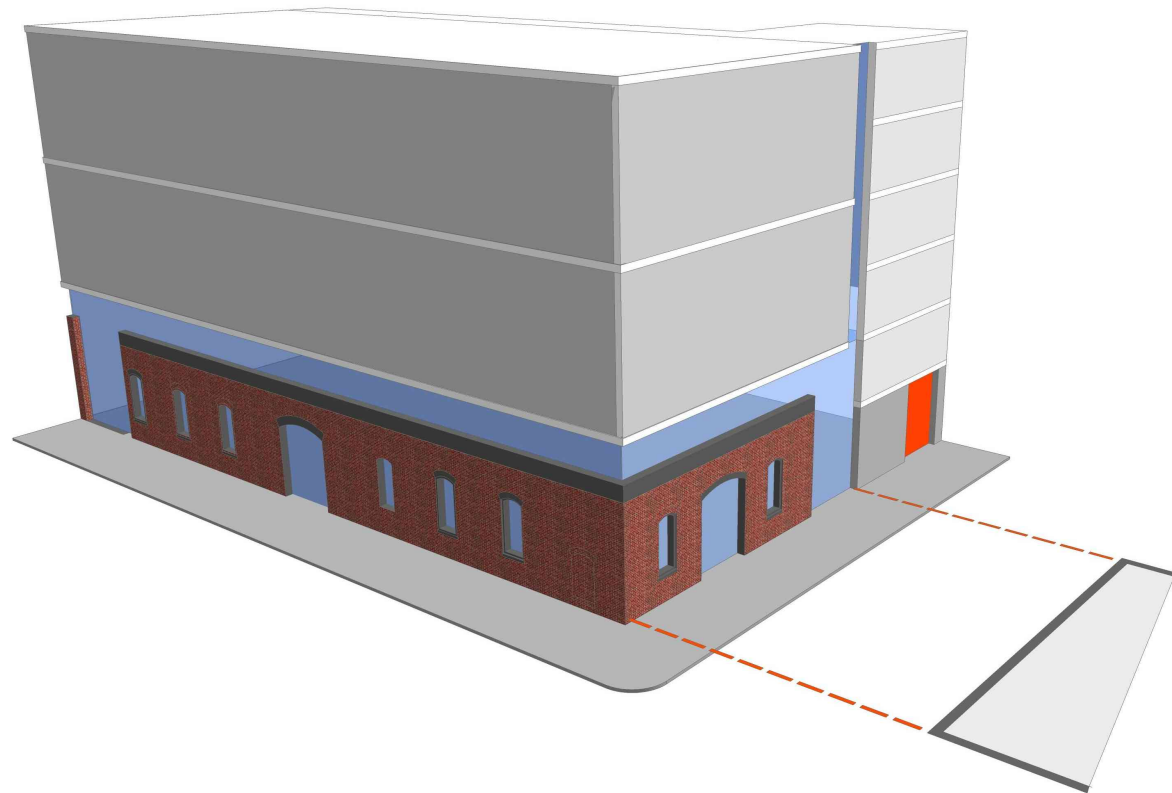




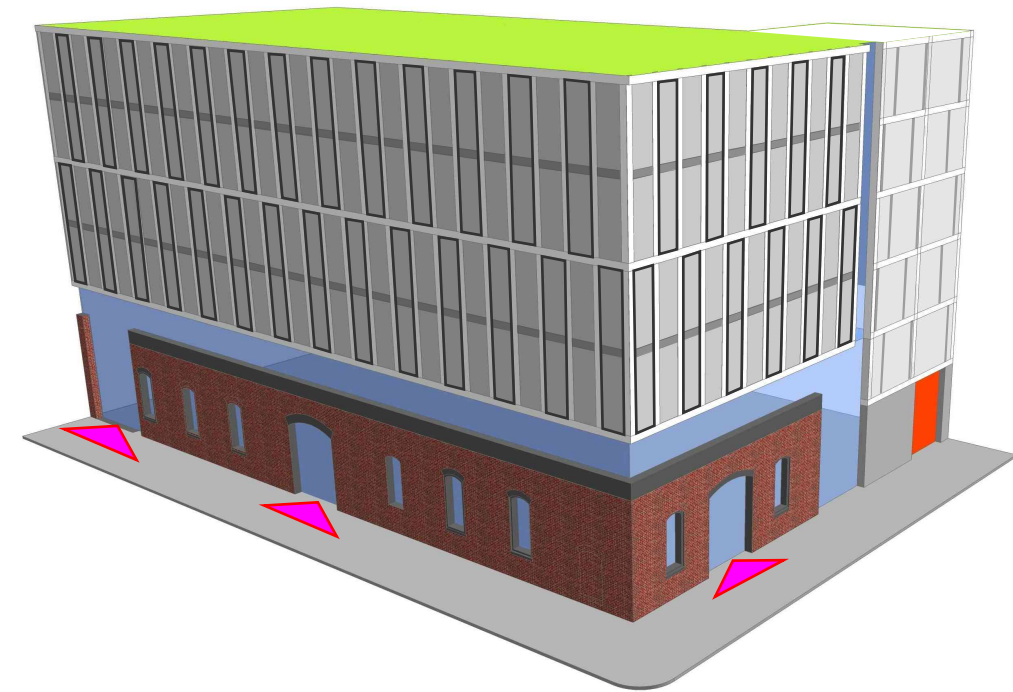
**1** REMOVE WOOD STRUCTURES



**2** RETAIN BRICK-ADD OPEN SPACES-DISTINGUISH OLD VS NEW



**3** ALIGN MASSING



**4** FACADE ARTICULATION-OPEN SPACE

# ARCHITECTURE

PLANNING COMMISSION HEARING

~~10.26.2017~~

NOVEMBER 30, 2017

2750 19TH STREET-SAN FRANCISCO-RESIDENTIAL DEVELOPMENT-2017

- KEY NOTES:**
- A EXISTING CURB CUT
  - B PROPOSED (N) STREET TREE - LOCATIONS TBD
  - C EXISTING UTILITY POLE
  - D PROPOSED CURB CUT
  - E EXISTING BUILDING
  - F MTA - [E] STREET PARKING
  - G MUNI - [E] BUS STOP
  - H OPEN SPACE - 1,000 SF
  - J EXISTING TREE
  - K 3 CLASS II - BICYCLE SPOTS (RETAIL)
- NOTE:  
 SEE A102 FOR ENLARGED STREETScape PLANS  
 FOR EXISTING AND PROPOSED RIGHT OF WAY ITEMS



19B-2750 19th Street  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALDEN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY	

PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: SITE PLAN - EXISTING

SHEET NUMBER: **A100**  
 PROFESSIONAL SEAL



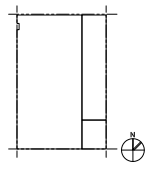
**KEY NOTES :**

- EXISTING CURB CUT
- PROPOSED (N) STREET TREE - LOCATIONS TBD
- EXISTING UTILITY POLE
- PROPOSED CURB CUT
- EXISTING BUILDING
- MTA - [E] STREET PARKING
- MUNI - [E] BUS STOP
- OPEN SPACE - 1,600 SF
- EXISTING TREE
- 3 CLASS II - BICYCLE SPOTS (RETAIL)

NOTE:  
SEE A102 FOR ENLARGED STREETSCAPE PLANS  
FOR EXISTING AND PROPOSED RIGHT OF WAY ITEMS



PROJECT KEY PLAN



19B-2750 19th Street  
SAN FRANCISCO, CALIFORNIA

OWNER:  
ALON REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY


PROJECT NUMBER	14004
SCALE	AS NOTED
SHEET TITLE	SITE PLAN - NEW

SHEET NUMBER	<b>A101</b>
PROFESSIONAL SEAL	





STAIR 1 RELOCATED TO ALLOW FOR LOBBY TO MEET PROPERTY LINE

EXCEPTION REQUESTED FOR GROUND FLOOR TRANSPARENCY-BRICK FACADE IS POTENTIAL HISTORIC RESOURCE

VIEW ALONG BRYANT STREET



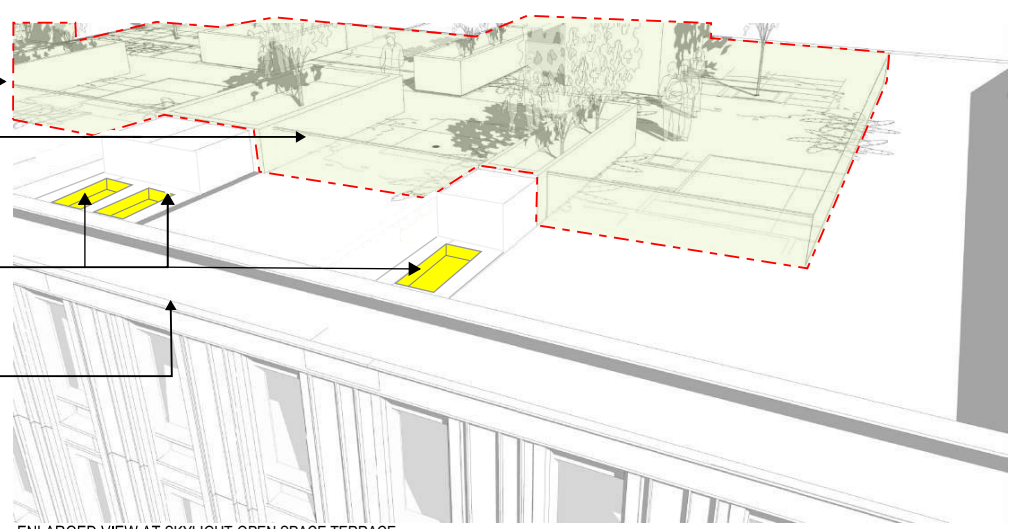
VIEW AT REAR OF BUILDING



VIEW ALONG 19TH STREET



VIEW ALONG 19TH STREET



4,800 SF OPEN SPACE

RAISED PLANTERS

SKYLIGHTS (INTEGRATED INTO ROOF FRAMING AT 68'-0")

ALLOWED PARAPET HEIGHT

ENLARGED VIEW AT SKYLIGHT-OPEN SPACE TERRACE



VIEW AT 19TH AND BRYANT STREET

**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALON REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY

NO.	DATE	DESCRIPTION

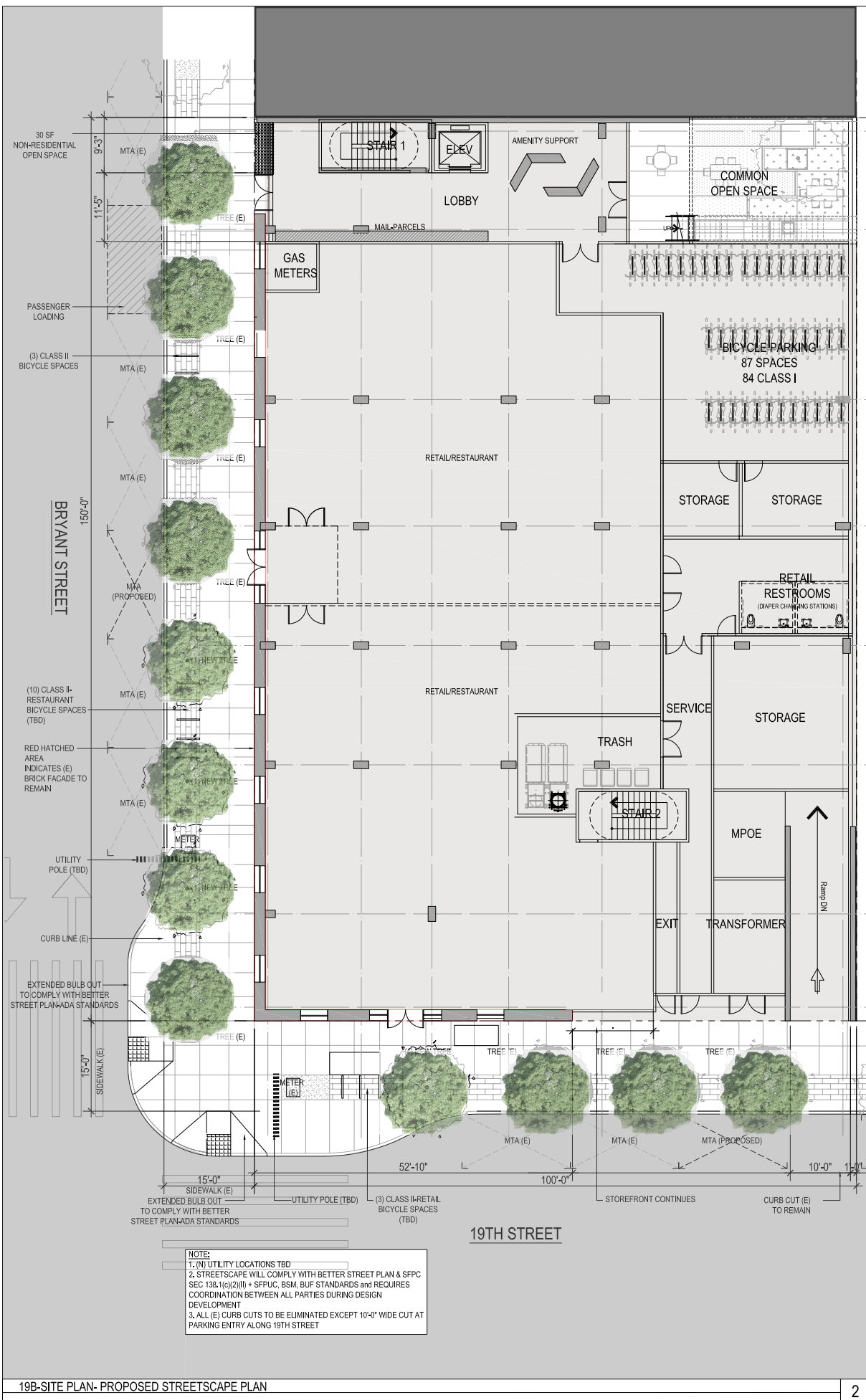
PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: MODEL VIEWS

SHEET NUMBER  
**REFIMAGES**  
 PROFESSIONAL SEAL

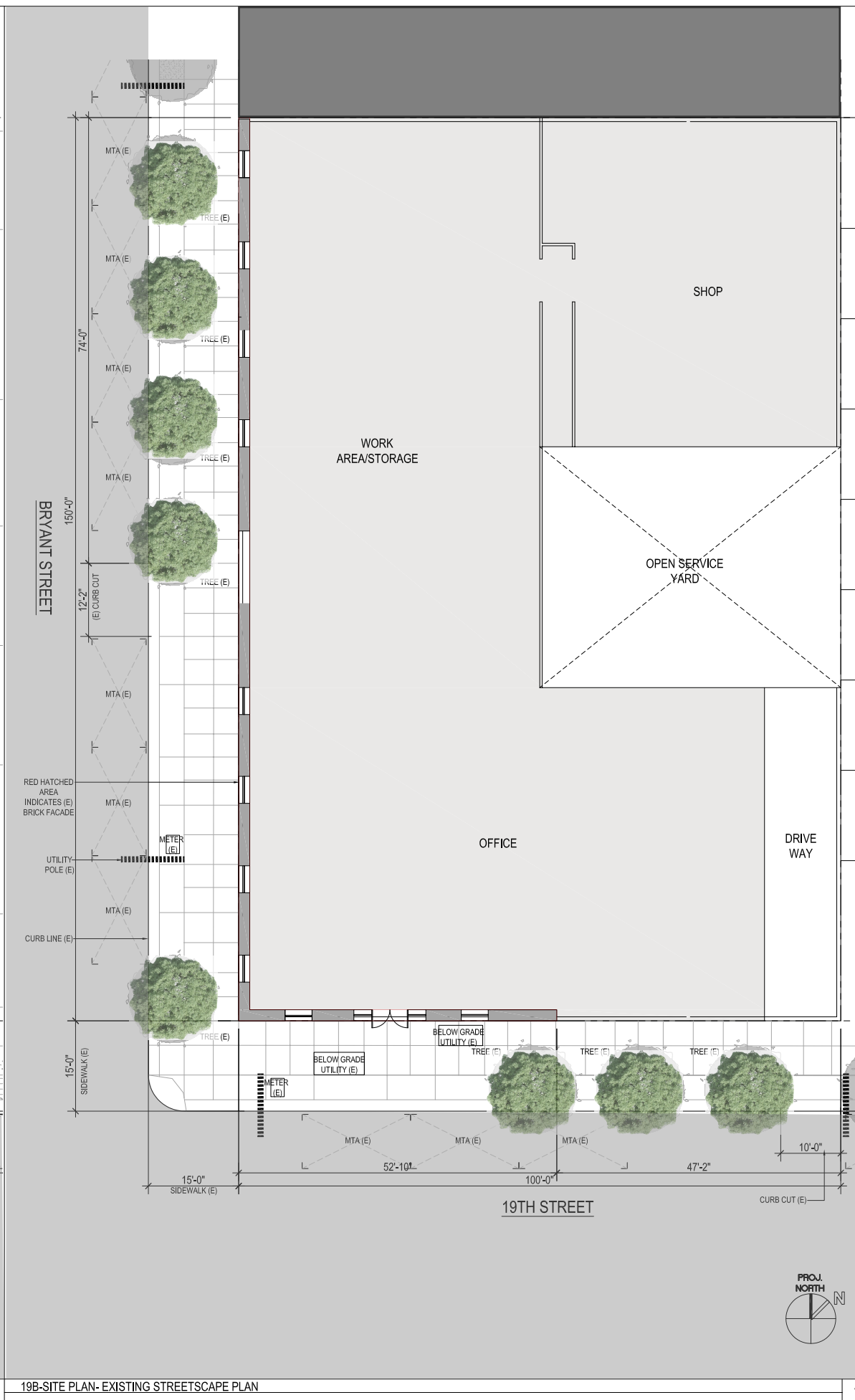
PROVIDED AS REFERENCE



KEY NOTES :



19B-SITE PLAN- PROPOSED STREETSCAPE PLAN



19B-SITE PLAN- EXISTING STREETSCAPE PLAN

NOTE:  
 1. (N) UTILITY LOCATIONS TBD  
 2. STREETSCAPE WILL COMPLY WITH BETTER STREET PLAN & SFPUC SEC 13&1(c)(2)(II) + SFPUC, BSM, BUF STANDARDS and REQUIRES COORDINATION BETWEEN ALL PARTIES DURING DESIGN DEVELOPMENT  
 3. ALL (E) CURB CUTS TO BE ELIMINATED EXCEPT 10'-0" WIDE CUT AT PARKING ENTRY ALONG 19TH STREET

19B-2750 19th Street  
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ISSUE HISTORY


PROJECT NUMBER 14004  
 SCALE AS NOTED

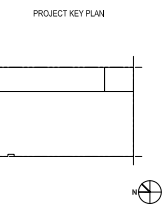
SHEET TITLE  
 EXISTING STREETSCAPE & PROPOSED STREETSCAPE

SHEET NUMBER

**A102**

PROFESSIONAL SEAL





19B-2750 19th Street  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
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 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

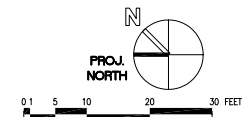
ISSUE HISTORY

NO.	DATE	DESCRIPTION

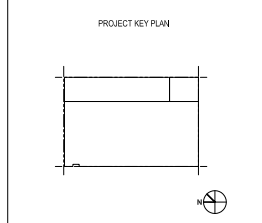
PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: LEVEL B1-BASEMENT PLAN

SHEET NUMBER: **A200**

PROFESSIONAL SEAL







19B-2750 19th Street  
SAN FRANCISCO, CALIFORNIA

OWNER:  
ALLEN REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY

NO.	DATE	DESCRIPTION

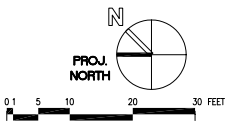
PROJECT NUMBER 14004  
SCALE AS NOTED  
SHEET TITLE

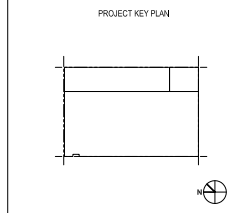
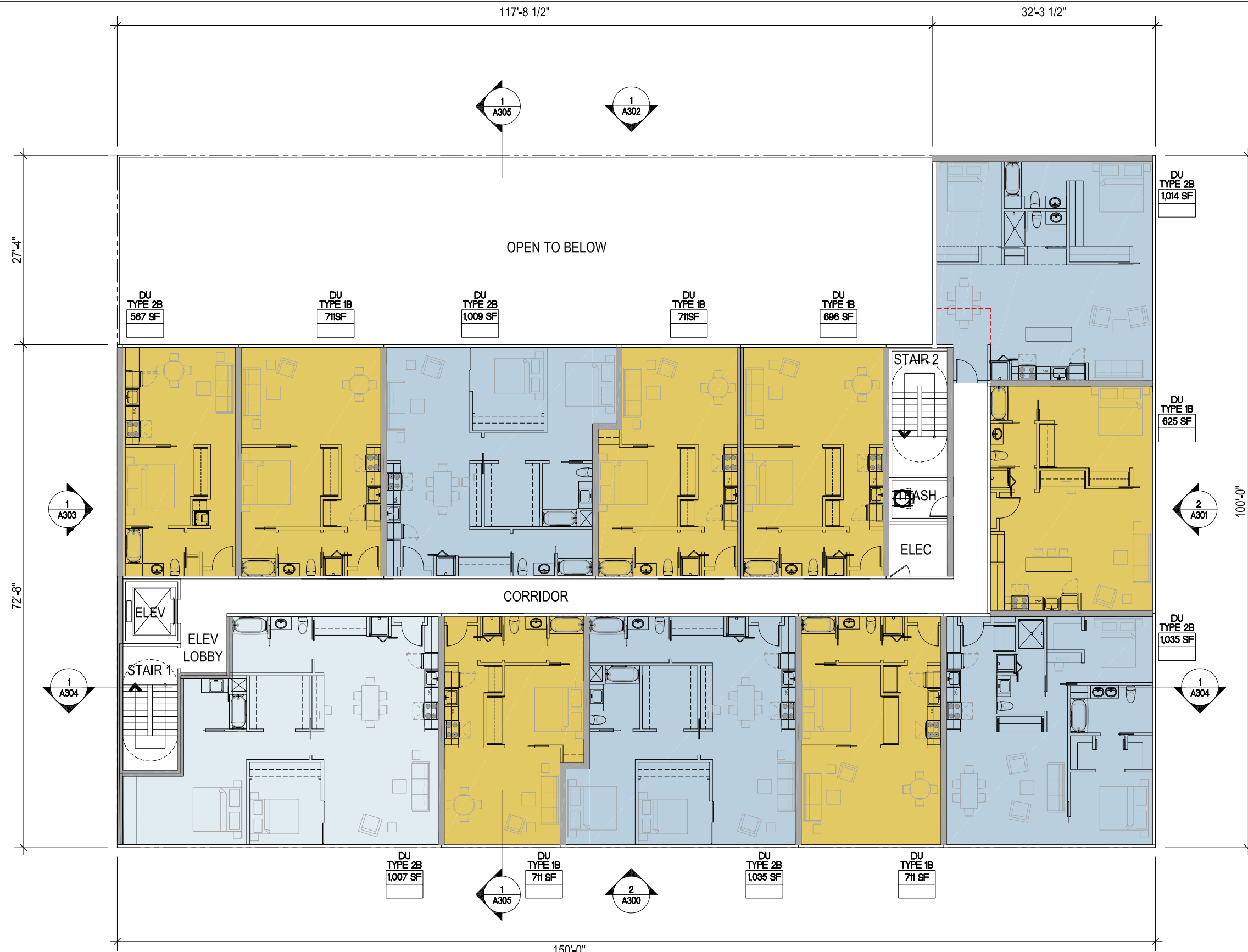
LEVEL 02 - FLOOR PLAN

SHEET NUMBER

**A202**

PROFESSIONAL SEAL





19B-2750 19th Street  
 SAN FRANCISCO, CALIFORNIA

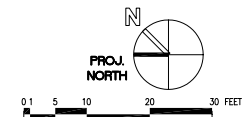
OWNER:  
 ALIEN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

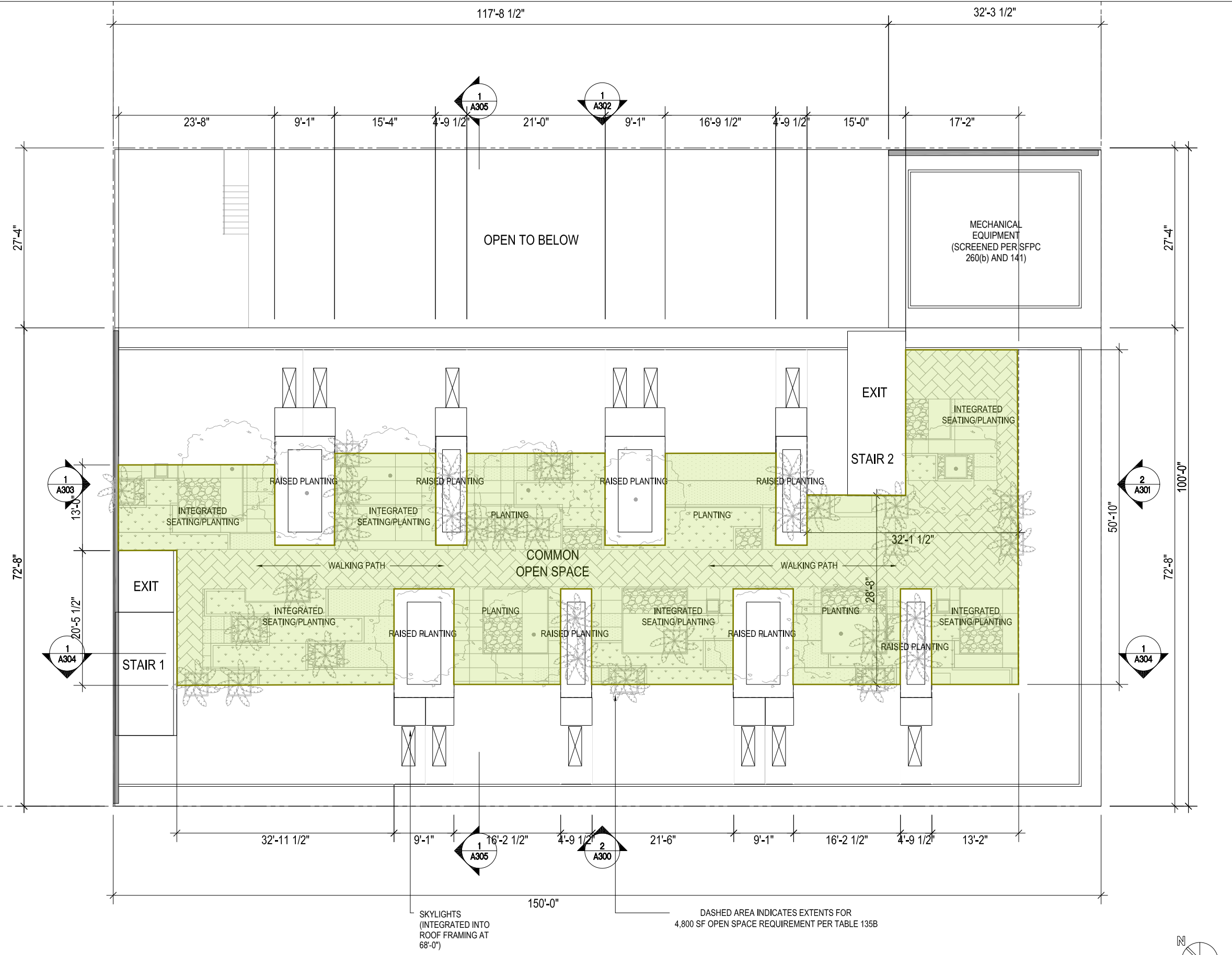
ISSUE HISTORY

NO.	DATE	DESCRIPTION

PROJECT NUMBER 14004  
 SCALE AS NOTED  
 SHEET TITLE  
 LEVEL 03-06 - TYPICAL FLOOR PLAN

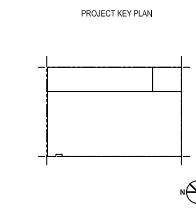
SHEET NUMBER **A203**  
 PROFESSIONAL SEAL





SKYLIGHTS (INTEGRATED INTO ROOF FRAMING AT 68'-0")

DASHED AREA INDICATES EXTENTS FOR 4,800 SF OPEN SPACE REQUIREMENT PER TABLE 135B



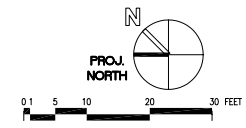
19B-2750 19th Street  
SAN FRANCISCO, CALIFORNIA

OWNER:  
ALION REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY

PROJECT NUMBER 14004  
SCALE AS NOTED  
SHEET TITLE LEVEL ROOF-ROOFPLOOR PLAN

SHEET NUMBER  
**A204**  
PROFESSIONAL SEAL



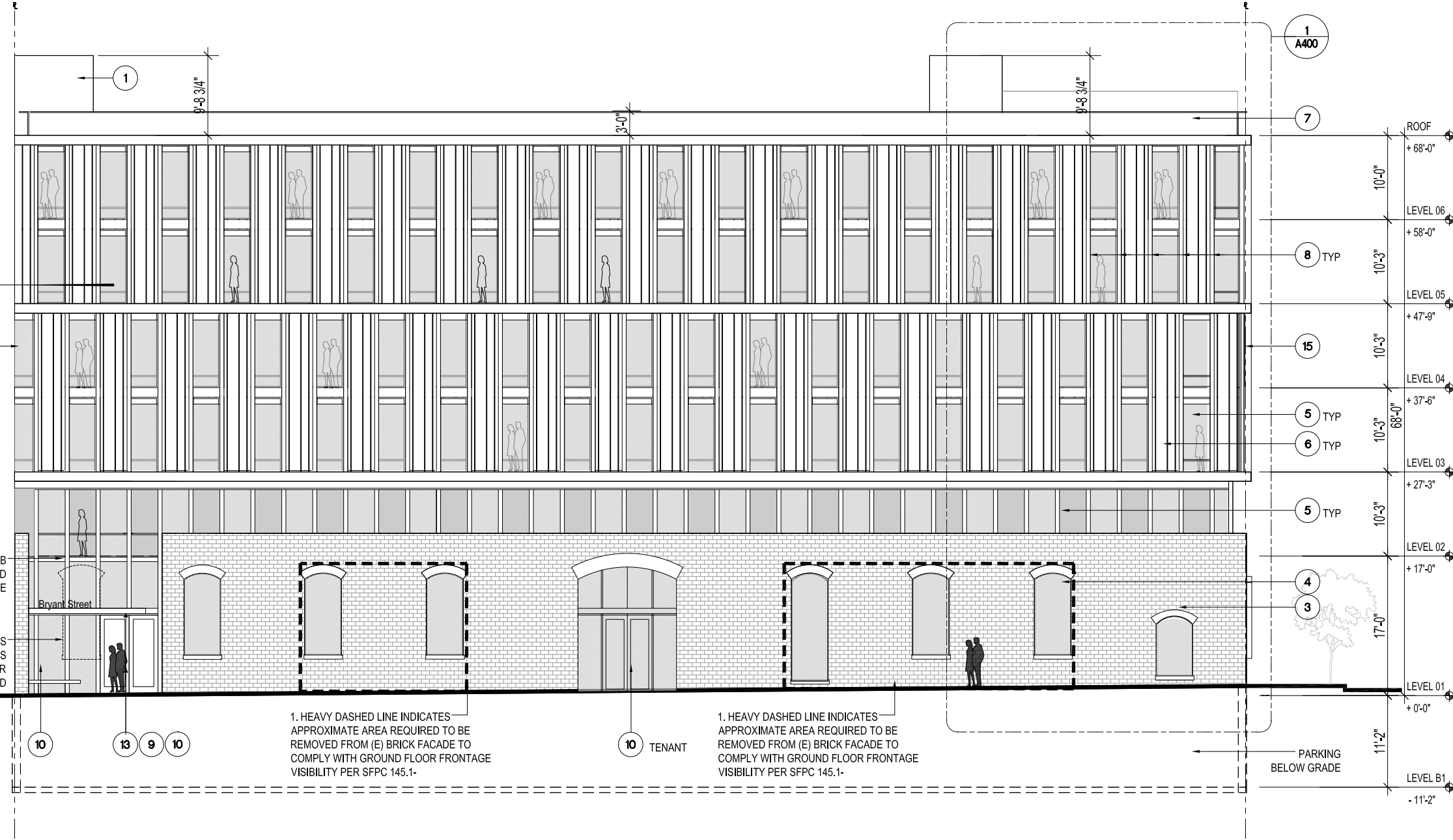
- KEY NOTES:**
- ① ELEVATOR / STAIR PENTHOUSE
  - ② NOT USED
  - ③ EXISTING BRICK FACADE TO REMAIN
  - ④ [N] GLAZING WINDOW SURROUND @ [E] OPENING
  - ⑤ DBL. GLAZED VISION GLASS W/ OPERABLE VENT
  - ⑥ METAL PANEL RAINSCREEN OR OTHER - TBD
  - ⑦ METAL SCREEN / PERFORATED METAL - MECHANICAL SCREENING
  - ⑧ METAL CLAD OR COLOR SMT-EXPRESSED VERTICAL
  - ⑨ STOREFRONT SYSTEM
  - ⑩ INGRESS-EGRESS OR SERVICE DOOR LOCATION
  - ⑪ METAL WALL CLADDING OR OTHER-TBD
  - ⑫ PERFORATED METAL PANEL FOR VENTILATION
  - ⑬ RESIDENTIAL ENTRY-CANOPY-SIGNAGE
  - ⑭ TEXTURED WALL PANEL
  - ⑮ PROPERTY LINE WALL

NOTE: FINAL MATERIAL SELECTIONS ARE TO BE DETERMINED. SEE PRELIMINARY MATERIAL PALETTE SHEETS FOR OPTIONS UNDER CONSIDERATION.

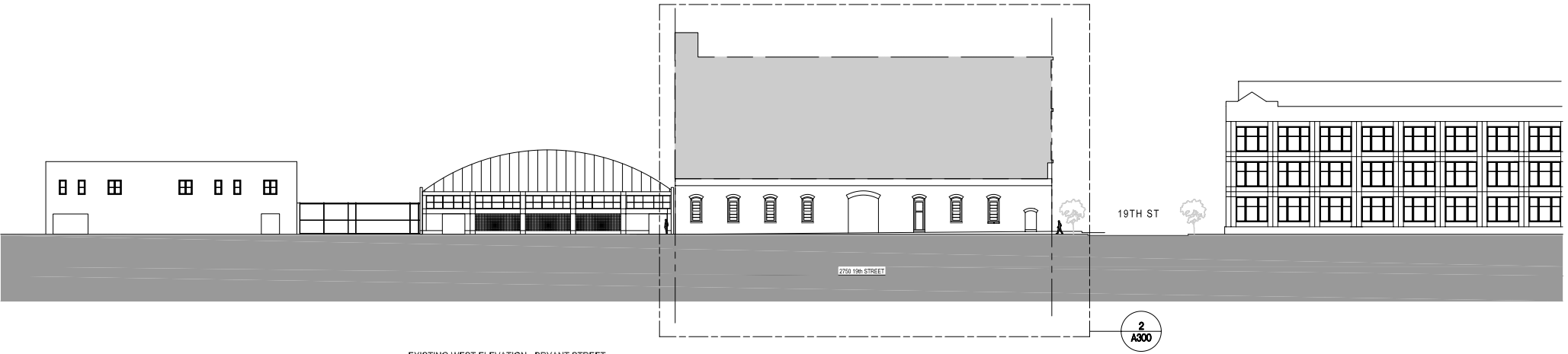
**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALLEN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY:



WEST BUILDING ELEVATION - BRYANT STREET 1/16"=1'-0" 2



PARTIAL STREET ELEVATION AT BRYANT STREET NTS-FOR REFERENCE 1

PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: BUILDING ELEVATION  
 SHEET NUMBER: A300  
 PROFESSIONAL SEAL:

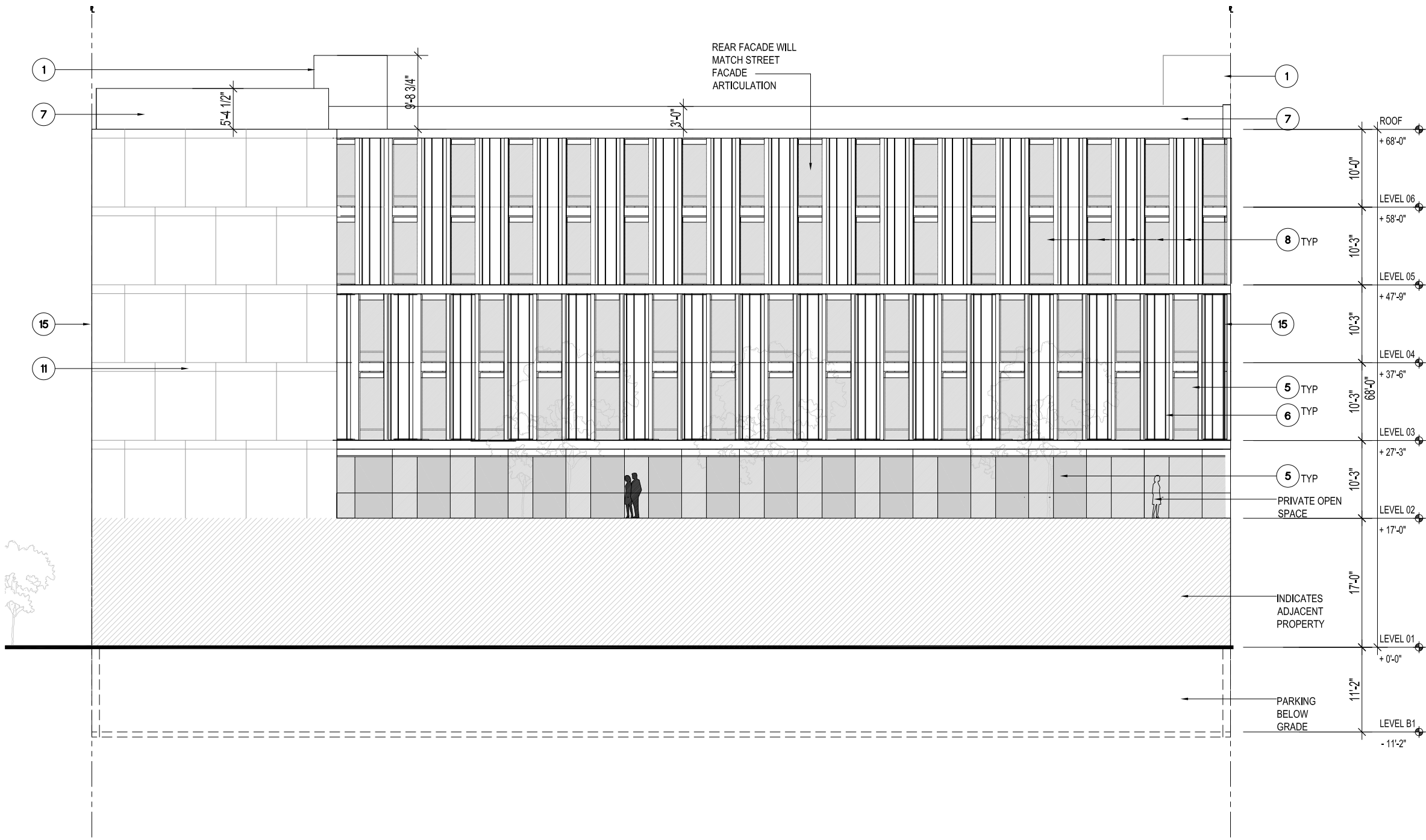
**A300**





- KEY NOTES :
- 1 ELEVATOR / STAIR PENTHOUSE
  - 2 NOT USED
  - 3 EXISTING BRICK FACADE TO REMAIN
  - 4 (N) GLAZING WINDOW SURROUND @ (E) OPENING
  - 5 DBL. GLAZED VISION GLASS W/ OPERABLE VENT
  - 6 METAL WALL PANEL RAINSCREEN OR OTHER - TBD
  - 7 METAL SCREEN / PERFORATED METAL - MECHANICAL SCREENING
  - 8 METAL CLAD OR COLOR SHFT-EXPRESSED VERTICAL
  - 9 STOREFRONT SYSTEM
  - 10 INGRESS-EGRESS OR SERVICE DOOR LOCATION
  - 11 METAL WALL CLADDING OR OTHER-TBD
  - 12 PERFORATED METAL PANEL FOR VENTILATION
  - 13 RESIDENTIAL ENTRY-CANOPY-SIGNAGE
  - 14 TEXTURED WALL PANEL
  - 15 PROPERTY LINE WALL

NOTE:  
FINAL MATERIAL SELECTIONS ARE TO BE  
DETERMINED. SEE PRELIMINARY MATERIAL  
PALETTE SHEETS FOR OPTIONS UNDER  
CONSIDERATION.



**19B-2750 19th Street**  
SAN FRANCISCO, CALIFORNIA

OWNER:  
ALION REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY

NO.	DATE	DESCRIPTION

PROJECT NUMBER: 14004  
SCALE: AS NOTED  
SHEET TITLE: BUILDING ELEVATION

SHEET NUMBER: **A302**  
PROFESSIONAL SEAL



- KEY NOTES:
- ① ELEVATOR / STAIR PENTHOUSE
  - ② NOT USED
  - ③ EXISTING BRICK FACADE TO REMAIN
  - ④ (N) GLAZING WINDOW SURROUND @ (E) OPENING
  - ⑤ DEL. GLAZED VISION GLASS W/ OPERABLE VENT
  - ⑥ METAL WALL PANEL RAINSCREEN OR OTHER - TBD
  - ⑦ METAL SCREEN / PERFORATED METAL - MECHANICAL SCREENING
  - ⑧ METAL CLAD OR COLOR SHFT-EXPRESSED VERTICAL
  - ⑨ STOREFRONT SYSTEM
  - ⑩ INGRESS-EGRESS OR SERVICE DOOR LOCATION
  - ⑪ METAL WALL CLADDING OR OTHER-TBD
  - ⑫ PERFORATED METAL PANEL FOR VENTILATION
  - ⑬ RESIDENTIAL ENTRY-CANOPY-SIGNAGE
  - ⑭ TEXTURED WALL PANEL
  - ⑮ PROPERTY LINE WALL

NOTE:  
 FINAL MATERIAL SELECTIONS ARE TO BE DETERMINED. SEE PRELIMINARY MATERIAL PALETTE SHEETS FOR OPTIONS UNDER CONSIDERATION.

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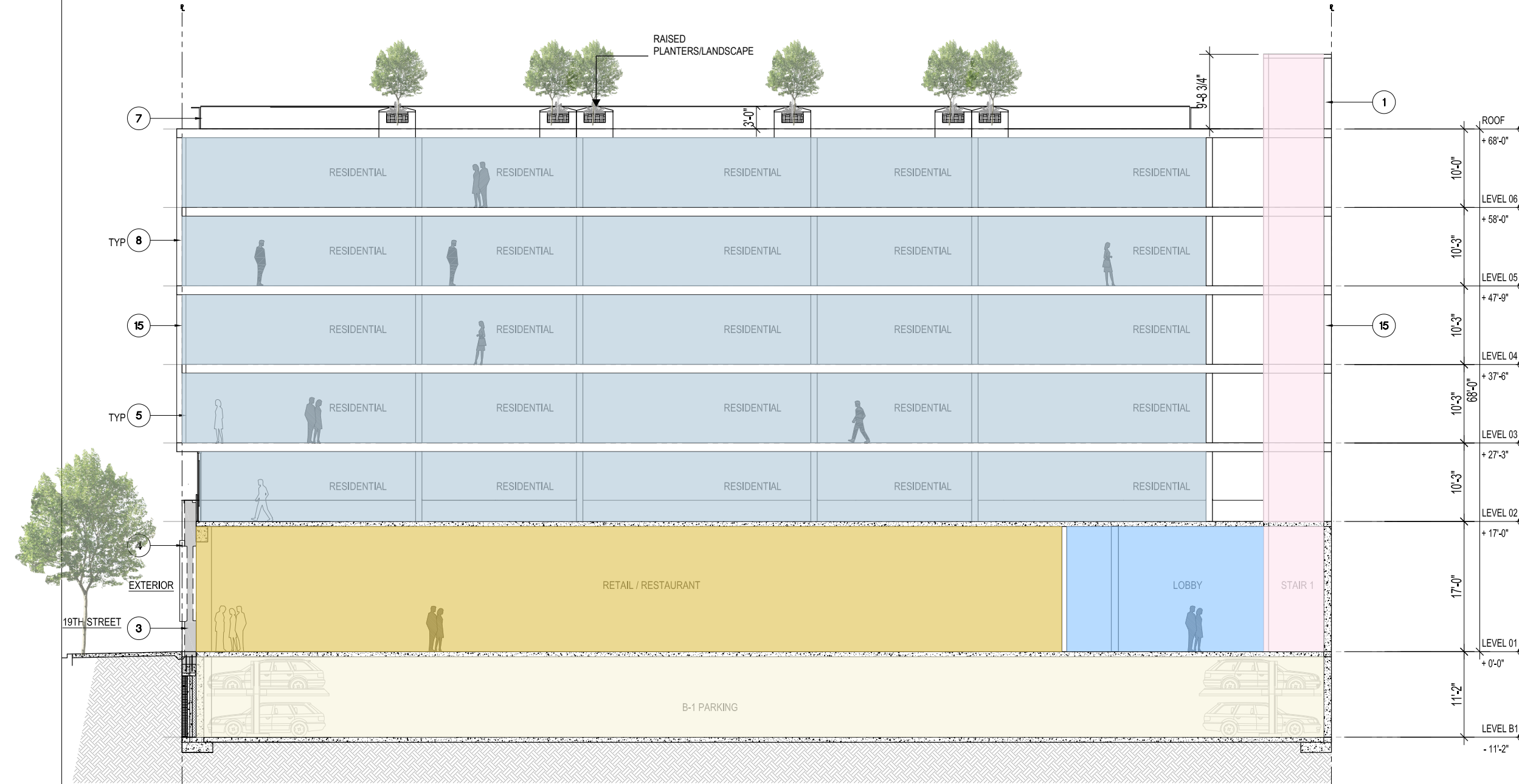
ISSUE HISTORY

PROJECT NUMBER: 14004  
 SCALE: AS NOTED

SHEET TITLE:  
 LONGITUDINAL SECTION

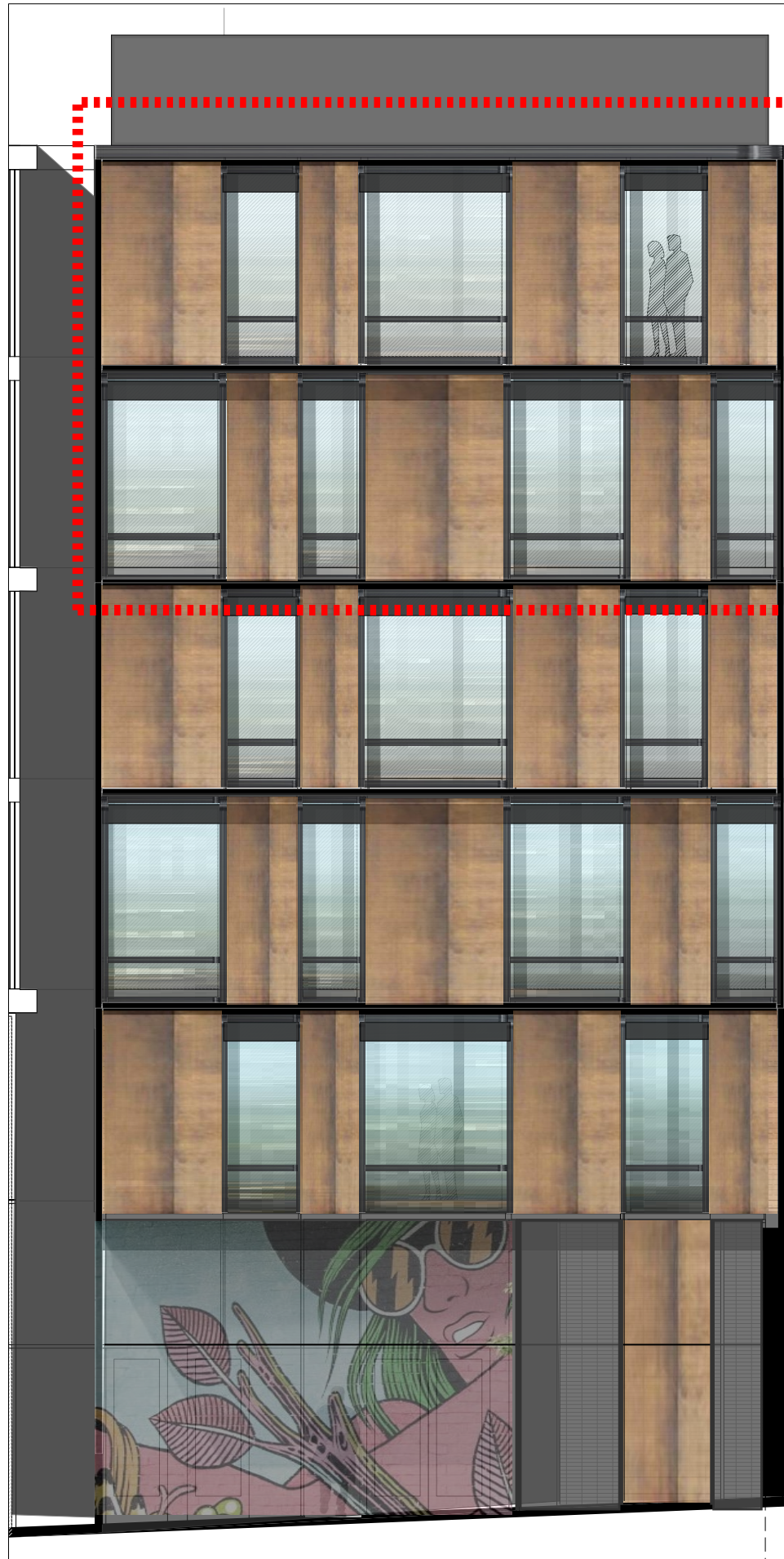
SHEET NUMBER:  
**A304**

PROFESSIONAL SEAL

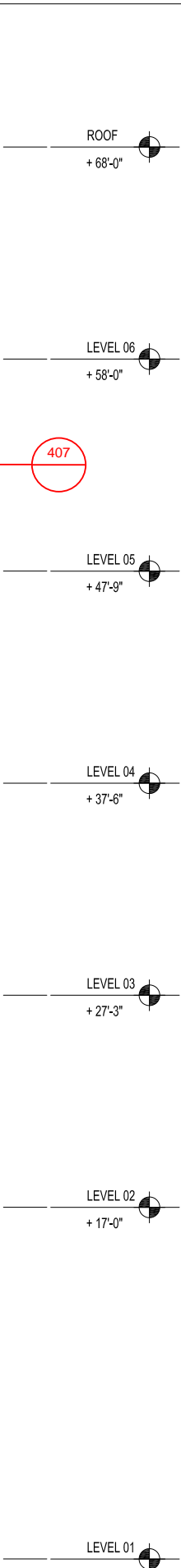


LONGITUDINAL BUILDING SECTION

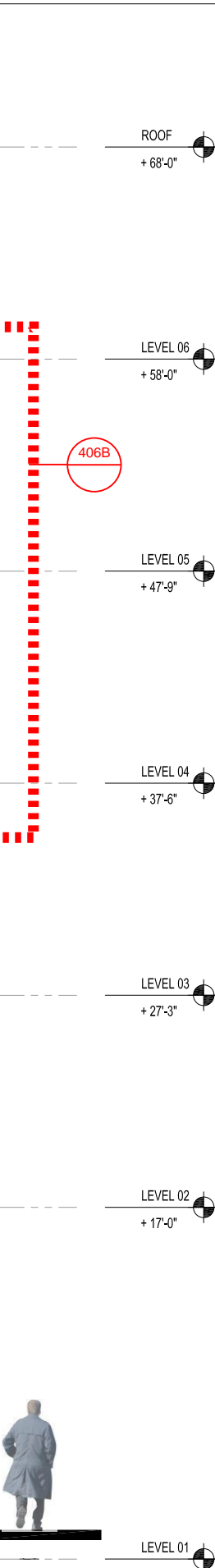




19BTH STREET-ENLARGED PARTIAL ELEVATION- ANOMALY EXPRESSION



BRYANT STREET-ENLARGED PARTIAL ELEVATION-TYPICAL FACADE EXPRESSION



19B-2750 19th Street  
SAN FRANCISCO, CALIFORNIA

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ALLEN REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY

PROJECT NUMBER 14004

SCALE

SHEET TITLE

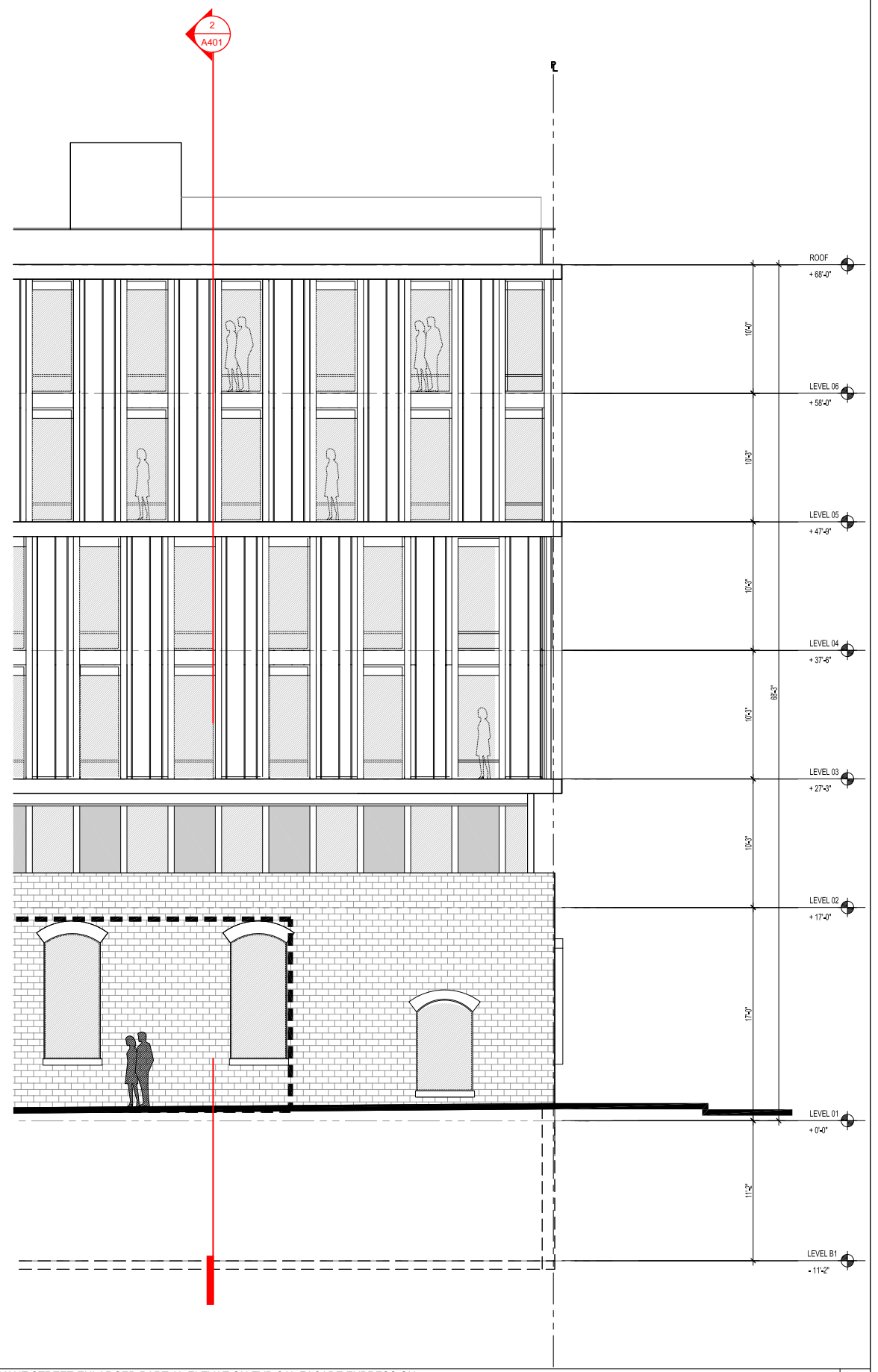
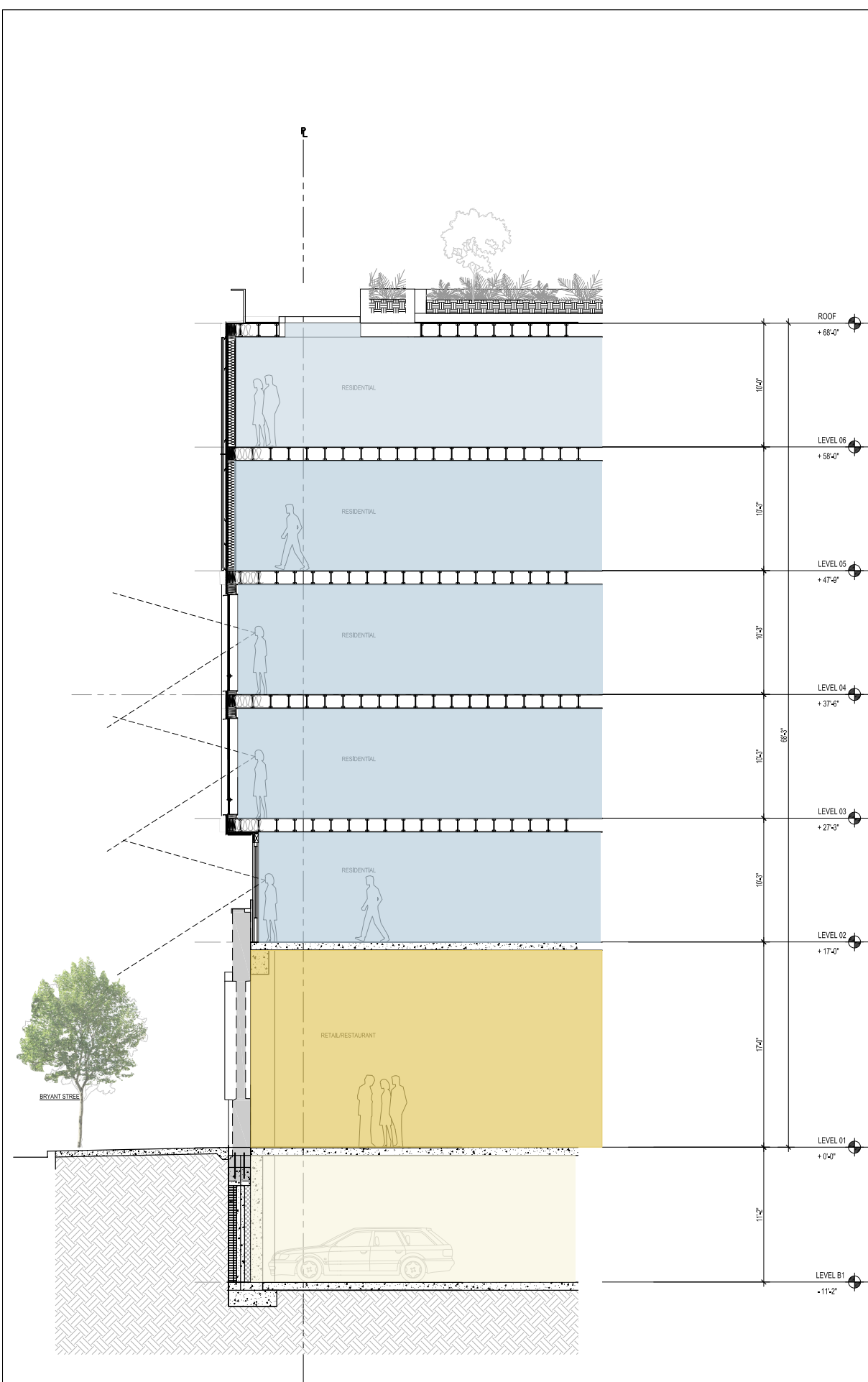
SHEET NUMBER

**A400**

PROFESSIONAL SEAL

KEY NOTES :

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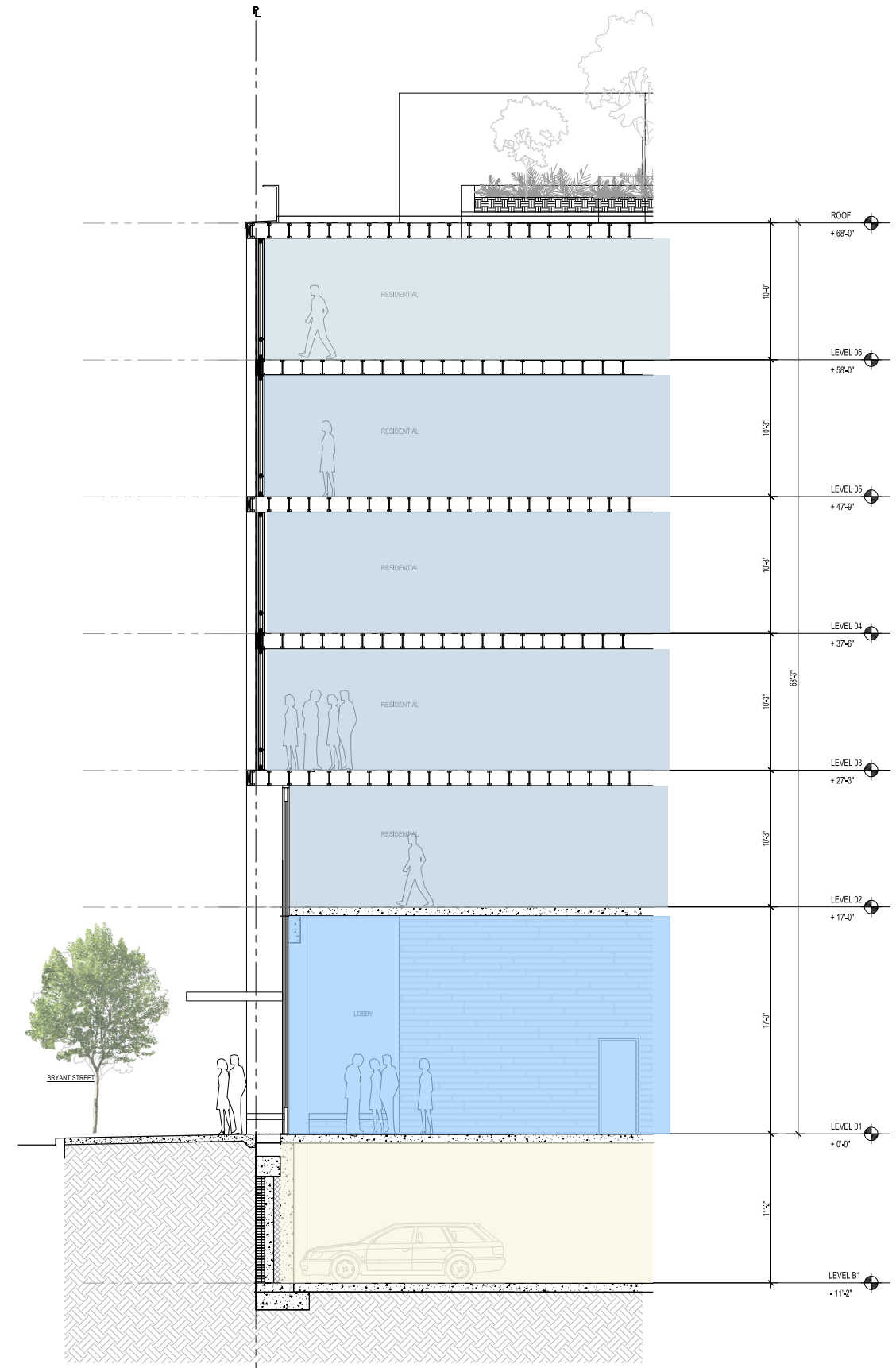
**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALON REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

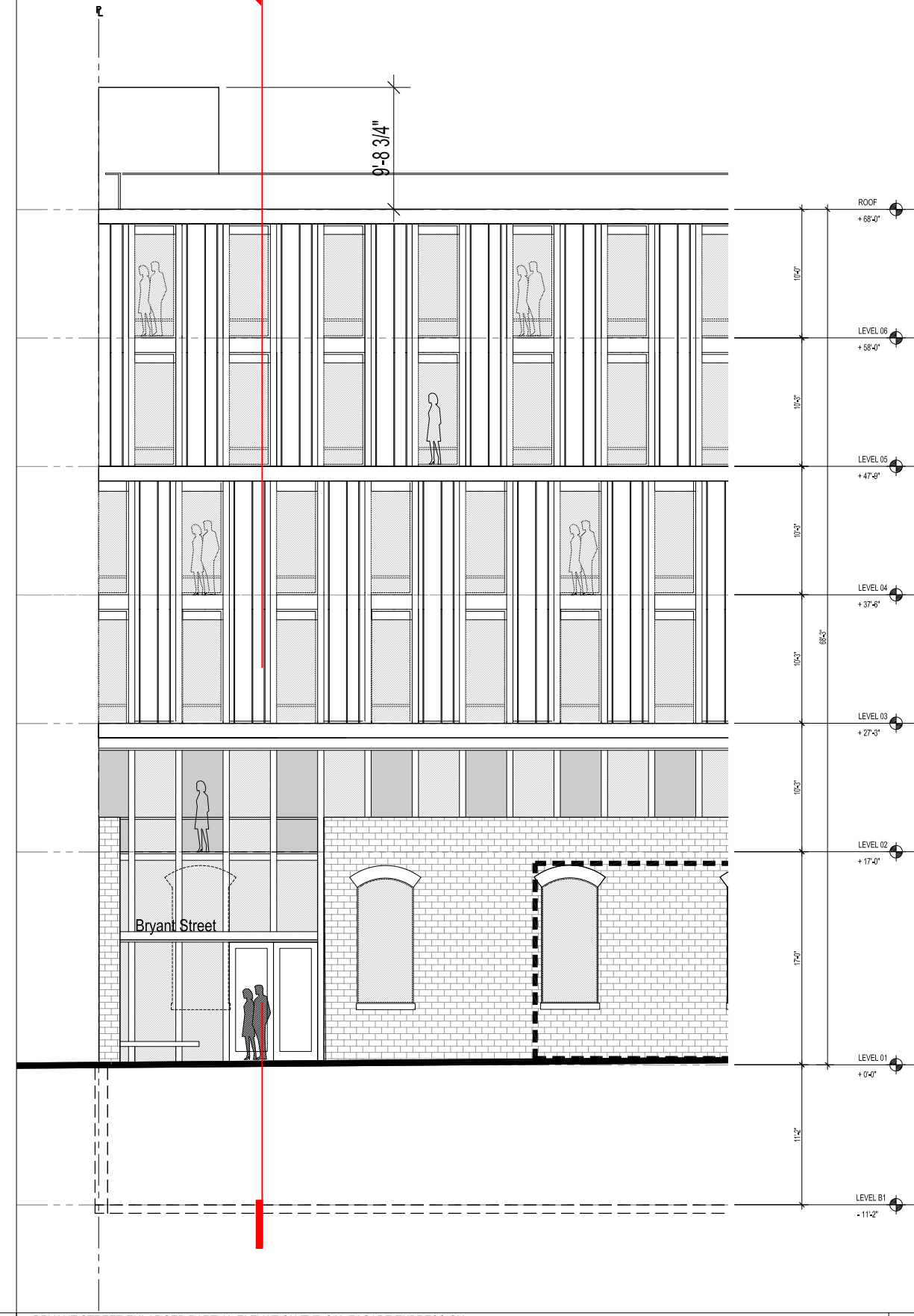
ISSUE HISTORY


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 SCALE: AS NOTED  
 SHEET TITLE: ENLARGED ELEVATIONS  
 SHEET NUMBER: **A401**  
 PROFESSIONAL SEAL:

KEY NOTES:  
 ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADD FOR MATERIAL NOTES



WALL SECTION



BRYANT STREET-ENLARGED PARTIAL ELEVATION-TYPICAL FACADE EXPRESSION

**19B-2750 19th Street**  
SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALON REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY


PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: ENLARGED ELEVATIONS

SHEET NUMBER: **A402**  
 PROFESSIONAL SEAL

KEY NOTES :

**ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADD FOR MATERIAL NOTES**

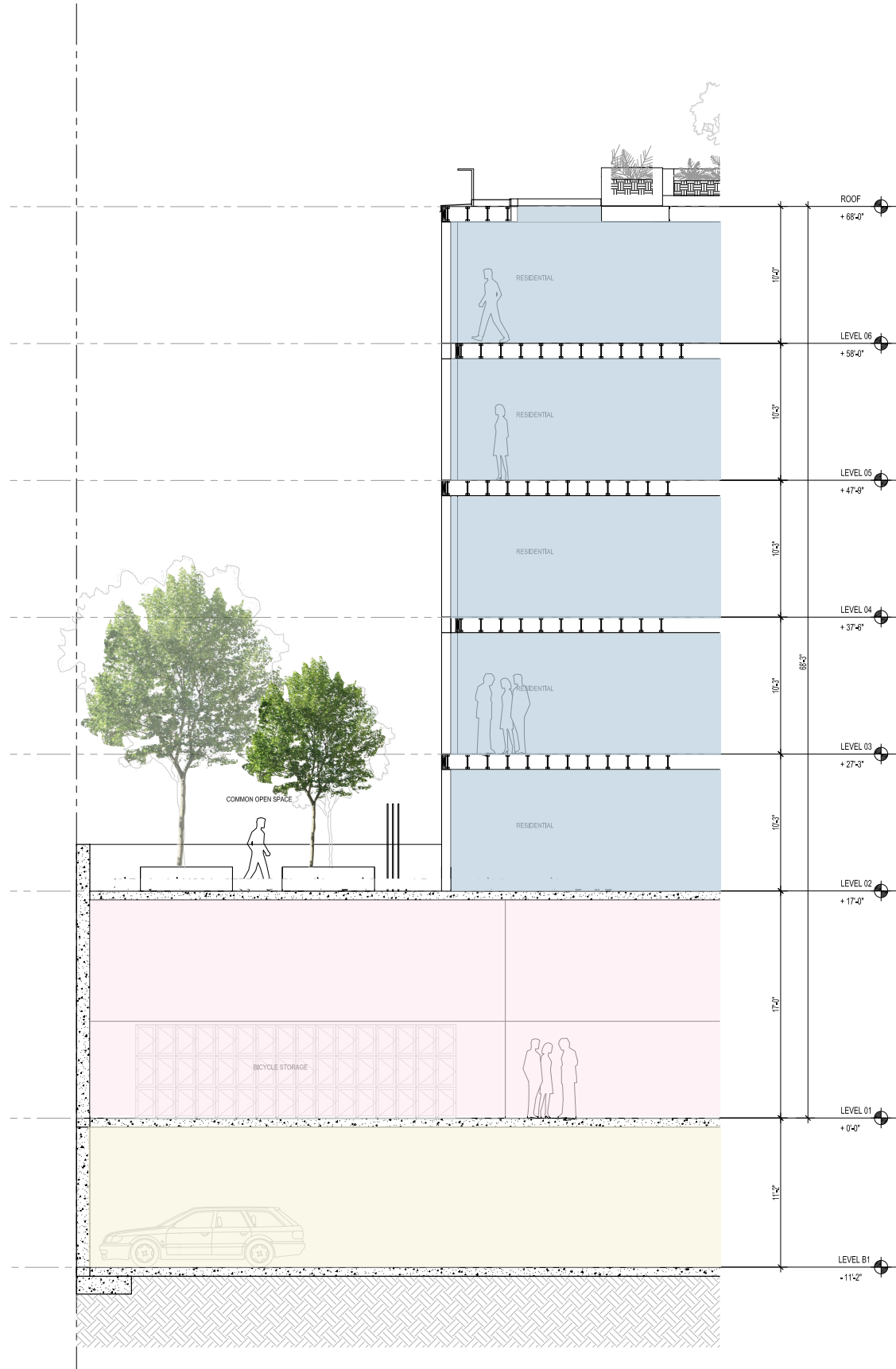
**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALON REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

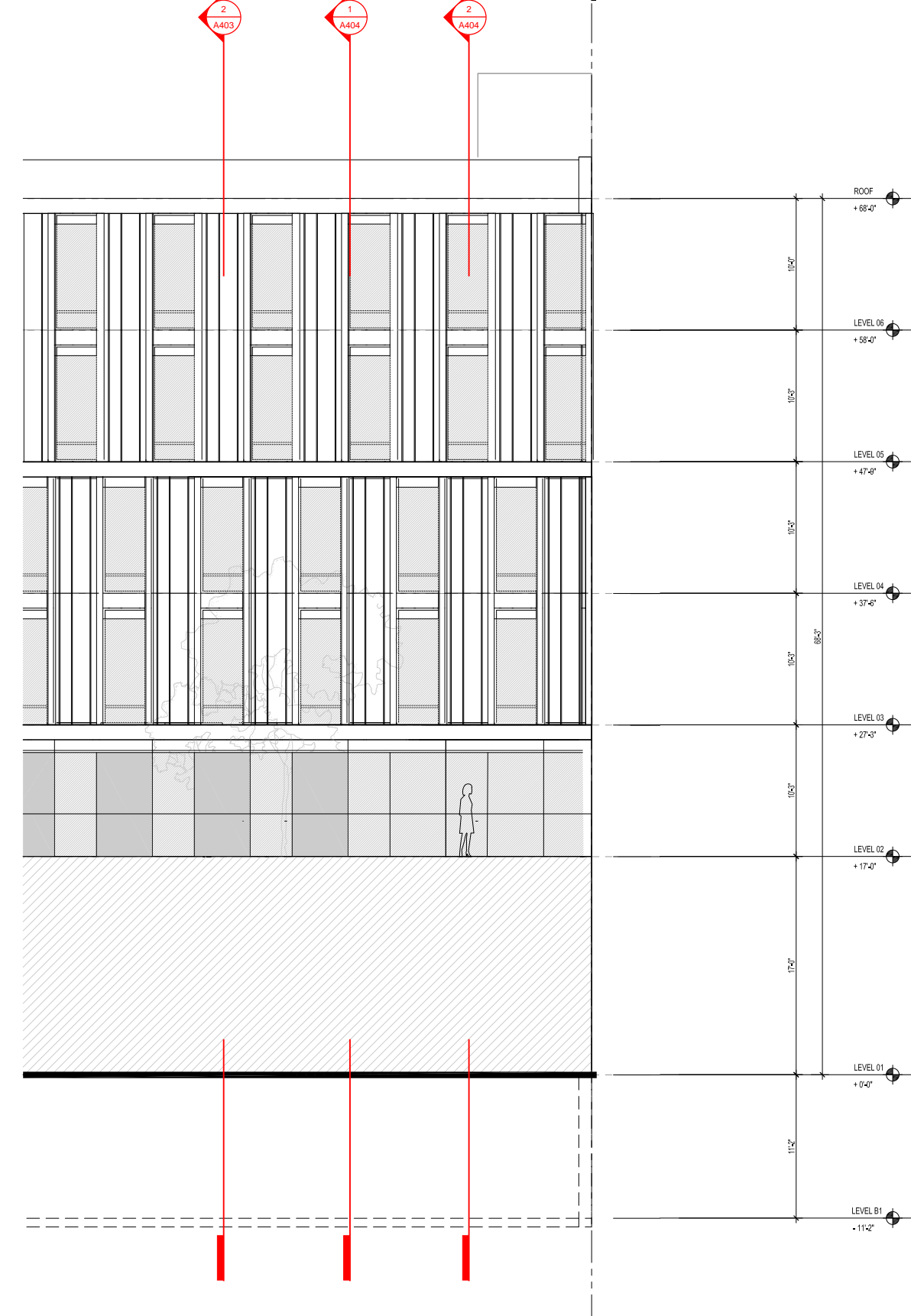
ISSUE HISTORY


PROJECT NUMBER 14004  
 SCALE AS NOTED  
 SHEET TITLE ENLARGED ELEVATIONS

SHEET NUMBER **A403**  
 PROFESSIONAL SEAL



WALL SECTION



LEVEL 02- COURTYARD PARTIAL ELEVATION

1/4" = 1'-0"

2

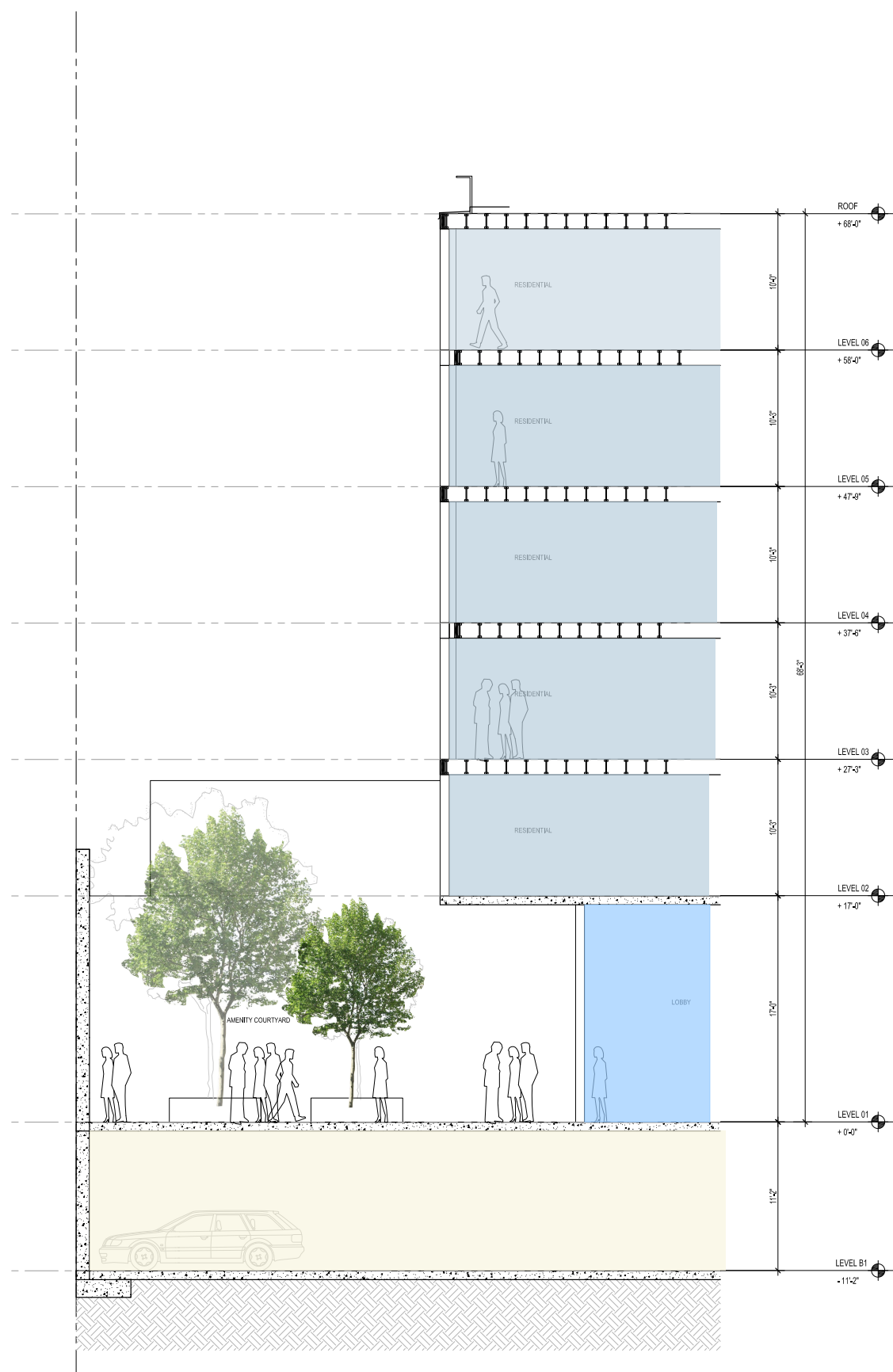
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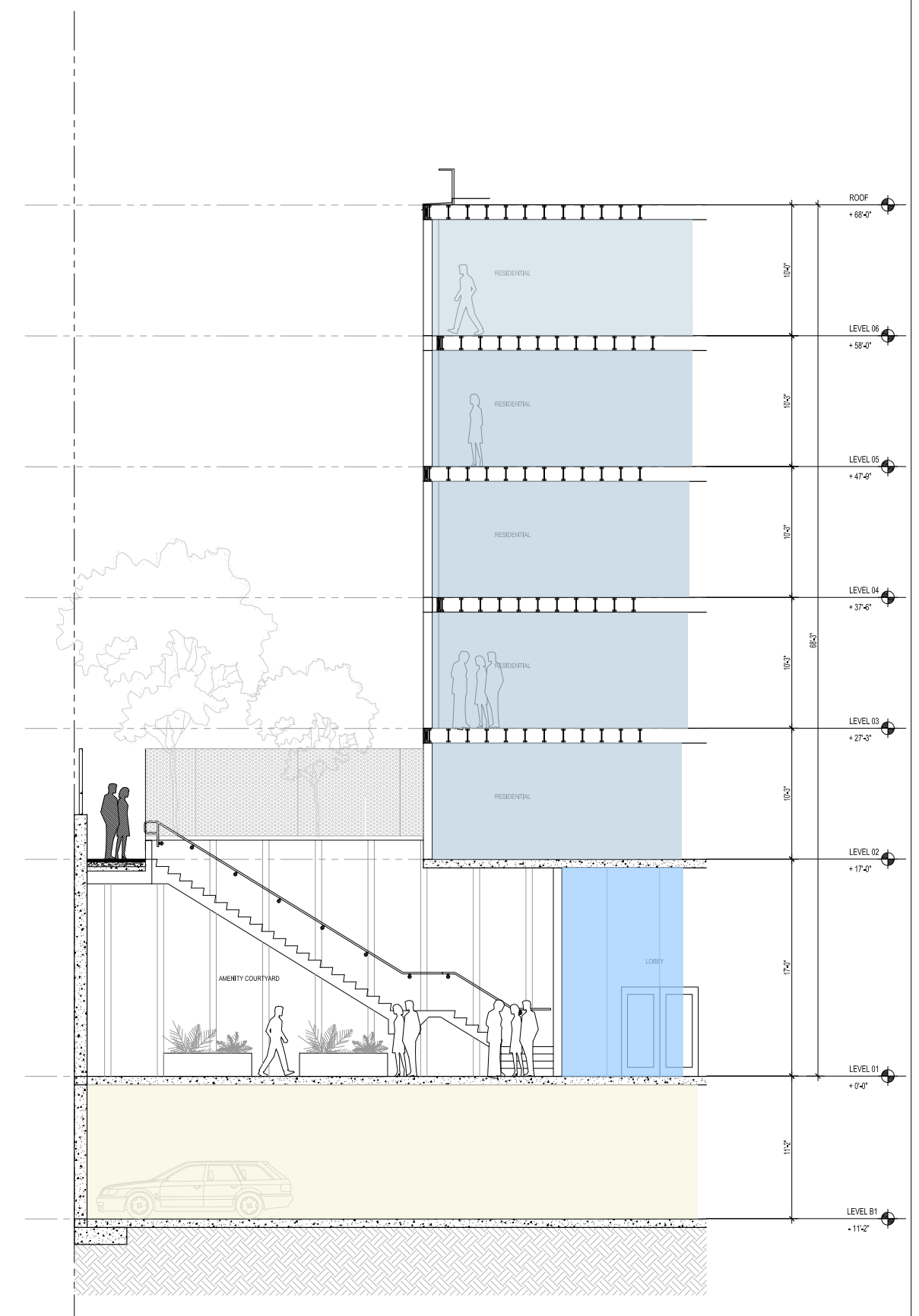


KEY NOTES :

**ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADD FOR MATERIAL NOTES**



WALL SECTION



WALL SECTION

**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALION REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY


PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: ENLARGED ELEVATIONS  
 SHEET NUMBER: **A404**  
 PROFESSIONAL SEAL:

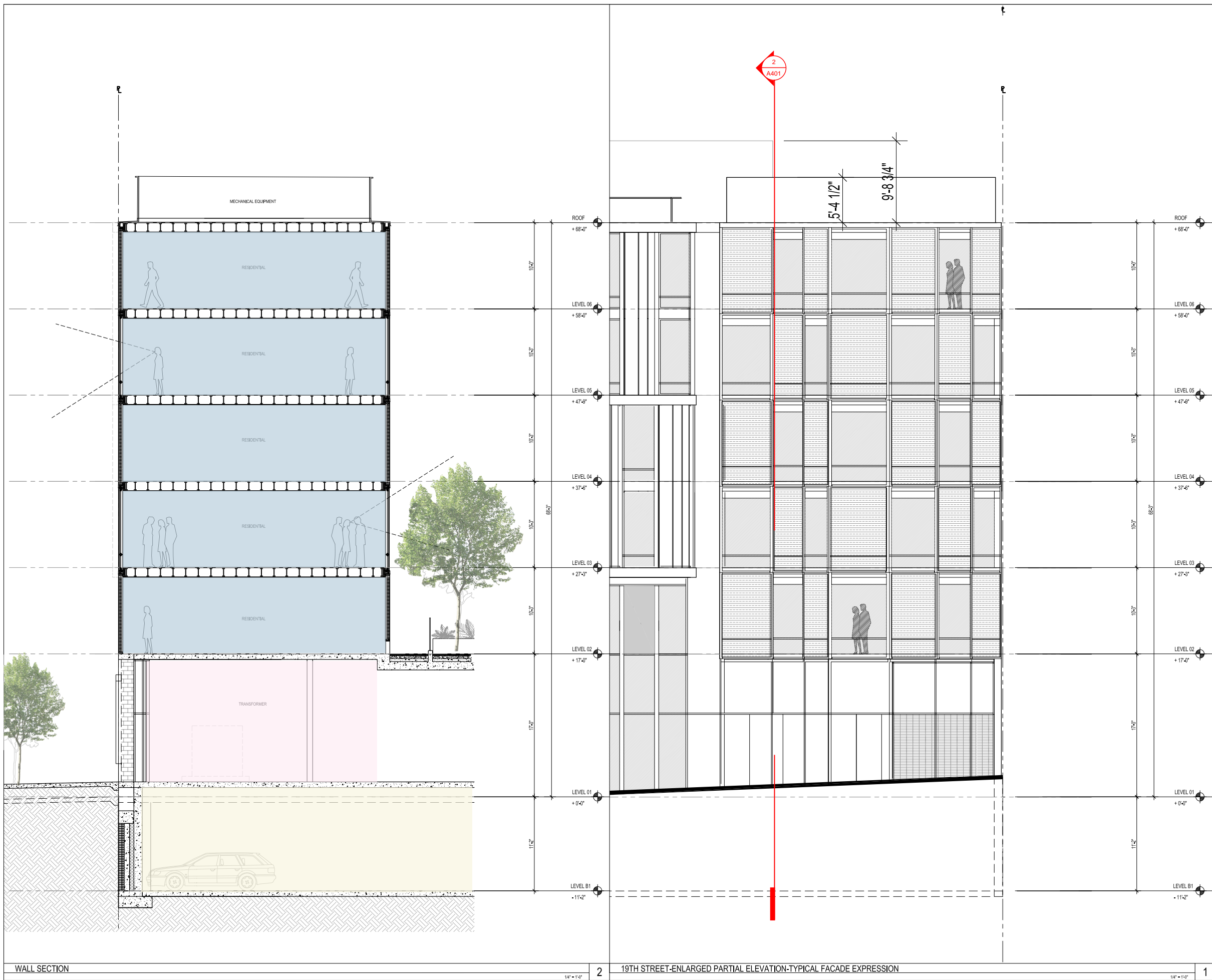
1/4" = 1'-0"

1/4" = 1'-0"

1/4" = 1'-0"

KEY NOTES:

ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADO FOR MATERIAL NOTES



**19B-2750 19th Street**  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALON REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY

NO.	DATE	DESCRIPTION

PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: ENLARGED ELEVATIONS

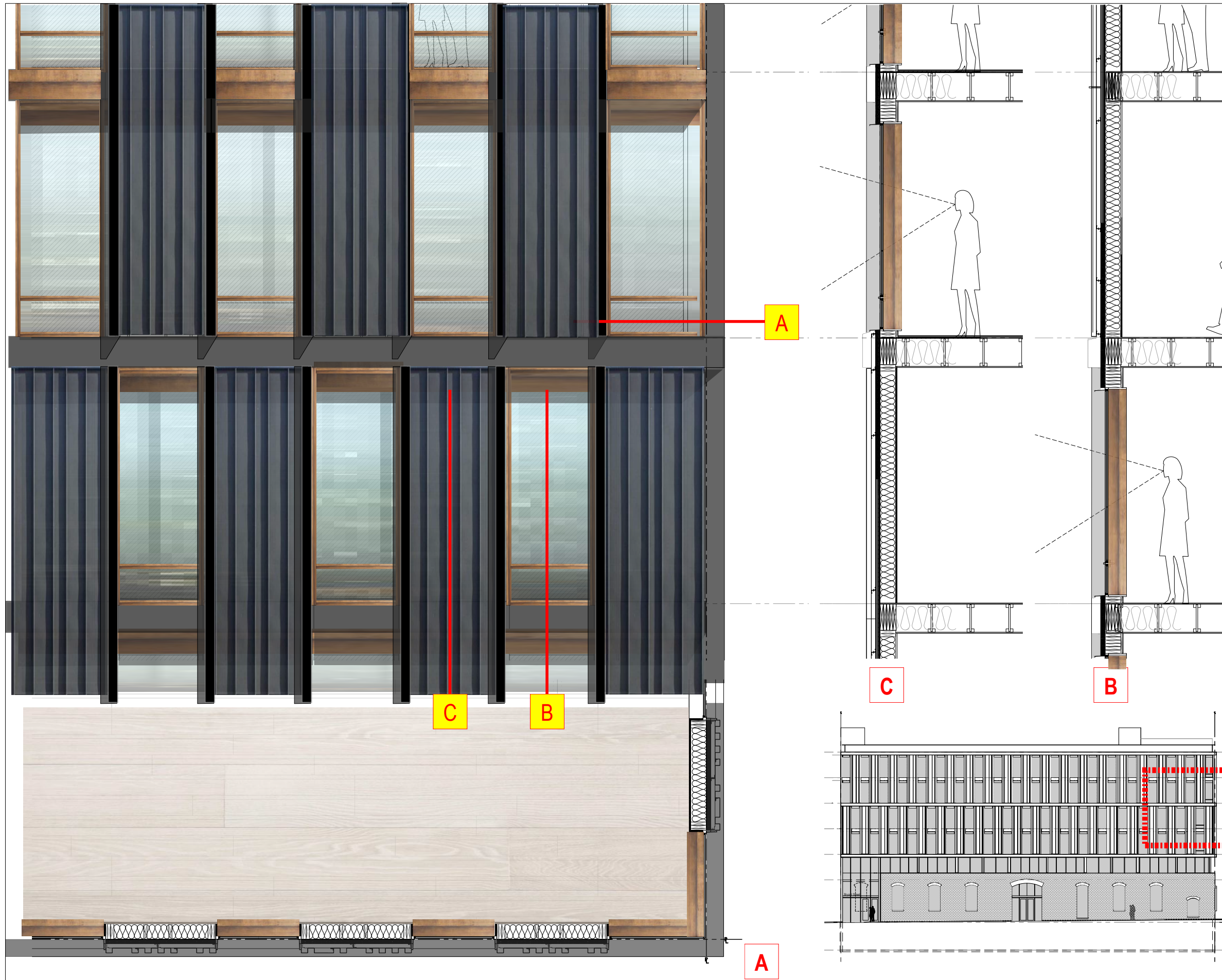
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 PROFESSIONAL SEAL:

WALL SECTION

19TH STREET-ENLARGED PARTIAL ELEVATION-TYPICAL FACADE EXPRESSION

**KEY NOTES :**

**ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADDS FOR MATERIAL NOTES**



**19B-2750 19th Street**  
SAN FRANCISCO, CALIFORNIA

OWNER:  
ALON REAL ESTATE  
1 CALIFORNIA STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94111

ISSUE HISTORY

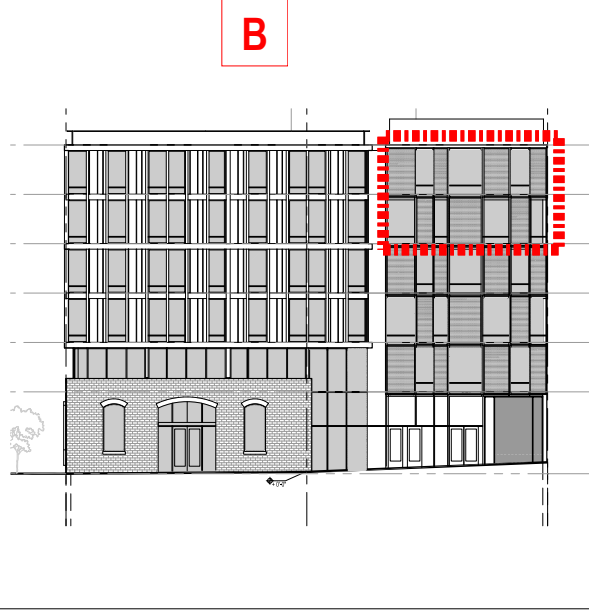
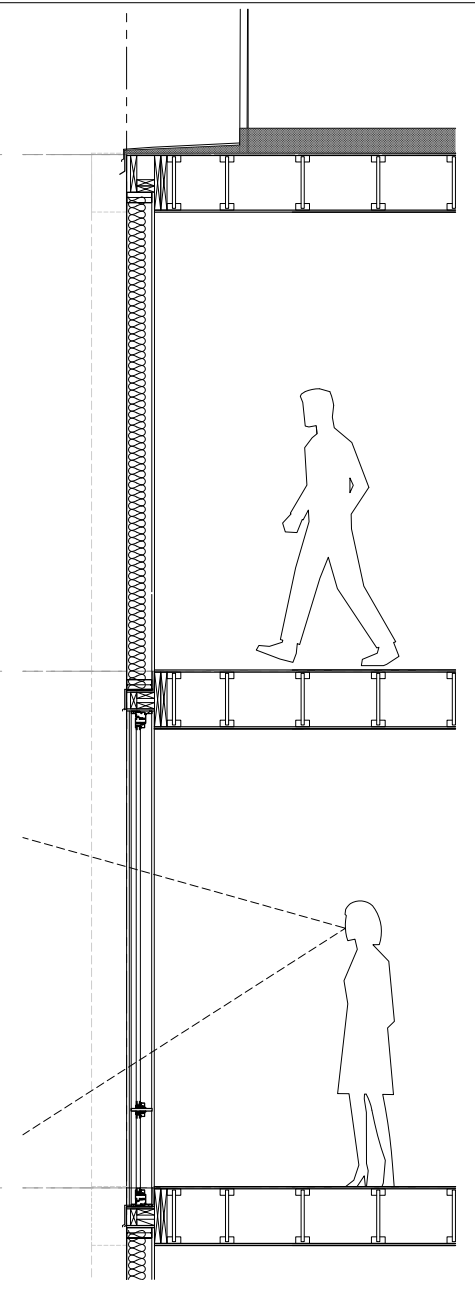
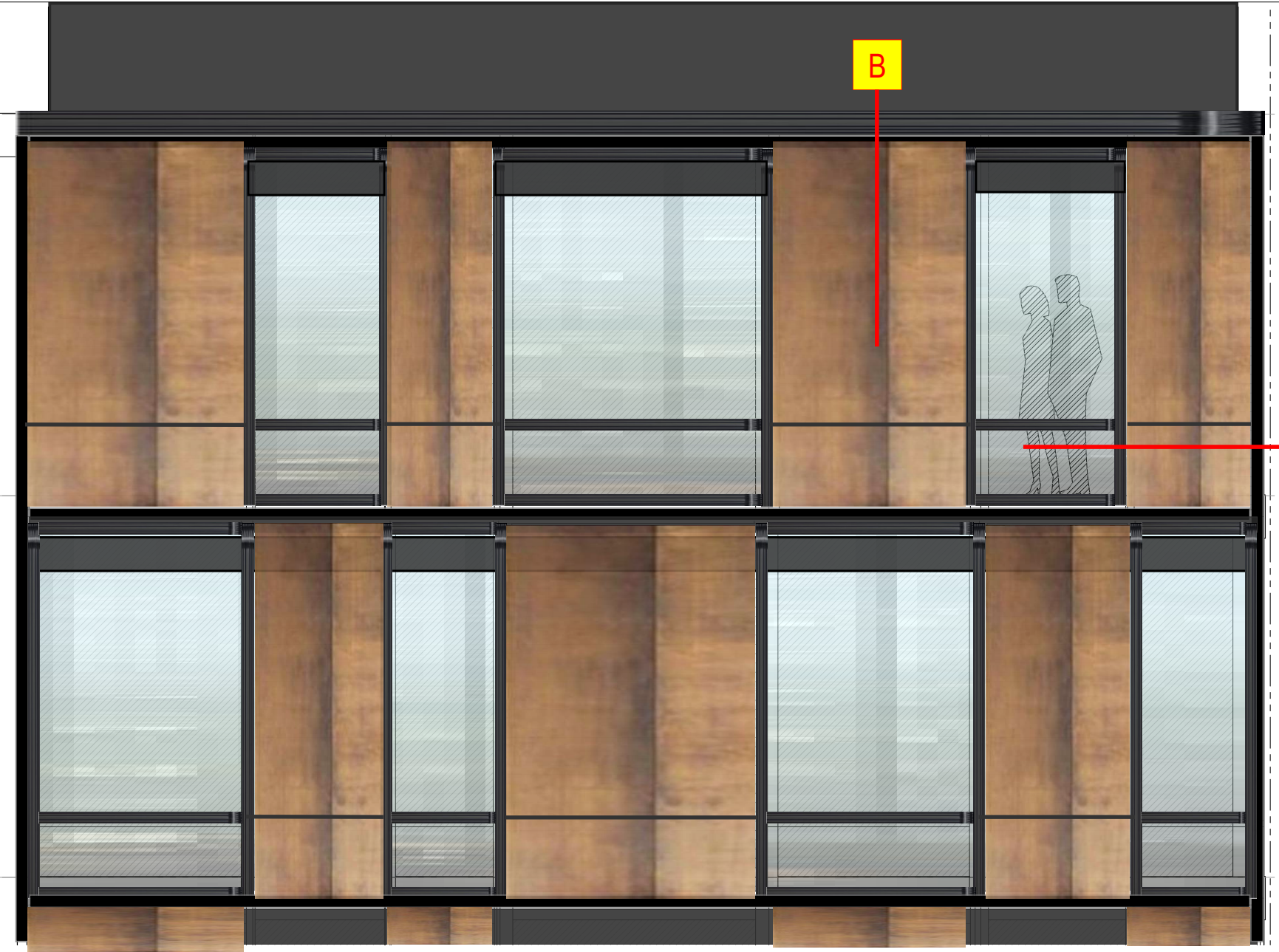
NO.	DESCRIPTION

PROJECT NUMBER: 14004  
SCALE: AS NOTED  
SHEET TITLE: ENLARGED ELEVATIONS

SHEET NUMBER: **A406B**  
PROFESSIONAL SEAL:

KEY NOTES :

ENLARGED ELEVATIONS ARE PROVIDED FOR REFERENCE TO ASSIST WITH CLARITY - PLEASE REFER TO ADD FOR MATERIAL NOTES



19B-2750 19th Street  
 SAN FRANCISCO, CALIFORNIA

OWNER:  
 ALLEN REAL ESTATE  
 1 CALIFORNIA STREET, 4TH FLOOR  
 SAN FRANCISCO, CA 94111

ISSUE HISTORY

NO.	DATE	DESCRIPTION

PROJECT NUMBER: 14004  
 SCALE: AS NOTED  
 SHEET TITLE: ENLARGED ELEVATIONS  
 SHEET NUMBER: **A407**  
 PROFESSIONAL SEAL

# RENDERINGS

PLANNING COMMISSION HEARING

~~10.26.2017~~

NOVEMBER 30, 2017

2750 19TH STREET-SAN FRANCISCO-RESIDENTIAL DEVELOPMENT-2017



VIEW ALONG BRYANT STREET



VIEW ALONG 19TH STREET

# MATERIAL PALETTE

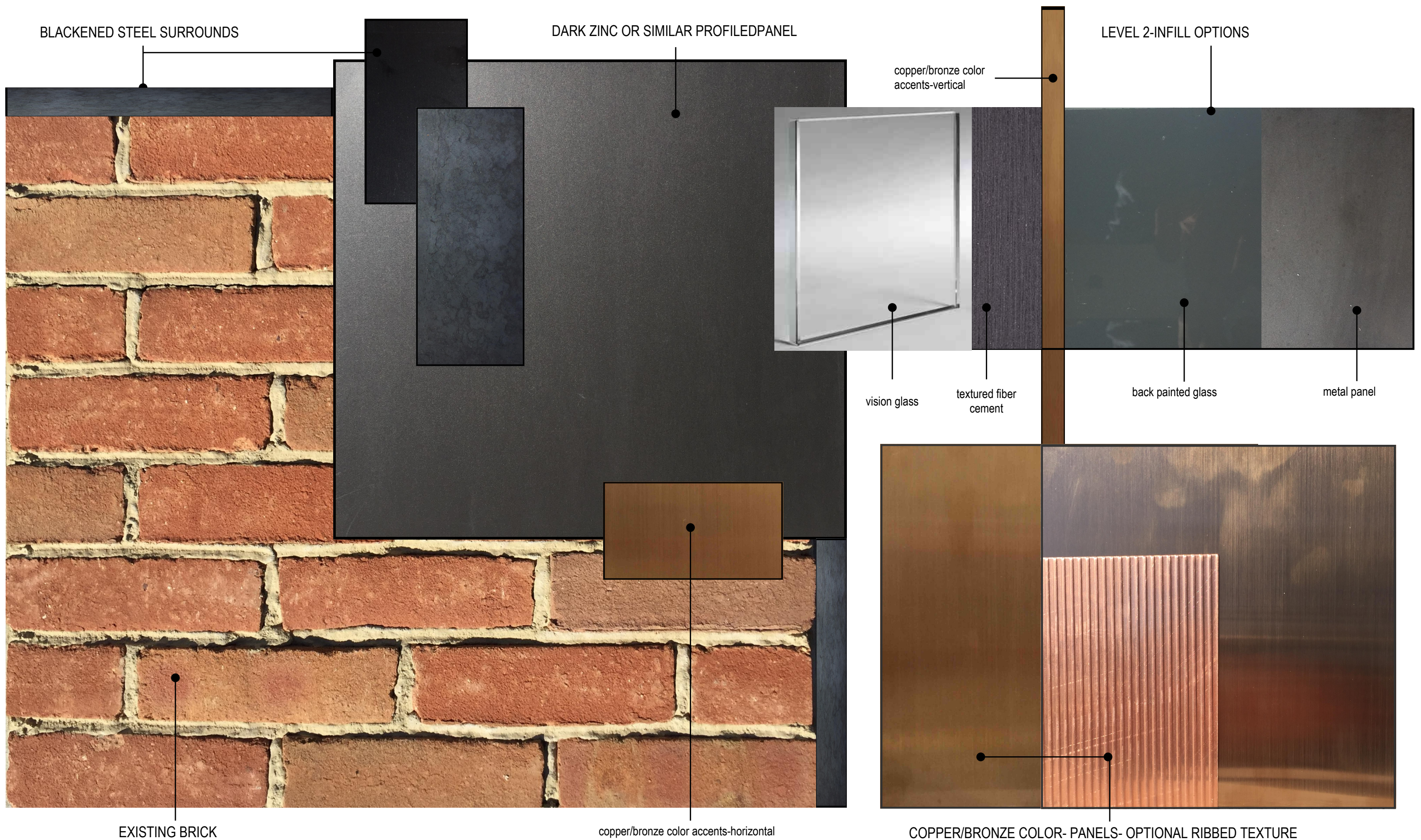
PLANNING COMMISSION HEARING

~~10.26.2017~~

NOVEMBER 30, 2017

2750 19TH STREET-SAN FRANCISCO-RESIDENTIAL DEVELOPMENT-2017





BLACKENED STEEL SURROUNDS

DARK ZINC OR SIMILAR PROFILEDPANEL

LEVEL 2-INFILL OPTIONS

copper/bronze color accents-vertical

vision glass

textured fiber cement

back painted glass

metal panel

EXISTING BRICK

copper/bronze color accents-horizontal

COPPER/BRONZE COLOR- PANELS- OPTIONAL RIBBED TEXTURE



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Community Plan Evaluation

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2014.0999ENV  
*Project Address:* 2750 19<sup>th</sup> Street  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Lot Size:* 15,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission Subarea  
*Project Sponsor:* Steve Perry, Perry Architects 415-806-1203  
*Staff Contact:* Justin Horner, [Justin.horner@sfgov.org](mailto:Justin.horner@sfgov.org) 415-575-9023

### PROJECT DESCRIPTION

The 15,000-square-foot (sf) project site is on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood. The project site is currently occupied by three, one-story, 22-foot-tall industrial buildings built between 1880 and 1914, totaling 10,935 sf of Production, Distribution and Repair (PDR) uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

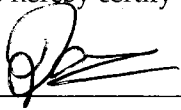
(Continued on next page.)

### 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.

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

11/21/17  
\_\_\_\_\_  
Date

cc: Steve Perry, Project Sponsor; Supervisor Malia Cohen, District 10; Ella Samonsky, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

**PROJECT DESCRIPTION (continued)**

The proposed project would include the demolition of the three existing industrial buildings, retention of the principal two-story façade along 19<sup>th</sup> and Bryant streets, and construction of a six-story, 68-foot-tall (77-foot, 7-inch tall with rooftop equipment) mixed-use building with approximately 7,740 square feet of ground-floor retail, 60 residential units (35 one-bedroom units and 25 two-bedroom units) above and vehicle parking in a basement (Figures 2-8). In addition to the proposed project, a project variant, which would include 7,740 square feet of PDR uses instead of retail, is also analyzed in this Certificate of Determination. Under the project variant, the proposed ground-floor retail would be replaced with PDR space. All other aspects of the proposed project remain the same under the project variant (see Table 1). The proposed project and project variant would include 3,200 sf of common open space on the second floor and a 4,800 sf roof deck. The residential lobby entrance would be located on Bryant Street and basement vehicle parking entry would be located on 19<sup>th</sup> Street. The proposed project and project variant would include 60 Class 1 bicycle parking spaces on the ground floor, three Class 2 bicycle parking spaces along 19<sup>th</sup> Street, and 26 vehicle parking spaces in the basement.<sup>1</sup> The proposed project and project variant would remove an existing curb cut on Bryant Street and would retain an existing 10-foot curb cut off of 19<sup>th</sup> Street that would be used for the proposed garage entrance. Construction of the project would require approximately 8,533 cubic yards of excavation to a depth of approximately 15 feet and would last approximately 18 months. The proposed project and project variant would be built upon a mat-slab foundation with a series of inter-connected, reinforced concrete footings.

Table 1: Proposed Project and Project Variant Comparison

	<b>Proposed Project</b>	<b>Project Variant</b>
Building height	68 feet	68 feet
Units	60	60
Retail	7,740 sf	0
PDR	0	7,740 sf
Car parking	26 spaces	26 spaces
Bike Parking	100 spaces	100 spaces
Roof top open space	4,800 sf	4,800 sf

**PROJECT APPROVAL**

The proposed project and project variant require an Eastern Neighborhoods Exemption (ENX) from the Planning Commission. The granting of the ENX shall be the Approval Action for the proposed project and project variant. 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.

<sup>1</sup> Section 155.1(a) of the planning code defines class 1 bicycle spaces as “spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees” and defines class 2 bicycle spaces as “spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.”

## 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 2750 19<sup>th</sup> Street project and project variant described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>2</sup>. Project-specific studies were prepared for the proposed project and project variant to determine if the project or project variant 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 2750 19<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>3,4</sup>

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.

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<sup>2</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>3</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>4</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.

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>5</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 to UMU (Urban Mixed Use) District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Checklist, under Land Use. The 2750 19<sup>th</sup> Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 68 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 and project variant at 2750 19<sup>th</sup> Street are 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 and described the impacts of the proposed 2750 19<sup>th</sup> Street project and project variant, and identified the mitigation measures applicable to the 2750 19<sup>th</sup> Street project and project variant. The proposed project and project variant are also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>6,7</sup> Therefore, no further CEQA evaluation for the 2750 19<sup>th</sup>

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<sup>5</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.

<sup>6</sup> Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2750 19<sup>th</sup> Street, March 23, 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. 2014.0999ENV.

Street project or project variant are 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 and project variant.

## PROJECT SETTING

The 15,000-square-foot (sf) project site is on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood. The project site is currently occupied by three, one-story, 22-foot-tall industrial buildings built in 1907, totaling 10,935 sf of Production, Distribution and Repair uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

The project vicinity is a mix of residential, industrial and commercial uses. The industrial and commercial businesses in the project vicinity are mostly housed in one- and two-story structures. The residential buildings range from two to five stories in height.

Immediately adjacent to the north of the project site is a two-story, approximately 25-foot-tall commercial building constructed in 1964. Immediately adjacent to the project site to the east is a one-story, approximately 20-foot-tall commercial building constructed in 1908. At the northwest intersection of Bryant and 19 streets, which is across the street to the west of the project site, are three residential properties: a two-story, approximately 25-foot-tall building built in 1907, a three-story, approximately 40-foot-tall building built in 1900, and a two-story, approximately 22-foot-tall building built in 1907. A portion of a two-story, approximately 30-foot-tall industrial building built in 1934 is located across Bryant Street from the project site. Across 19<sup>th</sup> Street, to the south of the project site, is a four-story, approximately 60-foot-tall mixed-use residential building constructed in 1919.

The project site is served by transit lines (Muni lines 8, 9, 9R, 14X, 27, and 33) and bicycle facilities (there are bike lanes on 17<sup>th</sup>, 23<sup>rd</sup>, Folsom and Harrison streets). Zoning districts in the vicinity of the project site are UMU, PDR-1-G (Production, Distribution and Repair-1-General) and RH-2 (Residential-Housing-Two Family). Height and bulk districts in the project vicinity include 40-X, 58-X, 65-X, and 68-X.

## 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 2750 19<sup>th</sup> Street project is in conformance with the height, use and density for the site 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 2750 19<sup>th</sup> Street project and project variant. As a result, the proposed project and project variant would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

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<sup>7</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2750 19<sup>th</sup> Street, February 22, 2016.

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 include displacement of approximately 11,000 of existing PDR use. The project variant, which includes 7,740 square feet of PDR uses, would result in a net loss of 3,260 square feet of PDR uses. However, the net loss of approximately 11,000 square feet, or 3,260 square feet, of PDR building space would not constitute a cumulatively considerable contribution to the significant and unavoidable land use impact identified in the Eastern Neighborhoods PEIR. Additionally, as discussed in the CPE initial study, the proposed project and project variant would not impact a historical resource, and therefore would not contribute to the significant and unavoidable historic architectural resources impact identified in the PEIR. The proposed project and project variant would not generate cumulatively considerable new transit trips, and would therefore not contribute to the significant and unavoidable transportation impacts identified in the PEIR. As the shadow analysis contained in the CPE initial study describes, the proposed project and project variant would not cast substantial new shadow that would negatively affect the use and enjoyment of a recreational resource, and would therefore not contribute to the significant and unavoidable shadow impacts described in the Eastern Neighborhoods PEIR.

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 and project variant.

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

Mitigation Measure	Applicability to Project and Project Variant	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to Project Mitigation Measure 2: Construction Noise.
F-3: Interior Noise Levels	Not Applicable: The proposed project would be required to meet the Interior Noise Standards of Title 24 of the California Building Code.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: The proposed project would be required to meet the Interior Noise Standards of Title 24 of the California Building Code	N/A
F-5: Siting of Noise-Generating Uses	Not Applicable for proposed project: the proposed project	N/A for proposed project. Project sponsor prepared an

Mitigation Measure	Applicability to Project and Project Variant	Compliance
	<p>does not include uses that would generate noise at a level that would increase the ambient noise level in the project vicinity.</p> <p>Applicable for Project Variant: the project variant includes PDR, a use that would generate noise at a level that could increase the ambient noise level in the project vicinity.</p>	<p>acoustic study consistent with Mitigation Measure F-5. Acoustic study found that project variant would not exceed applicable standards in the Noise Ordinance.</p>
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels	N/A
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: proposed project and project variant do not meet BAAQMD screening levels and is not located in Air Pollution Exposure Zone (APEZ).	N/A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by applicable Article 38 requirements	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed uses are not expected to emit substantial levels of DPM	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project and project variant would not include a backup diesel generator or other use that emits TACs	N/A



Mitigation Measure	Applicability to Project and Project Variant	Compliance
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: The project site is not located in an area with a previous archeological study.	N/A
J-2: Properties with no Previous Studies	Applicable: The project site is located in an area with no previous archeological study.	Project Mitigation Measure 1: Archeological Resources agreed to by project sponsor.
J-3: Mission Dolores Archeological District	Not Applicable: The project site is not located in the Mission Dolores Archeological 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: Proposed project and project variant include demolition of an existing building.	Project Mitigation Measure 3: Hazardous Building Materials agreed to by project sponsor.
<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	N/A

Mitigation Measure	Applicability to Project and Project Variant	Compliance
	analysis	
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 mitigation by SFMTA	N/A
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 and project variant 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 December 3, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Commenters expressed concerns about potential shadow impacts, traffic impacts, and air quality impacts from vehicle emissions, and potential wind effects. The Community Plan Evaluation checklist for the proposed project includes analysis of these potential impacts and found that the proposed project would not result in any new, or more severe, impacts in these resource areas that were not disclosed in the Eastern Neighborhoods EIR. There were also comments that were not related to CEQA, including concerns about the physical size of the project, the proposed project's impacts on nearby property values, and the project's compliance with Mission Area Plan policies and objectives. The proposed project would not result in significant adverse

environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>8</sup>:

1. The proposed project and project variant are consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project and project variant would not result in effects on the environment that are peculiar to the project, project variant, or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project and project variant would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project and project variant 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.

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<sup>8</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.0999ENV.

**EXHIBIT 1:  
 MITIGATION MONITORING AND REPORTING PROGRAM  
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<b>J. Archeological Resources</b>				
<p><i>Mitigation Measure 1 Archeological Monitoring</i>            Based on the reasonable potential 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 monitoring program. 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 <i>construction</i> 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).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological 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.</p>	Project sponsor.	Prior to issuance of site permits.	Project sponsor shall retain archeological consultant to undertake archaeological monitoring program in consultation with ERO.	Complete when Project sponsor retains qualified archaeological consultant.
<p><i>Archeological monitoring program (AMP).</i> 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 project archeologist 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 potential risk these activities pose to archaeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s),</li> </ul>	Project Sponsor	Prior to the start of renovation/const ruction activities.	Planning Department, in consultation with DPH.	Considered complete upon submittal to Planning confirming compliance with this measure.

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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 the 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> </ul> <p>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 crews and heavy 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, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p>	<p>The archaeological consultant, Project Sponsor and project contractor.</p>	<p>Monitoring of soils disturbing activities.</p>	<p>Archaeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archeological resource.</p>	<p>Considered complete upon completion of AMP.</p>
<p>If the ERO in consultation with the archeological consultant 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> <ul style="list-style-type: none"> <li>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</li> <li>B) An archeological 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.</li> </ul>	<p>ERO, archaeological consultant, and Project Sponsor.</p>	<p>Following discovery of significant archeological resource that could be adversely affected by project.</p>	<p>Redesign of project to avoid adverse effect or undertaking of archeological data recovery program.</p>	<p>Considered complete upon avoidance of adverse effect</p>
<p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological</p>	<p>Archaeological consultant in consultation with</p>	<p>After determination by ERO that an</p>	<p>Archaeological consultant to prepare an ADRP in</p>	<p>Considered complete upon approval of ADRP by ERO.</p>

**EXHIBIT 1:  
 MITIGATION MONITORING AND REPORTING PROGRAM  
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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>▪ Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ Final Report. Description of proposed report format and distribution of results.</li> <li>▪ 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.</li> </ul>	<p>ERO</p>	<p>archaeological data recovery program is required</p>	<p>consultation with ERO</p>	
<p>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</p>	<p>Archaeological consultant or medical examiner</p>	<p>Discovery of human remains</p>	<p>Notification of County/City Coroner and, as warranted,</p>	<p>Considered complete on finding by ERO that all State laws regarding</p>

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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, 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>			notification of NAHC.	human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archaeological consultant for scientific/historical analysis of remains/funerary objects.
<p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical 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 draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic</p>	<p>Archaeological consultant</p> <p>Archaeological consultant</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.</p> <p>Following completion and approval of FARR by ERO</p>	<p>Preparation of FARR</p> <p>Distribution of FARR after consultation with ERO</p>	<p>FARR is complete on review and approval of ERO</p> <p>Complete on certification to ERO that copies of FARR have been distributed</p>

**EXHIBIT 1:  
 MITIGATION MONITORING AND REPORTING PROGRAM  
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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.				
<b>F. Noise</b> Mitigation Measure 2: 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: <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>	Project Sponsor along with Project Contractor.	During construction	Project sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.
<b>L. Hazardous Materials</b> Mitigation Measure 3: Hazardous Building Materials The project sponsor shall ensure that any equipment containing polychlorinated biphenyl (PCBs) or Di(2-ethylhexyl) phthalate (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 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.	Project Sponsor	Prior to the start of renovation/construction activities.	Planning Department, in consultation with DPH.	Considered complete upon submittal to Planning confirming compliance with this measure.





# SAN FRANCISCO PLANNING DEPARTMENT

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## Initial Study – Community Plan Evaluation

*Case No.:* 2014.0999ENV  
*Project Address:* 2750 19<sup>th</sup> Street  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Lot Size:* 15,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission Subarea  
*Project Sponsor:* Steve Perry, Perry Architects 415-806-1203  
*Staff Contact:* Justin Horner, [justin.horner@sfgov.org](mailto:justin.horner@sfgov.org) 415-575-9023

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### PROJECT DESCRIPTION

The 15,000-square-foot (sf) project site (Assessor's Block 4023, Lot 004A) is located on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood (Figure 1). The project site is currently developed with three, one-story, 22-foot-tall industrial buildings built between 1880 and 1914, totaling 10,935 sf of Production, Distribution and Repair (PDR) uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

The proposed project would include the demolition of the three existing industrial buildings, retention of the principal two-story façade along 19<sup>th</sup> and Bryant streets, and construction of a six-story, 68-foot-tall (77-foot, 7-inch tall with rooftop equipment) mixed use building with approximately 7,740 square feet of ground-floor retail in three spaces, 60 residential units (35 one-bedroom units and 25 two-bedroom units) above and vehicle parking in a basement (Figures 2-9). In addition to the proposed project, a project variant, which would include 7,740 square feet of PDR uses instead of retail, is also analyzed in this Initial Study-Community Plan Evaluation. Under the project variant, the proposed ground-floor retail would be replaced with PDR space. All other aspects of the proposed project remain the same under the project variant (see Table 1). The proposed project and project variant would include 3,200 sf of common open space on the second floor and a 4,800 sf roof deck. The residential lobby entrance would be located on Bryant Street and basement vehicle parking entry would be located on 19<sup>th</sup> Street. The proposed project and project variant would include 60 Class 1 bicycle parking spaces on the ground floor, three Class 2 bicycle parking spaces along 19<sup>th</sup> Street, and 26 vehicle parking spaces in the basement.<sup>1</sup> The proposed project and project variant would remove an existing curb cut on Bryant Street and would retain an existing 10-foot curb cut off of 19<sup>th</sup> Street that would be used for the proposed garage entrance. Construction of the project and project variant would require approximately 8,533 cubic yards of excavation to a depth of approximately 15 feet and would last approximately 18 months. The proposed project and project variant would be built upon a mat-slab foundation with a series of inter-connected, reinforced concrete footings.

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<sup>1</sup> Section 155.1(a) of the planning code defines class 1 bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees" and defines class 2 bicycle spaces as "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use."

Table 1: Proposed Project and Project Variant Comparison

	Proposed Project	Project Variant
Building height	68 feet	68 feet
Units	60	60
Retail	7,740 sf	0
PDR	0	7,740 sf
Car parking	26 spaces	26 spaces
Bike Parking	100 spaces	100 spaces
Roof top open space	4,800 sf	4,800 sf

The proposed 2750 19<sup>th</sup> Street project would require the following approvals:

**Actions by the Planning Commission**

- Eastern Neighborhoods Exception (ENX)

**Actions by Other Agencies**

- Demolition Permit (Department of Building Inspection)
- Site/Building Permit (Department of Building Inspection)
- Maher Program compliance (Department of Public Health)

The granting of the Eastern Neighborhoods Exemption (ENX) shall be the Approval Action for the proposed 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.

**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>2</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

<sup>2</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.

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 a 68-foot-tall mixed use residential building with retail space on the ground floor. 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.

**FIGURE 1. PROJECT VICINITY**



**FIGURE 2. PROPOSED BASEMENT LEVEL (PROJECT & PROJECT VARIANT)**

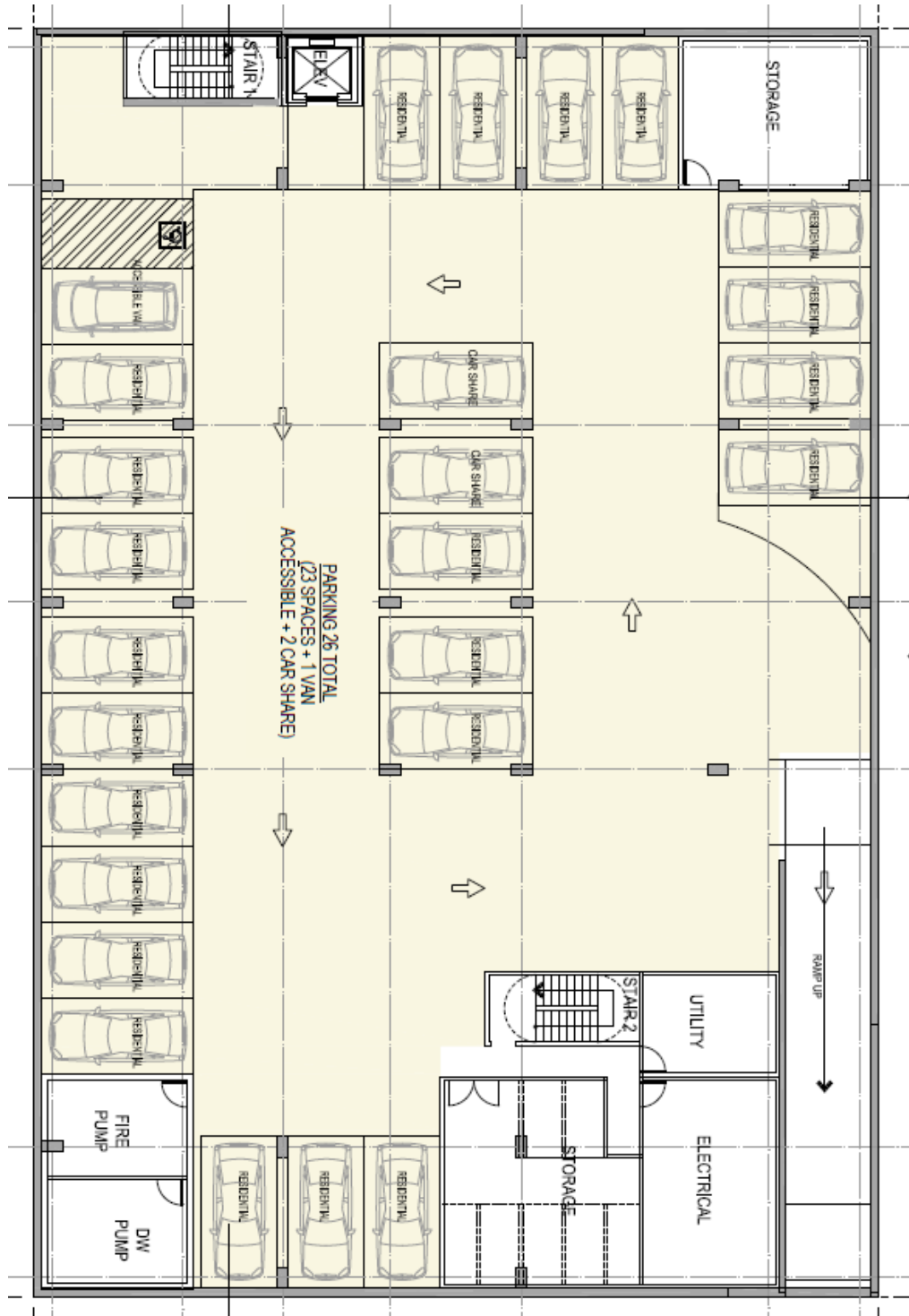


FIGURE 3: PROPOSED GROUND FLOOR (PROPOSED PROJECT)

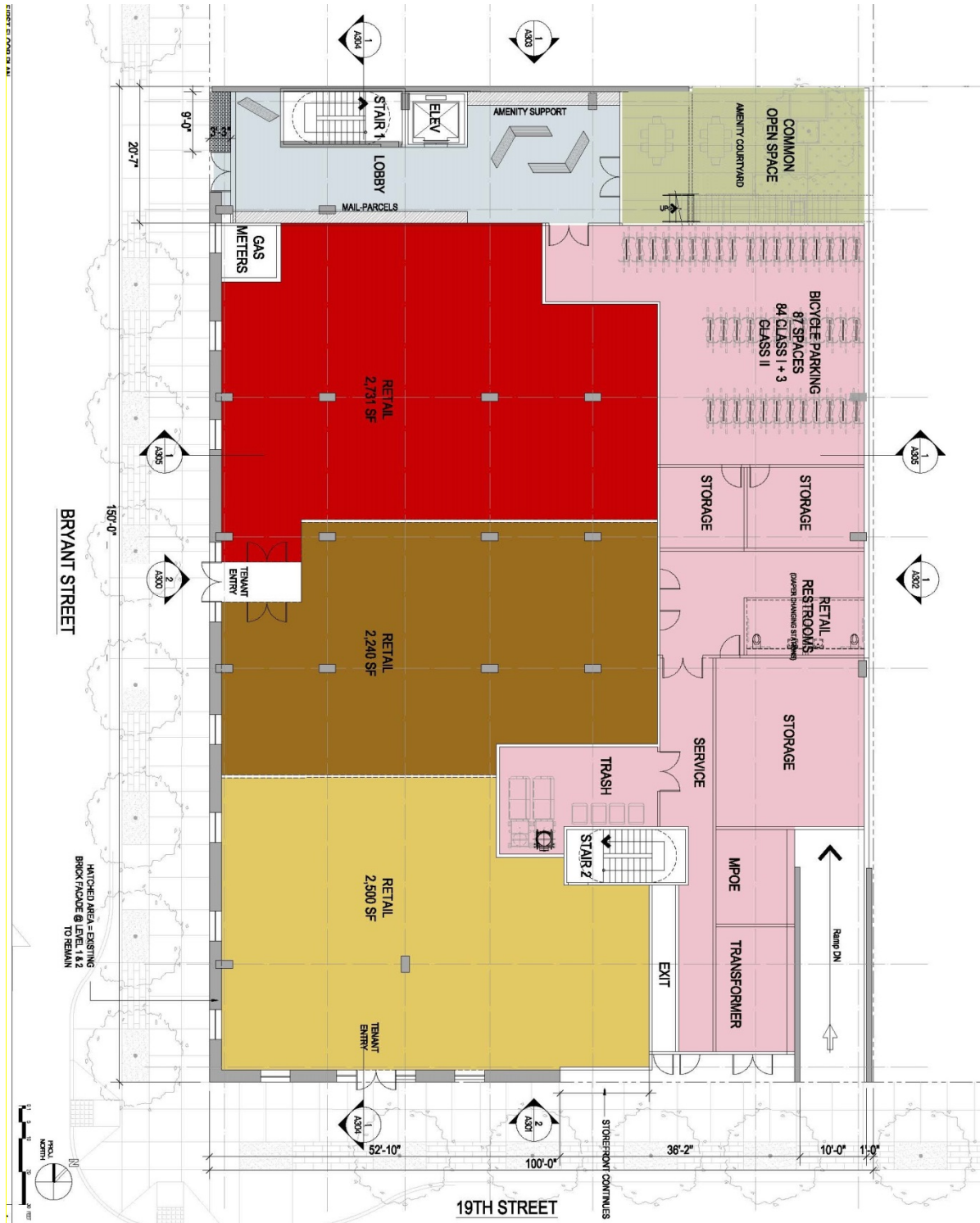


FIGURE 4: PROPOSED GROUND FLOOR (PROJECT VARIANT)

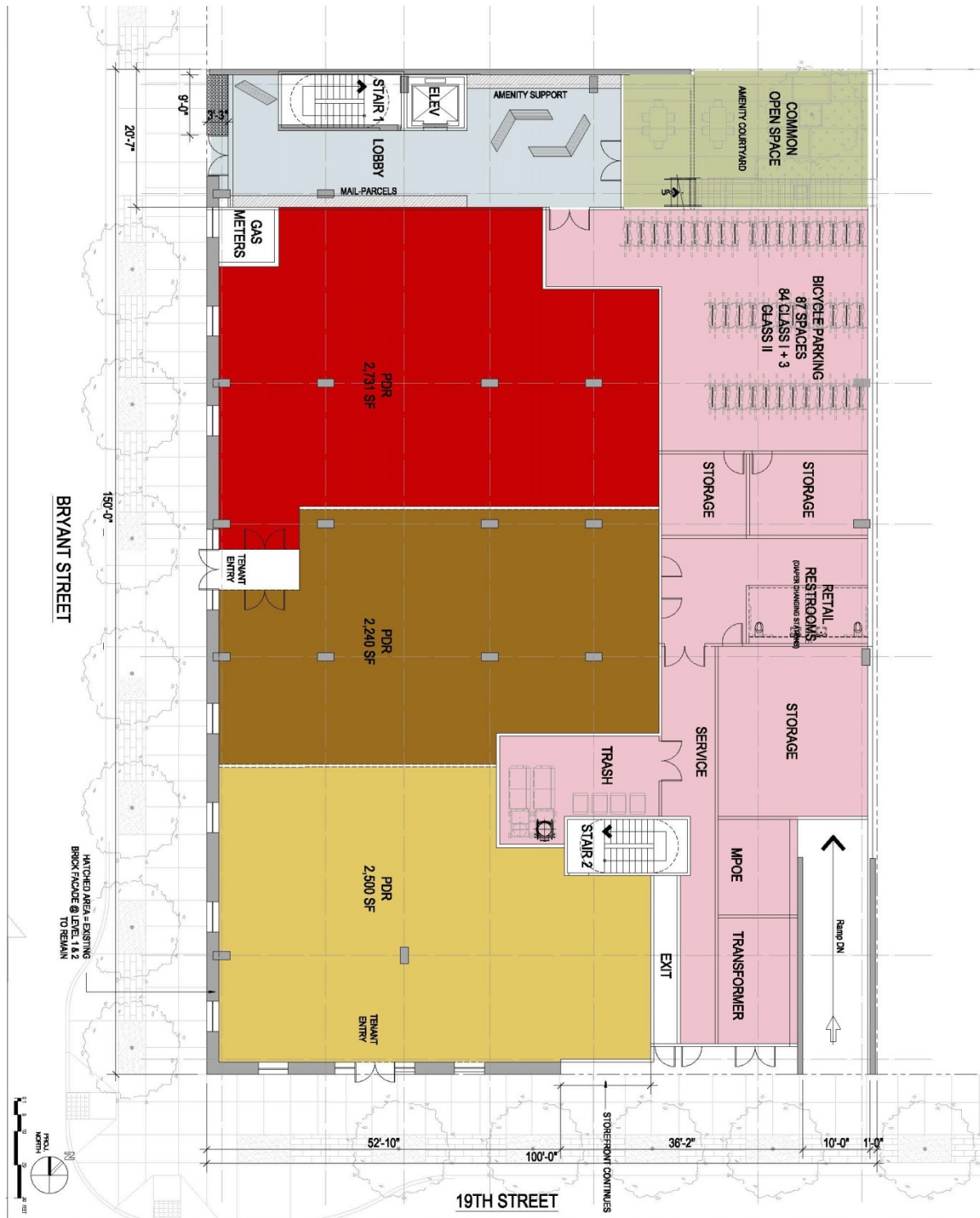


FIGURE 5. PROPOSED SECOND FLOOR (PROJECT AND PROJECT VARIANT)

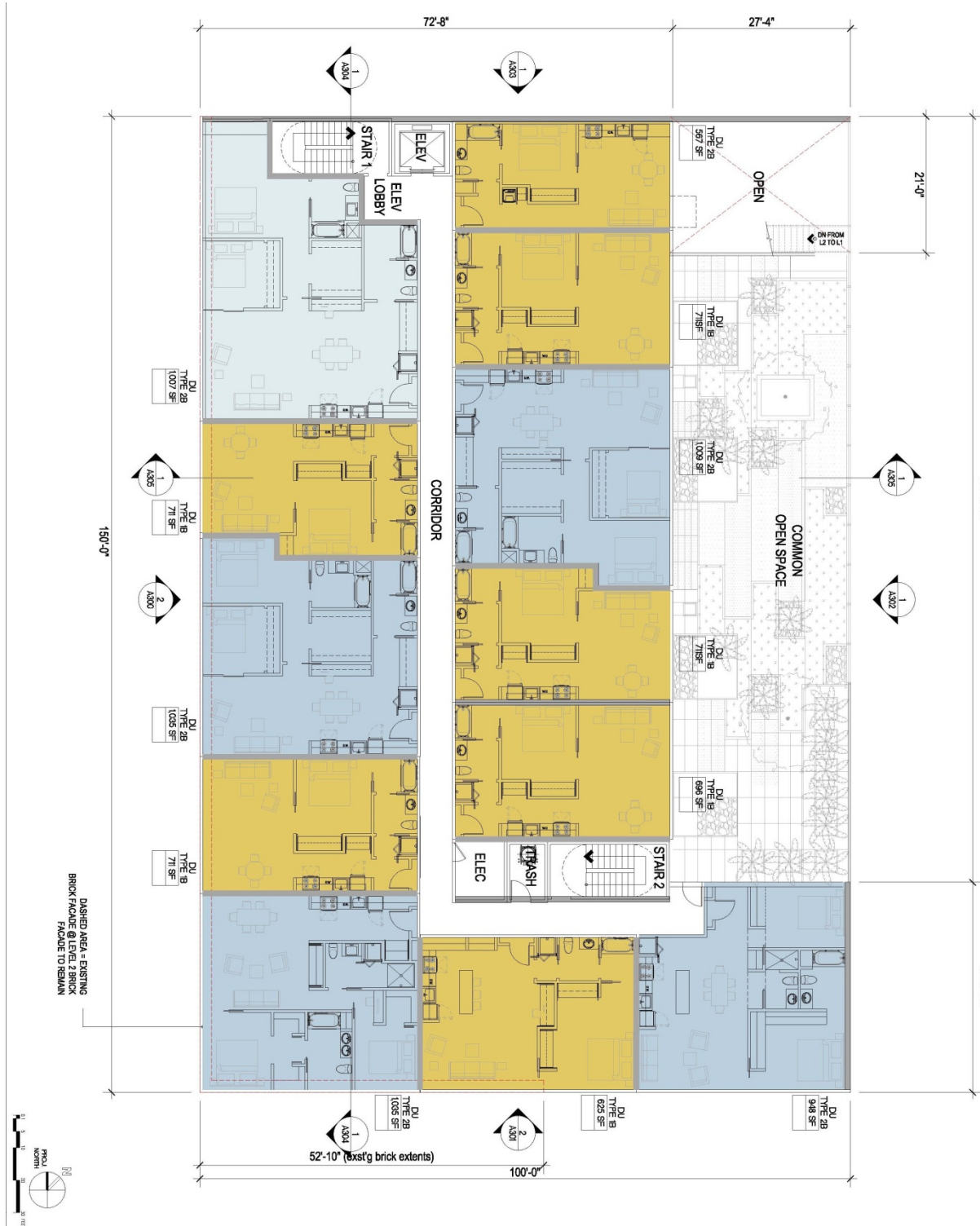




FIGURE 6: PROPOSED THIRD THROUGH SIXTH FLOORS (PROJECT AND PROJECT VARIANT)

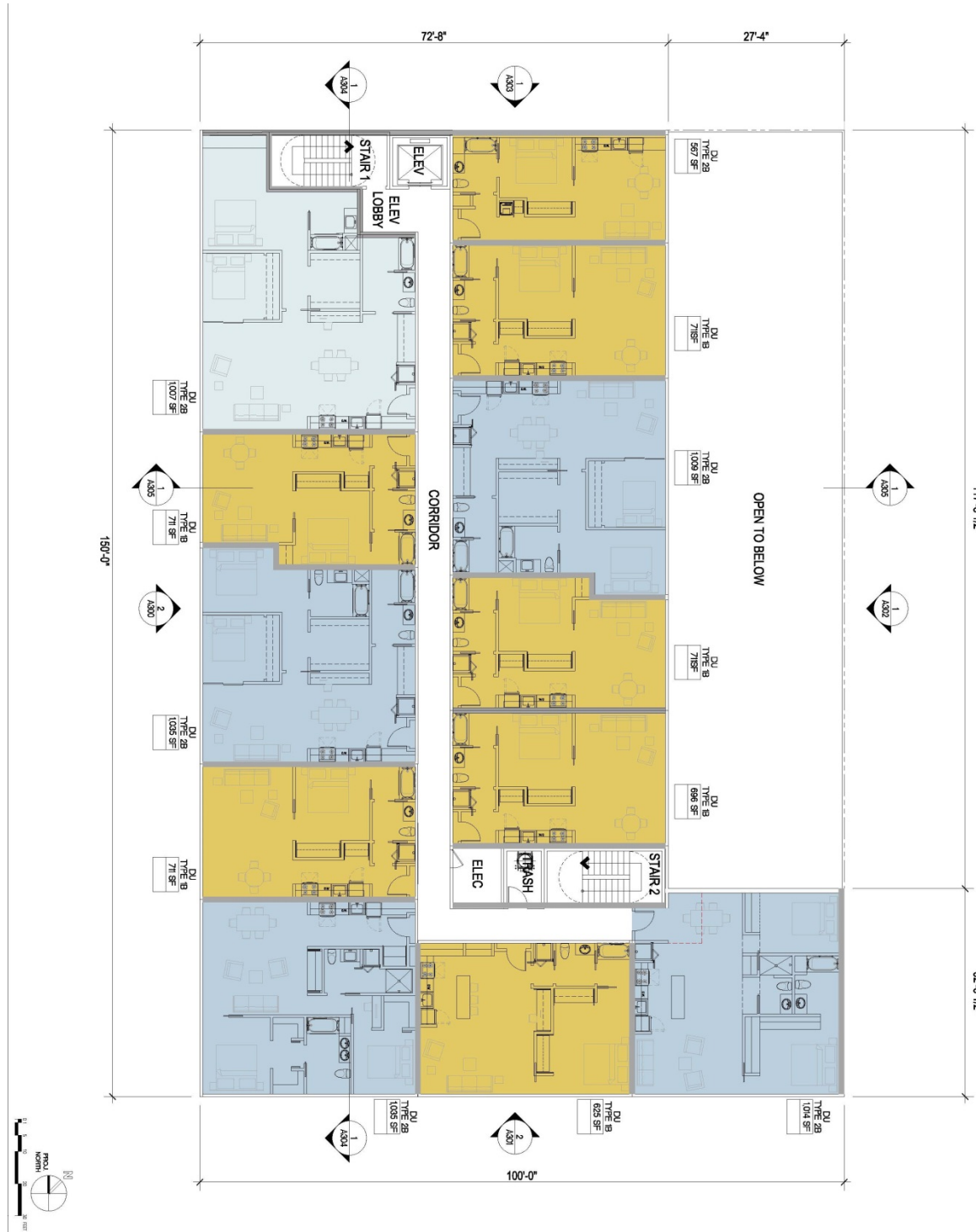


FIGURE 7. PROPOSED ROOF (PROJECT AND PROJECT VARIANT)

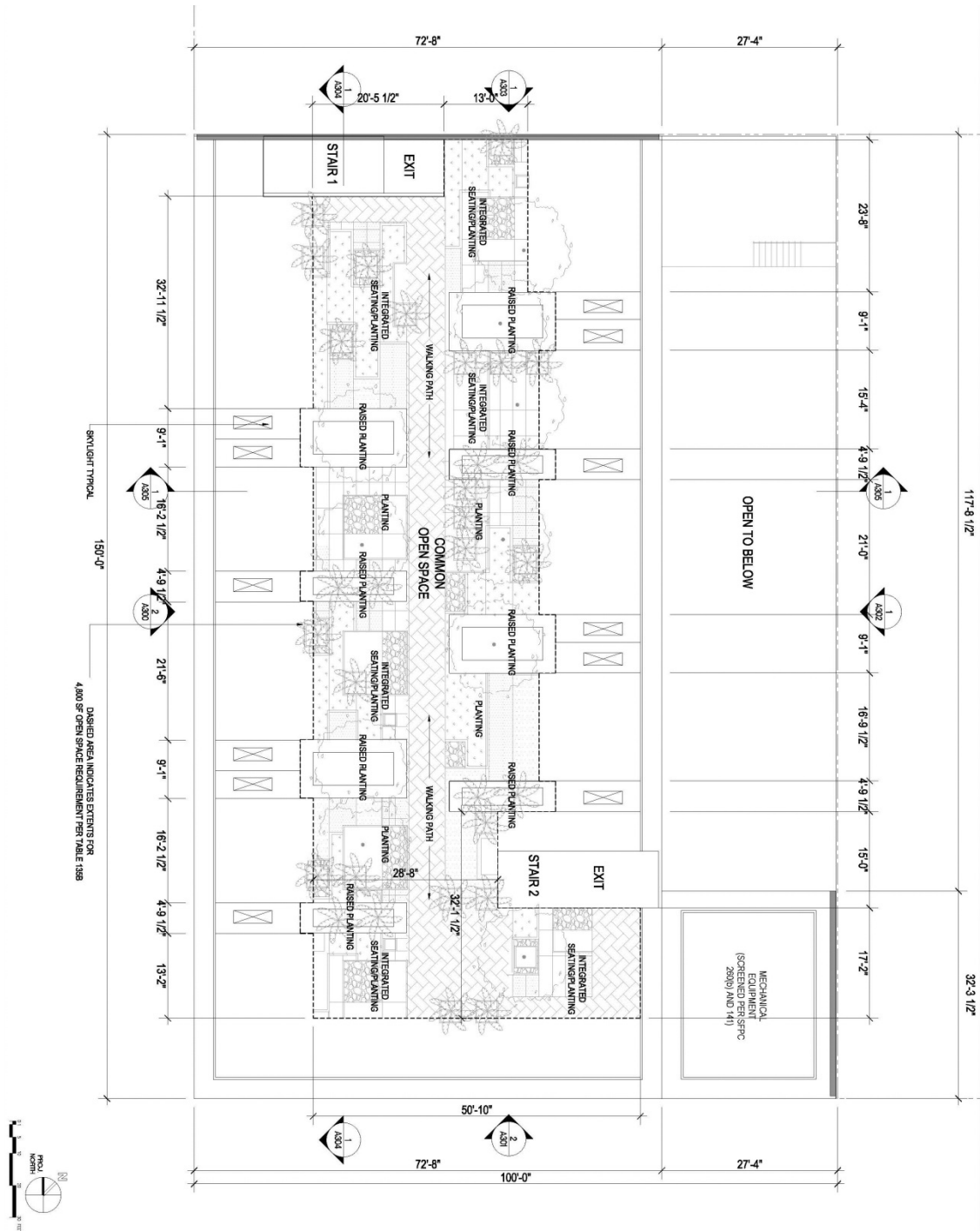


FIGURE 8. PROPOSED WEST ELEVATION (BRYANT STREET—PROJECT AND PROJECT VARIANT))

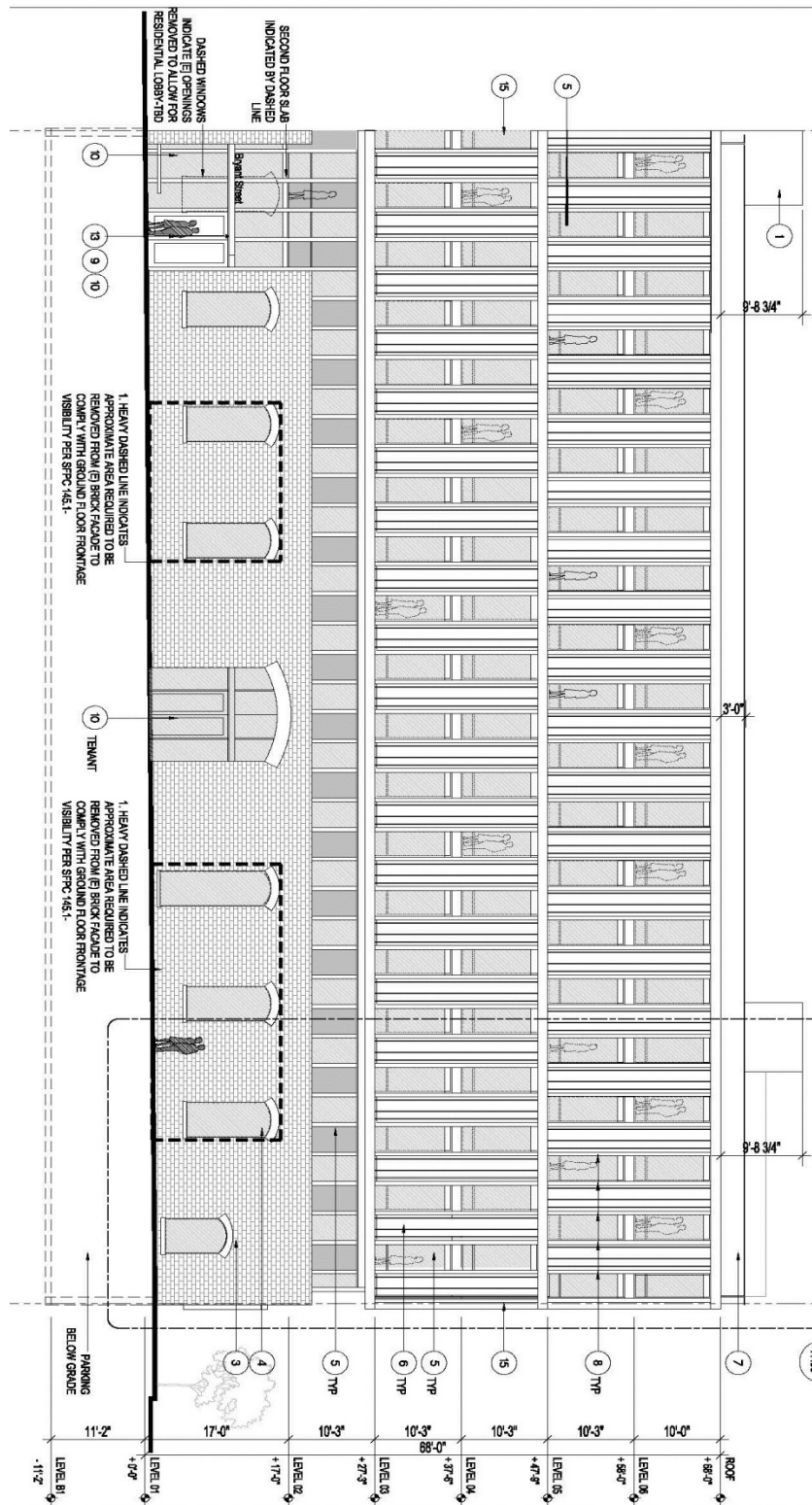
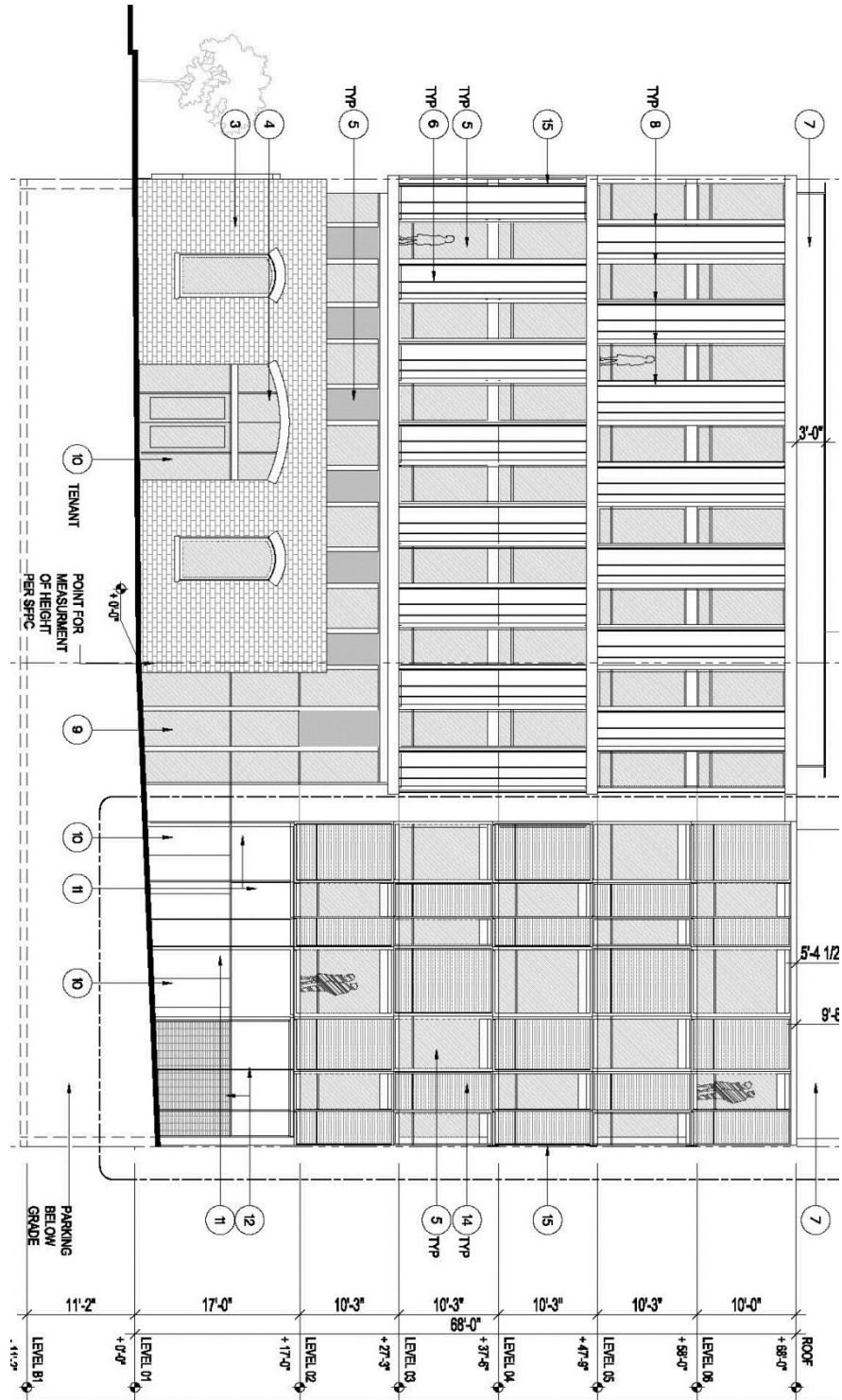


FIGURE 9. PROPOSED SOUTH ELEVATION (19TH STREET—PROJECT AND PROJECT VARIANT)



## 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:

- 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).
- The adoption of 2016 interim controls in the Mission District requiring additional information and analysis regarding housing affordability, displacement, loss of PDR and other analyses, effective January 14, 2016 through January 14, 2018.
- 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 and the project variant 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>3</sup> Project elevations are included in the project description.

### **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 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>4</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). (Note: 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 section.

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<sup>3</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 2750 19<sup>th</sup> Street, September 8, 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. 2014.0999E.

<sup>4</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 Mission subarea, the Eastern Neighborhoods PEIR considered the effects of losing up to approximately 3,370,000 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 proposed project would include 7,740 square feet of ground-floor retail. The project variant would include 7,740 square feet of ground-floor PDR uses. The proposed project would result in the net a loss of approximately 11,000 square feet of PDR building space. The project variant would result in a net loss of 3,260 square feet of PDR building space. The loss of 11,000 square feet under the proposed project represents approximately 0.3 percent of the 3,370,000 square feet of PDR loss identified in the PEIR in the Mission, and thus 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. Similar to the proposed project, the proposed net loss of 3,260 square feet of PDR uses under the project variant 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.

The project site is located in the UMU District, which is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area, and 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 up to 11,000 square feet of existing PDR uses would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project's and project variant'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 and project variant are permitted in the UMU District and are consistent with height, bulk, density, and land use envisioned in the Mission Area Plan. The proposed project includes 60 dwelling units, 50 percent of which are two-bedrooms units, which is consistent with Objective 1.2, which calls for maximizing development potential in keeping with neighborhood character, and Objective 2.3, which calls for development to satisfy an array of housing needs.<sup>5,6</sup>

Because the proposed project and project variant are 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.

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>
<b>2. POPULATION AND HOUSING— Would the project:</b>				
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

<sup>5</sup> Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2750 19<sup>th</sup> Street, March 23, 2017.

<sup>6</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2750 19<sup>th</sup> Street, February 22, 2016.



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 proposed project includes 60 dwelling units and approximately 7,740 square feet of retail space, which would result in approximately 165 new residents and 21 daily retail employees.<sup>7</sup> The project variant would result in approximately 165 new residents and 27 new daily employees.<sup>8</sup> These direct

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<sup>7</sup> New residents were estimated by multiplying the average household size for Census Tract 228 by the number of total units. New employees were estimated based upon retail square footage and the SF Planning Department’s *Transportation Impact Analysis Guidelines* for employees per square foot of retail.

<sup>8</sup> New employees were estimated based upon PDR square footage and the SF Planning Department’s *Transportation Impact Analysis Guidelines* for employees per square foot of PDR use.

effects of the proposed project and project variant 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.

<u>Topics:</u>	<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"/>

**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.

A Historic Resource Evaluation (HRE) was prepared for the proposed project.<sup>9</sup> The project site contains three related industrial buildings, including the main one-story heavy timber-frame brick industrial building at the corner (built in 1880), a one-story frame building clad in horizontal rustic siding located

<sup>9</sup> Johanna Street, Historic Resource Evaluation Part I: Significance Evaluation 2750 19<sup>th</sup> Street San Francisco, August 21, 2017.

east of the main building (built sometime between 1905 and 1914), and a one-story flat roofed frame building with recessed loading dock at the rear of the parcel (built sometime between 1905 and 1914). The main building was constructed as a warehouse for the Golden Gate Woolen Manufacturing Company, which operated the Golden Gate Woolen Mill, across 19<sup>th</sup> Street from the subject property and which occupied the entire block between 19<sup>th</sup> and 20<sup>th</sup> streets and Bryant and York streets. The Golden Gate Woolen Manufacturing Company was an early and significant contributor to the development of industrial employment, Chinese labor, and the Mission District. The subject property was used the warehouse for the mill. Of greater significance is the extant former mill building across the street at 2101 Bryant Street. The subject site included a significant “Chinese Quarters,” which housed the mill’s Chinese workers, but this building was demolished sometime between 1905 and 1908. The owner of the mill, Donald McLennan, was an important entrepreneur of the wool industry on the West Coast; however, the legacy of McLennan is embodied in the extant mill building across the street. The subject property is an early example of heavy timber-frame industrial architecture; however, the removal of the top floor in 1965 due to fire damage has compromised the building’s integrity to an extent that it would not qualify individually for listing in the California Register of Historic Resources. The subject property is located within the boundaries of the previously-identified Northeast Mission Showplace Square Industrial Employment District, which was not adopted by the Historic Preservation Commission due to insufficient evidence to support a finding of eligibility. As part of that survey, the subject property received a California Historical Resource Status Code rating of 6L (ineligible for local listing or designation through local government review process).

Through the review of the HRE and related Planning Department records, the Department has determined that the subject property is not eligible for listing in the California Register under any criteria individually or as part of an historic district.<sup>10</sup> 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 or the project variant.

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 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.

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<sup>10</sup> SF Planning, Preservation Team Review Form 2750 19<sup>th</sup> Street, August 24, 2017.

As the project site is located in an area for which no previous archeological studies have been completed, Mitigation Measure J-2 applies to the proposed project and the project variant. As the proposed project and project variant include 15,000 sf of soil disturbance and excavation to a depth of up to 15 feet, a Preliminary Archeological Review was performed for the proposed project and project variant. Based on the reasonable potential that archeological resources may be present within the project site, **Project Mitigation Measure 1: Archeological Resources** shall apply to the proposed project and project variant to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.<sup>11</sup> The full text of Project Mitigation Measure 1: Archeological Resources can be found in the “Mitigation Measures” section, below.

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

<u>Topics:</u>	<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>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"/>
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"/>

<sup>11</sup> Sf Planning Department Email, Preliminary Archeological Review 2750 19<sup>th</sup> Street, June 24, 2016.

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 and project variant.<sup>12</sup> Based on this project-level review, the department determined that the proposed project and project variant would not have significant impacts that are peculiar to the project or the project site.

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.

As discussed above under “Automobile Delay and Vehicle Miles Travelled”, 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 evaluate the project’s transportation effects using the VMT metric.

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.

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<sup>12</sup> SF Planning, Transportation Study Determination 2750 19<sup>th</sup> Street, June 23, 2016.

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>13,14</sup>

The proposed project includes 60 residential units and 7,740 square feet of retail uses. For residential development, the existing regional average daily VMT per capita is 17.2.<sup>15</sup> For retail development, regional average daily retail VMT per employee is 14.9.<sup>16</sup> The project variant includes 60 residential units and 7,740-sf of PDR uses. For the purposes of transportation analysis, PDR uses are treated as office development. For office development, the regional average daily work-related VMT per employee is 19.1. Average regional daily VMT for all three land uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the transportation analysis zone in which the project site is located, 538.

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<sup>13</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>14</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>15</sup> Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

<sup>16</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.

**Table 1 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 538</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 538</u>
Households (Residential)	17.2	14.6	5.3	16.1	13.7	4.6
Employment (Retail)	14.9	12.6	9.8	14.6	12.4	10.0
Project Variant Employment (PDR)	19.1	16.2	9.6	17.0	14.5	8.5

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; 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 proposed project would include 60 dwelling units and ground-floor retail space. Existing average VMT per capita for the transportation analysis zone (TAZ) in which the project site is located (538) is 5.3. This is 69 percent below the existing regional average daily VMT capita of 17.2. Future 2040 average daily VMT per capita for TAZ 538 is 4.6. This is 71 percent below the future 2040 regional average VMT per capita of 16.1. Existing average daily VMT per retail employee for TAZ 538 is 9.8. This is 34 percent below the existing regional average VMT per retail employee of 14.9. Future 2040 average VMT per retail employee is 10.0 for TAZ 538. This is 31 percent below the future 2040 regional average daily VMT per retail employee of 14.6.<sup>17</sup>

The project variant includes 60 dwelling units and PDR space at the ground floor. For the purposes of transportation analysis, PDR uses are treated as office uses. Existing average daily VMT per office employee for TAZ 538 is 9.6. This is 46 percent below the existing regional average daily VMT of 19.1. Future 2040 average daily VMT for office uses for TAZ 538 is 8.5. This is 50 percent below the future 2040

<sup>17</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 2750 19<sup>th</sup> Street, September 8, 2017.

regional average office VMT of 17.0. Therefore, the proposed project and project variant would not cause substantial additional VMT and the impact would be less-than-significant.

### **Trip Generation**

The proposed project would include 60 residential units and approximately 7,740 square feet of retail on the ground floor. The project variant would include 60 residential units and approximately 7,740 square feet of PDR uses on the ground floor. The project and project variant would also include 26 vehicle parking spaces and 60 Class 1 bicycle parking spaces in a basement level, as well as three Class 2 parking spaces along 19<sup>th</sup> Street.

Localized trip generation of the proposed project was calculated for the proposed project and the project variant 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>18</sup> The proposed project would generate an estimated 1,646 person trips (inbound and outbound) on a weekday daily basis, consisting of 937 person trips by auto, 310 transit trips, 287 walk trips and 113 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 192 person trips, consisting of 102 person trips by auto (69 vehicle trips accounting for vehicle occupancy data for this census tract), 42 transit trips, 29 walk trips and 18 trips by other modes. The project variant would generate an estimated 660 person trips (inbound and outbound) on a weekday daily basis, consisting of 298 person trips by auto, 200 transit trips, 60 walk trips, and 100 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 102 person trips, consisting of 45 person trips by auto (39 vehicle trips accounting for vehicle occupancy data for this census tract), 32 transit trips, 8 walk trips, and 16 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 or project variant, 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 goes 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>19</sup> The fee updated, expanded, 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 and the project variant would be subject to the fee. The City is also currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding and Mitigation Measure E-11: Transportation Demand Management. Both the Transportation Sustainability Fee and the transportation demand management efforts are part of the Transportation Sustainability

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<sup>18</sup> San Francisco Planning Department, Transportation Calculations for 2750 19<sup>th</sup> Street, June 13, 2016 and November 14, 2017. Trip generation estimates were performed for the proposed project with retail on the ground floor (June 13, 2016) and for the proposed project with PDR on the ground floor (November 14, 2017).

<sup>19</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.



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 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 16<sup>th</sup> 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 16<sup>th</sup> 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 are 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 8-Bayshore, 9-San Bruno, 9R-San Bruno Rapid, 14X-Mission Express, 27-Bryant, and 33-Ashbury/18th. The proposed project would be expected to generate 310 daily transit trips, including 42 during the p.m. peak hour. The project variant would be expected to generate 200 daily transit trips, including 32 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 42 or 32 p.m. peak hour transit trips, respectively, would be accommodated by existing capacity. As such, the proposed project and project variant 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 Muni lines 27-Bryant and 33-Ashbury/18<sup>th</sup> Street.<sup>21</sup> The proposed project and project variant would not contribute considerably to these conditions as its minor contribution of 42 p.m. and 32 p.m. peak hour transit trips, respectively, would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project and project variant would also not

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

<sup>21</sup> In the Eastern Neighborhoods PEIR, the Muni bus line 33-Stanyan was one of the lines identified with a significant and unavoidable cumulative impact. The 33-Stanyan route has been altered and is now named 33-Ashbury/18<sup>th</sup> Street

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 and project variant 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.

<b>Topics:</b>	<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>22</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. 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). The proposed project would not include pile-driving, so Mitigation Measure F-1 would not apply to the proposed project. The proposed project would include construction in close proximity to sensitive receptors (residential units), so Mitigation Measure F-2 would apply to the proposed project and project variant as **Project Mitigation Measure 2: Construction Noise**. For the full text of this mitigation measure, please see the “Mitigation Measures” section below.

In addition, all construction activities for the proposed project (approximately 18 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 18 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 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-2 (Project Mitigation Measure 2: Construction Noise), which would reduce construction noise impacts to a less-than-significant level.

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<sup>22</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).

## 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 includes residential uses and a retail use at the ground floor. Noises related to residential uses and ground-floor retail uses are common and expected in urban areas, and are not anticipated to generate noise in excess of ambient noise in the project vicinity.

The project variant includes 7,740 sf of PDR uses on the ground floor. PDR uses are considered noise-generating uses. Therefore, PEIR Mitigation Measure F-5 applies to the project variant. Pursuant to PEIR Mitigation Measure F-5, an acoustic analysis was prepared to examine the impact of the proposed PDR uses on nearby sensitive receptors (e.g. residential uses).<sup>23</sup> With regard to noise generated from residential or commercial/industrial properties, section 2909(a) and (b) of the Noise Ordinance provides limits of 5 or 8 dBA, respectively, above the ambient noise level at any point outside the property plane for residential and commercial/industrial land uses. Section 2909(d) of the Noise Ordinance limits the permitted noise level inside a residence to 45 dBA between 10 p.m. and 7 a.m. and 50 dBA between 7 a.m. and 10 p.m.<sup>24</sup> According to the acoustic analysis, nighttime ambient noise is close to 45 dBA and for brief periods after midnight drops as low as 40 dBA. Noise transmission from PDR spaces to surrounding commercial properties to the north and east would be acoustically separated by buffer spaces created by other building uses and spaces within the proposed project (such as storage, bicycle parking and restrooms). For existing residential and commercial properties across 19<sup>th</sup> and Bryant streets from the proposed project, the analysis assumed worst-case noise levels of 90 and 100 dBA generated by the proposed PDR uses. The analysis found that the existing brick wall that would be retained as part of the project, the standard 1" insulated glazing on the proposed windows, and weather-sealed exterior doors on both Bryant Street and 19<sup>th</sup> Street would ensure that noises generated by PDR activities would not exceed San Francisco Police Code limits for noise at nearby sensitive receptors.

The proposed project and project variant 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.

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<sup>23</sup> Papadimos Group, *2750 19<sup>th</sup> Street Noise Mitigation Measure F-5 Analysis*, November 9, 2017.

<sup>24</sup> Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, 2011, available at: [https://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf). Accessed August 10, 2018.

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 is not applicable.

For the above reasons, the proposed project and project variant 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>25</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>26</sup>

<sup>25</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>26</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.

## 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 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 and project variant.

## 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>27</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>28</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. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria. Criteria air pollutant screening criteria for construction and operations of mid-rise buildings such as the proposed project are 240 units and 494 units, respectively, 541,000 sf or 259,000 sf of light industrial (or PDR) uses, respectively, or 10,000 cubic yards of excavation. The proposed project includes 60 residential units and includes 8,553 cubic yards of excavation. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

The project variant includes 60 residential units and 7,740 square feet of PDR uses on the ground floor. As the criteria pollutant screening criteria for construction and operations of the light industrial (e.g. PDR

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<sup>27</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>28</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

space) are 541,000 sf and 259,000 sf, respectively, the project variant would not have a significant impact related to 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 purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. 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. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is not applicable to the proposed project.

### **Siting New Sources**

The proposed project and project variant would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. In addition, the proposed project and project variant would not include any sources that would emit DPM or other TACs, such as backup diesel generators. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-4 is not applicable and impacts related to siting new sources of pollutants would be less than significant.

### **Conclusion**

For the above reasons, none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and project variant and the project and project variant would not result in significant air quality impacts that were not identified in the PEIR.

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>
<b>7. GREENHOUSE GAS EMISSIONS— Would the project:</b>				
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 Mission 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 by adding 60 residential units and retail space to a parcel that currently contains three industrial buildings. The project variant would increase the intensity of use of the site by adding 60 residential units and PDR space to a parcel that currently contains three industrial buildings. Therefore, the proposed project and project variant would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential, commercial, and PDR 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 and project variant 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 Transportation Sustainability Fee, bicycle parking requirements, and car sharing requirements would reduce the proposed project's and project variant'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 and project variant would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Irrigation ordinance, 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 and project variant would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The waste-related emissions of the proposed project and project variant 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, reducing GHGs emitted by landfill operations. These regulations also promote

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<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.

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, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>42</sup> Thus, the proposed project and project variant were 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 and project variant are 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 and project variant would not result in significant GHG emissions that were not identified in the Eastern Neighborhoods PEIR and no mitigation measures are necessary.

<b>Topics:</b>	<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 upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Although the proposed 68-foot-tall building would be taller than the immediately adjacent buildings, it would be similar in height to existing buildings in the surrounding area. For the above reasons, the proposed project and project variant are not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

<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 2750 19<sup>th</sup> Street, March 7, 2017.

## 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 Park Commission 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., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). 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.

The proposed project and project variant would construct a 68-foot-tall building; therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.<sup>44</sup> The shadow fan indicated that the proposed project and project variant would not cast any new shadow on any public open spaces, including Recreation and Parks Department properties subject to Planning Code section 295 and San Francisco Unified School District properties.

The proposed project and project variant would 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 and project variant would not be considered a significant impact under CEQA.

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

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<sup>44</sup> SF Planning, *Shadow Fan for 2750 19<sup>th</sup> Street*, September 15, 2017.

<u>Topics:</u>	<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, are both set to open in 2017. 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); 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 and project variant 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"/>
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 and project variant are 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.

<b>Topics:</b>	<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>
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**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 and project variant are 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.

<u>Topics:</u>	<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>12. BIOLOGICAL RESOURCES—Would the project:</b>				
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"/>
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 located within Mission 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 and project variant would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

<u>Topics:</u>	<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>13. GEOLOGY AND SOILS—Would the project:</b>				
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 checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 and project variant.<sup>45</sup> The investigation revealed that the project site is underlain by approximately 8.5 to 13 feet of sandy soil, and

<sup>45</sup> Rollo and Ridley, Preliminary Geotechnical Investigation, 2750 19<sup>th</sup> Street, San Francisco, California, November 23, 2015.



that the upper 2 to 7 feet of sandy soil beneath the existing building may have been disturbed or placed as fill during the original grading of the project site. Groundwater was encountered at the project site at depths varying from 8 to 17 feet. In 2001, the State of California, Division of Mines and Geology, released a Map of Seismic Hazard Zones for the City and County of San Francisco. The project site lies within a hazard zone indicated on this map as a site subject to potential liquefaction during seismic events. Nonetheless, the geotechnical investigation determined that liquefiable soil layers are unlikely to exist beneath 2750 19<sup>th</sup> Street because the sandy layers are either sufficiently dense or contain a large enough percentage of fines to resist liquefaction. The geotechnical investigation found that the makeup of the underlying soils anticipated at the depth of excavation (up to 15 feet below grade) required for the proposed project are suitable to support an interconnected, reinforced concrete footing foundation system for the building's proposed height. The preliminary investigation indicated that dewatering may be required during excavation, as may underpinning of adjacent structures, as the investigation supposes that the foundations of surrounding buildings would be above the depth of the proposed excavation.

The project and project variant are required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. 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 would ensure that the proposed project and project variant would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project and project variant would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project and project variant 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.

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<u>Topics:</u>	<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"/>
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, tsunamis, 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 developed and entirely covered with impervious surfaces. The proposed project and project variant would similarly occupy the entire lot. There would be no net change in the

total amount of impervious surface with the completion of the proposed project or project variant. The proposed project and project variant would include new street trees and landscaping along the sidewalks on 19<sup>th</sup> and Bryant streets. As a result, the proposed project and project variant would not increase stormwater runoff.

Therefore, the proposed project and project variant 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 project and project variant include demolition of existing buildings, Mitigation Measure L-1 would apply to the proposed project. See full text of **Project Mitigation Measure 3: Hazardous Building Materials** 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 the Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project would add residential units and retail uses on a site with a history of the presence of hazardous materials and/or soil contamination. The project variant would add residential units and PDR uses on a site with a history of the presence of hazardous materials and/or soil contamination. Therefore, the project and project variant are 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.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH and a Phase I Environmental Site Assessment has been prepared to assess the potential for site contamination.<sup>46, 47</sup> The ESA found that there were no recognized environmental conditions connected

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<sup>46</sup> RGO Environmental, Environmental Site Assessment Report 2750 19<sup>th</sup> Street, San Francisco, California, June 11, 2014.

<sup>47</sup> San Francisco Department of Public Health, Maher Application for 2750 19<sup>th</sup> Street, February 17, 2017.

with the project site, no known pending environmental regulatory actions concerning the subject property, no reportable quantities of hazardous materials stored on the premises and no hazardous materials generated on-site. The ESA did find evidence of a 1,500-gallon fuel oil tank beneath the sidewalk at the southeast corner of the building. The tank was used to store fuel for two boilers, both of which have been removed. The ESA indicates that the unknown status of this tank represents a potential environmental concern for the property.

The proposed project and project variant would be required to remediate potential soil and/or groundwater contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project and project variant would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

Therefore, the proposed project and project variant would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

<u>Topics:</u>	<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>16. MINERAL AND ENERGY RESOURCES—Would the project:</b>				
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 and project variant are 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.

<u>Topics:</u>	<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>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
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 checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
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 and project variant are 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 Resources

Based on the reasonable potential 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 monitoring program. 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).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>48</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>49</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 monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- 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 project archeologist 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 potential risk these activities pose to 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 archaeological 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 the 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 crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

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<sup>48</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>49</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.

If the ERO in consultation with the archeological consultant 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) An archeological 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.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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, 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, including 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 ERO shall also be



immediately notified upon discovery of human remains. 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, recordation, analysis, curation, possession, 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 an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

*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 draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

## **Project Mitigation Measure 2: Construction Noise**

Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project 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 3: Hazardous Building Materials**

The City shall condition future development approvals to require that the subsequent project sponsors 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 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.

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 4023, Lot 004A**      

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**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN  
THE CITY AND COUNTY OF SAN FRANCISCO AND MT VENTURES, LLC,  
RELATIVE TO THE DEVELOPMENT KNOWN AS 2750 19TH STREET**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this \_\_\_ day of \_\_\_\_\_, 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 **MT VENTURES LLC** (“Developer”), a California limited liability company, with respect to the project approved for **2750 19TH 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, at Assessor’s Block 4023, Lot 004A and more particularly described in Exhibit A attached hereto

(the “Property”). Developer has a property interest pursuant to an option agreement to purchase the Property.

C. Development Proposal; Intent of the Parties. Developer proposes to construct a 6-story over basement, 68-foot-tall mixed-use building with 60 residential units and 7,471 square feet of ground floor retail space. A 4,800-square-foot rooftop terrace would provide outdoor open space. The basement garage contains 24 car parking spaces, 2 car share spaces, and 84 bicycle parking spaces.

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 an exception from the rear yard requirements pursuant to Planning Code Section 134, dwelling unit exposure requirements pursuant to Planning Code Section 140, and street frontage requirements pursuant to Planning Code Section 145.1. 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 17.5% of the dwelling units in the Project as on-site inclusionary units pursuant to Planning Code Section 415.6 (the “Mandated Inclusionary Units”) and by letter dated \_\_\_\_\_ has voluntarily offered to provide additional units in the Project as inclusionary units for a total of 20% of the dwelling units in the project as on-site inclusionary units (the “Additional Units”, and together with the Mandated Inclusionary Units, the “Inclusionary Units”). The remainder will be market rate units (the “Market Rate Units”). Accordingly, if the Project includes 60 dwelling units, 12 would be Inclusionary Units and 48 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 Community Plan 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 \_\_\_\_\_, 201\_\_ (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 an exception for the rear yard requirements pursuant to Planning Code Section 134, dwelling unit exposure requirements pursuant to Planning Code Section 140, and street frontage requirements pursuant to Planning Code Section 145.1. 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 twenty percent (20%) 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 has a property interest pursuant to an agreement to purchase 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 the Large Project Authorization 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 Large Project Authorization 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 Large Project Authorization 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 the Large Project Authorization shall be deemed to refer to the Agreement or the Large Project Authorization 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: 2750 19<sup>th</sup> Street – Costa Hawkins Agreement

**To Developer:**

MT Ventures, LLC  
100 Montgomery Street, Suite 1760  
San Francisco, CA 94104

and a copy to:

Reuben, Junius & Rose, LLP  
Mark Loper  
One Bush Street, Suite 600  
San Francisco, CA 94104  
Tel.: (415) 567-9000

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**

**MT VENTURES, LLC**

By: 

Name: Ani Kartanian

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 November 21, 2017 before me, Kimberly J. Everist, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Ari Vartanian  
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 [Handwritten 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: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: \_\_\_\_\_

Corporate Officer -- Title(s): \_\_\_\_\_

Partner --  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

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: \_\_\_\_\_



**ACKNOWLEDGMENT**

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 \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
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 \_\_\_\_\_

**EXHIBIT A**

**Legal Description of Property**

## EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the intersection of the Easterly line of Bryant Street and the Northerly line of Nineteenth Street; running thence Easterly and along said line of Nineteenth Street 100 feet; thence at right angle Northerly 150 feet; thence at a right angle Westerly 100 feet; thence at a right angle Southerly 150 feet to the point of beginning.

Being a part of Potrero Nuevo Block No. 39.

Assessor's Lot 004A; Block 4023