



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Authorization

HEARING DATE: 09/27/2018

*Record No.:* **2014.0376CUA**  
*Project Address:* **2918 Mission Street**  
*Zoning:* Mission St NCT (Neighborhood Commercial Transit) Zoning District  
45-X, 55-X and 65-B Height and Bulk Districts  
*Block/Lot:* 6529/002, 002A and 003  
*Applicant:* Mark Loper, Reuben, Junius and Rose, LLP  
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*Staff Contact:* Linda Ajello Hoagland – (415) 575-6823  
[Linda.AjelloHoagland@sfgov.org](mailto:Linda.AjelloHoagland@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project includes the demolition of an existing 5,200 square foot, single-story, approximately 15- foot-tall commercial building and new construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units, 6,724 sq. ft. of ground floor retail, 76 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. The project does not propose any off-street vehicular parking. The dwelling unit mix includes 18 studios, 27 one-bedroom units and 30 two-bedroom units. The Project includes 7,923 sf of usable open space through a combination of private and common open space. Six new trees would be planted adjacent to the subject property along Mission Street and the existing curb cut on Mission Street will be removed and replaced with new sidewalk. The Project would also merge three existing lots to create one 11,653 square foot lot. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.

### BACKGROUND

On November 30, 2017, the Planning Commission approved The Project via Planning Commission Motion No. 20066. On January 2, 2018, an appeal of the environmental document (Case No. 2014.0376ENV) was filed by the Law Office of J. Scott Weaver, on behalf of Calle 24 Cultural District Council, stating that the Project did not qualify for a Community Plan Exemption (CPE) under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 (Exhibit B). At their June 19, 2018 meeting, the Board of Supervisors unanimously voted to uphold the appeal, reversing the determination that the Project did not require further environmental review. The Board directed staff to conduct further, more detailed shadow analysis to determine if there will be any potential shadow impact on the adjacent outdoor play areas at the Zaida T. Rodriguez Early Education School (Exhibit C). The shadow analysis has since been completed and the CPE has been updated accordingly (Exhibit D).

The reversal of the CPE determination by the Board of Supervisors also nullified the previously approved project entitlements that were approved concurrently with the CPE. Therefore, the Project and the updated CPE must return to the Planning Commission to obtain necessary approvals.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant a Conditional Use Authorization pursuant to Planning Code Sections 121.1, 121.7 and 303, to allow development on a large lot in the Mission Street NCT Zoning District and the merger of lots resulting in a lot frontage larger than 100-ft in the Mission St NCT Zoning District for the Project, which includes demolition of a single-story, 5,200 square feet, commercial building and the new construction of a new eight-story, 84-foot, 8-inch tall, 67,314 square foot, mixed-use building with 75 dwelling units, 6,724 square feet of ground floor retail space, and 76 Class I bicycle parking spaces and 14 Class II bicycle parking spaces.

## **ISSUES AND OTHER CONSIDERATIONS**

- **Public Comment & Outreach.** In addition to the prior public correspondence received and reviewed by the Commission at the public hearing on November 30, 2017, the Department has received an additional two (2) e-mails in opposition to the Project, as of September 20, 2018. Both correspondences cited that the building is too tall for the neighborhood.
- **Conditional Use Authorization:** Per Planning Code Sections 121.1 and 121.7, the proposed project requires Conditional Use Authorization for the development of a large lot in the Mission St NCT Zoning District and the merger of lots, which would result in a frontage larger than 100-ft in the Mission St NCT Zoning District. The project site will merge three parcels to create one parcel measuring 11,653 sf and 120-ft along Mission Street.
- **State Density Bonus Law & Waivers:** Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, which permits a maximum 35 percent density bonus if at least 11 percent of the “Base Project” units are affordable to very-low-income households. The “Base Project” includes the amount of residential development that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: open space, dwelling unit exposure, etc.). Under the State Density Bonus Law, the Project Sponsor is entitled to a limited number of concessions or incentives, as well as waivers for any development standard that would physically preclude construction of the project at the proposed density.

For the Project at 2918 Mission Street, the “Base Project” included 55 dwelling units, eight of which would be below market rate (BMR) units (14.5% of base project), with a building height of 45 to 65 feet. The Project will provide seven units to families with Very Low Income (50% Area Median Income) and one of these rental units will be Low Income (55% Area Median Income), allowing a 35 percent density bonus. Therefore, the “Bonus Project” (or Project) is permitted 20 additional units for a maximum of 75 dwelling units.

The Project consists of 75 dwelling units with 67,314 gsf (of which 59,382 gsf would be residential). The Project proposes waivers to the development standards for: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk (Planning Code Section 270).



- **Inclusionary Affordable Housing:** The Project will meet its inclusionary affordable housing requirements by designating a certain number of dwelling units as part of the on-site affordable housing alternative, identified in Planning Code Section 415. The Project's Environmental Evaluation Application was submitted and deemed complete prior to January 12, 2016; therefore the Project requires that fourteen and one half (14.5) percent of the total number of units be designated as part of the inclusionary affordable housing program. Since the Project is utilizing the State Density Bonus Law, only the "base project" units (55 Dwelling Units) or 8 dwelling units as part of the on-site inclusionary housing program. Since the project includes rental housing, the Project Sponsor will be required to enter into a Costa-Hawkins Agreement with the City and County of San Francisco (Exhibit H).

## **BASIS FOR RECOMMENDATION**

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

- The Project generally complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district where residential and ground floor retail uses are principally permitted.
- The Project is consistent with and respects the varied neighborhood character, and provides an appropriate massing and scale for the adjacent contexts.
- The Project complies with the First Source Hiring Program.
- The Project produces a new mixed-use development with ground floor retail and significant site updates, including landscaping and common open space.
- The Project adds 75 new dwelling units to the City's housing stock, including 18 studios, 27 one-bedroom and 30 two-bedroom units.
- The Project proposes zero on-site parking which supports the City's Transit First policy.
- The Project adds on-site affordable housing units, and will designate 14.5% of the total number of base project dwelling units (or 8 dwelling units) as part of the inclusionary affordable housing program.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

## **ATTACHMENTS:**

Draft Motion – Conditional Use Authorization  
Exhibit A – Conditions of Approval  
Exhibit B – Letter of Appeal  
Exhibit C – Board of Supervisors Motion  
Exhibit D – Environmental Determination  
Exhibit E – Land Use Data  
Exhibit F – Maps and Context Photos

Exhibit G - Project Sponsor Brief  
Exhibit H – Draft Costa Hawkins Agreement  
Exhibit I – Inclusionary Affordable Housing Affidavit  
Exhibit J – Anti-Discriminatory Housing Affidavit  
Exhibit K – First Source Hiring Affidavit  
Exhibit L – Public Correspondence  
Exhibit M – Plans & Renderings



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

☒ Affordable Housing (Sec. 415)

☒ First Source Hiring (Admin. Code)

☒ Transportation Sustainability Fee (Sec. 411A)

☒ Residential Child Care Fee (Sec. 414A)

☒ Eastern Neighborhoods Impact Fee (Sec. 423)

☐ Other

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## Planning Commission Motion No. XXXXX

HEARING DATE: SEPTEMBER 27, 2018

*Case No.:* **2014.0376CUA**  
*Project Address:* **2918 Mission Street**  
*Zoning:* Mission St NCT (Neighborhood Commercial Transit) Zoning District  
45-X, 55-X and 65-B Height and Bulk Districts  
*Block/Lot:* 6529/002, 002A and 003  
*Project Sponsor:* Mark Loper – Reuben, Junius & Rose , LLP  
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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 121.1, 127.7 AND 303, FOR NEW DEVELOPMENT OF A LOT LARGER THAN 10,000 SQUARE FEET IN THE MISSION ST NCT ZONING DISTRICT AND A LOT MERGER RESULTING IN LOT FRONTAGE EXCEEDING 100 FEET IN THE MISSION ST NCT ZONING DISTRICT FOR THE PROPOSED PROJECT CONSISTING OF THE DEMOLITION OF A 5,200 SQUARE FOOT, SINGLE-STORY COMMERCIAL BUILDING, AND NEW CONSTRUCTION OF AN EIGHT-STORY, 84-FOOT, 8-INCH-TALL, 67,314 SQUARE FOOT MIXED-USE BUILDING WITH 75 DWELLING UNITS AND APPROXIMATELY 6,724 SQUARE FEET OF GROUND FLOOR RETAIL, WHICH WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918), AND PROPOSES WAIVERS FROM 1) REAR YARD (PLANNING CODE SECTION 134); 2) DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140); 3) HEIGHT (PLANNING CODE SECTIONS 250); AND, 4) BULK (PLANNING CODE SECTION 270), AT 2918 MISSION STREET WITHIN THE MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT (NCT) ZONING DISTRICT AND A 45-X, 55-X AND 65-B HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On January 8, 2016, Mark Loper (hereinafter "Project Sponsor"), on behalf of RRTI, Inc. (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the proposed project at 2918 Mission Street, Lots 002, 002A, 003, Block 6529

(hereinafter “subject property”), pursuant to Planning Code Sections 121.1, 303 and 754, and the Mission 2016 Interim Zoning Controls, to demolish a 5,200 square-foot (sq. ft.), single-story, approximately 15-foot-tall commercial building and to construct an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units and 6,724 sq. ft. of ground floor retail within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk District.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (“the State Law”). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 55 unit “Base Project” that would include housing affordable to very-low income households. Because the Project Sponsor is providing 7 units of housing affordable to very-low income households, the Project seeks a density bonus of 35% and waivers of the following development standards: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk (Planning Code Section 270).

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 Commissions 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 September 20, 2018, 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; the file for Case No. 2014.0376CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On September 27, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014-0376CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2014.0376CUA, 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 site ("Project Site"), Lots 002, 002A and 003 in the Assessor's Block 6529, is located on the west side of Mission Street, between 25<sup>th</sup> and 26<sup>th</sup> Streets in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District. The property is currently developed with a single-story, 5,200 square foot commercial building that is 15 feet in height and an associated surface parking lot. The subject properties are located mid-block with a

combined street frontage of approximately 120 feet on Mission Street. In total, the site is approximately 11,653 square feet.

3. **Surrounding Properties and Neighborhood.** The Project Site is located along a mixed-use corridor within the Mission Area Plan. The Project Site has two frontages: Mission Street, which is a two-way street with parallel on-street parking on both sides of the street; and Osage Alley, which is a one-way alley with no on-street parking. The immediate context is mixed in character with a mix of residential, commercial, retail and public uses. The immediate neighborhood includes a commercial bank to the north at the corner of Mission and 25<sup>th</sup> Street, the Zaida T. Rodriguez Early Education School to the south, and a residential apartment building and parking garage to the west. The Zaida T. Rodriguez annex child development center on Bartlett Street is across Osage Alley from the project site, as are two- to three-story multi-family residential uses. There are three schools (Zaida T. Rodriguez Early Education School, Synergy Elementary School and Saint Anthony – Immaculate Conception School) located within 1,000 feet of the Project Site. Access to Highway 101 and Interstate 80 is about one block to the east at the on- and off-ramps located at South Van Ness Avenue and the Central Freeway. The Project Site is located along Mission Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: PDR-1-G (Production, Distribution, and Repair - General); RM-1 (Residential Mixed - Low Density); NCT-3 (Moderate Scale Neighborhood Commercial Transit); and, P (Public).
4. **Project Description.** The project includes the demolition of an existing 5,200 square foot, single-story, approximately 15-foot-tall commercial building and new construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units, 6,724 sq. ft. of ground floor retail, 76 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. The project does not propose any off-street vehicular parking. The dwelling unit mix includes 18 studios, 27 one-bedroom units and 30 two-bedroom units. The Project includes 9,046 sf of usable open space through a combination of private (10 units totaling 2,045 sf) and common open space (7,001 sf). Six new trees would be planted adjacent to the subject property along Mission Street and the existing curb cut on Mission Street will be removed and replaced with new sidewalk. The Project would also merge three existing lots to create one 11,653 square foot lot. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.
5. **Public Comment.** In addition to the prior public correspondence received and reviewed by the Commission at the public hearing on November 30, 2017, the Department has received an additional two (2) e-mails in opposition to the Project, as of September 20, 2018. Both correspondences cited that the building is too tall for the neighborhood.
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 NCT Zoning Districts.** Planning Code Section 754 states that residential uses are a principally permitted use within the Mission Street NCT Zoning District. Retail uses are principally, conditionally or not permitted.

*The Project would construct new residential and retail uses within the Mission Street NCT Zoning District; therefore, the Project complies with Planning Code Section 754. Depending on the specific retail tenant(s), they will comply as principally permitted retail uses per Sec. 754 or seek a Conditional Use, as required by the Planning Code.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 3.6:1 for properties within the Mission Street NCT Zoning District and a 45-X, 55-X and 65-B Height and Bulk District.

*The subject lots are 11,653 sq. ft. in total, thus resulting in a maximum allowable floor area of 41,950 sq. ft. for non-residential uses. The Project would construct approximately 6,954 sq. ft. of retail 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 includes an above-grade rear yard, which measures approximately 2,570 sq. ft. The required rear yard does not measure the entire length of the lot. In certain locations, the required rear yard depth is less than 25 percent.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for rear yard requirements, which are defined in Planning Code 134. This reduction in the rear yard requirements is necessary to enable the construction of the project with the increased density provided by as required under Government Code Section 65915(d).*

- D. **Usable Open Space.** Within the Mission Street NCT, Planning Code Section 754, a minimum of 80 sq. ft. of open space per dwelling unit if private or 100 sq. ft. if common is required for each dwelling unit.

*Per Planning Code Section 134(g), private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum are 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 sq ft 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 includes 10 units with private open space meeting the size and dimensional requirements of the Planning Code. For the remaining 65 units, 7,001 sq. ft. of common open space is provided with common terraces on the second and sixth floors and roof deck; therefore, the Project complies with Planning Code Section 754.*

- E. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139, and the Project meets the requirements for feature-related hazards.*

- F. **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 feet wide, side yard or rear yard must be at least 25 feet in width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

*The Project organizes the dwelling units to have exposure on Mission Street or along the rear yard. As proposed, 39 dwelling units face the non-complying rear yard and 3 south-facing units only face a side yard that does not meet the dimensional requirements. Therefore, 42 of the 75 dwelling units do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for dwelling unit exposure, which are defined in Planning Code 140. This reduction in the dwelling unit exposure requirement is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(d).*

- G. **Street Frontage in Neighborhood Commercial 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 14 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 meets the requirements of Planning Code Section 145.1. The Project does not possess off-street parking. The Project features active uses on the ground floor with a residential lobby, and retail space along Mission Street. The ground floor ceiling height of the non-residential uses are at least 14 feet tall and provide required ground level transparency and fenestration. Therefore, the Project complies with Planning Code Section 145.1.*

- H. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires one Class 1 bicycle parking space per dwelling unit and one Class 2 bicycle parking spaces for every 20 dwelling units. Additional bicycle parking requirements apply based on classification of non-residential uses; at least two Class 2 spaces are required for retail uses.

*The Project includes 75 dwelling units; therefore, the Project is required to provide 75 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces for residential uses and one Class 1 bicycle space and three Class 2 bicycle parking spaces for the ground floor non-residential uses. The Project will provide seventy-six (76) Class 1 bicycle parking spaces and fourteen (14) Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the Project complies with Planning Code Section 155.2.*

- I. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to 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 target of 7 points. As currently proposed, the Project will achieve its required 7 points through the following TDM measures:*

- *Bicycle Parking (Option A)*
- *On-site Affordable Housing (Option B)*
- *Parking Supply (Option K)*

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

*For the 75 dwelling units, the Project is required to provide at least 30 two-bedroom units or 23 three-bedroom units. The Project provides 18 studios, 27 one-bedroom units and 30 two-bedroom. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.*

- K. **Height and Bulk.** Planning Code Section 250 and 252 outlines the height and bulk districts within the City and County of San Francisco. The Project is located in three height and bulk districts: 45-X, 55-X and 65-B. Therefore, the proposed development is permitted up to a height of 45 to 55 feet with no bulk limit in the 45-X and 55-X Height and Bulk Districts, and up to a height of 65 feet and a 110 foot maximum length and 125 foot maximum diagonal for a height above 50 feet in the 65-B Height and Bulk District.

*The Project would construct a new mixed-use development up to 84 feet, 8 inches tall and exceeds the height limits by approximately 20 feet. The portion of the Project located in the 65-B bulk district above 50 feet in height has a maximum length of 117 feet, exceeding the 110 foot limit, and a maximum diagonal dimension of 122 feet, 8 inches, complying with bulk restrictions. The total diagonal dimension of the Project above 50 feet is 146 feet, 1 inch, including the portion of the Project site zoned 45-X and 55-X, which is not subject to bulk limits.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for height and bulk, which are defined in Planning Codes 250, 252, and 270. These expansions beyond the height and bulk requirements are necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).*

- L. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a “narrow street”, which is defined as a public right of way less than or equal to 40-feet in width. Osage Alley measures approximately 15-feet wide and is considered a narrow street. For the subject frontage along a narrow street, a 10 foot setback is required above a height of 31-feet, 4-inches. Subject frontage is defined as any building frontage more than 60-ft from an intersection with a street wider than 40-feet.

*Along Osage Alley, the Project is setback at least 10-feet from the property line where the height is above 31-feet, 4-inches; therefore the Project complies with Planning Code Section 261.1.*

- M. **Shadow.** Planning Code Sections 147 and 295 restricts net new shadow, cast by structures exceeding a height of 40-feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40-feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

*The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year. The Department has also included additional study of the shadow on adjacent elementary school, as requested by the Board of Supervisors.*

- 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 60,006 gsf of new residential use and 6,724 gsf of non-residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project filed an environmental review application on or before July 21, 2015, thus the residential use will be subject to 50 percent of the applicable residential TSF.*

- O. **Residential Childcare Impact Fee.** Planning Code Section 414A is applicable to any residential development citywide that results in the addition of a residential unit.

*The Project includes approximately 60,006 gsf of residential use. The proposed Project is subject to fees as outlined in Planning Code Section 414A.*

- P. **Inclusionary Affordable Housing Program in Mission Street NCT Zoning District.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

*The Project Sponsor seeks to develop under the State Density Bonus Law, and therefore must include on-site affordable units in order to construct the Project at the requested density and with the requested waivers of development standards. The Project Sponsor submitted a complete Environmental Evaluation on July 21, 2015, thus is required to provide affordable units in the amount of 14.5 percent of the number of units constructed on site. The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Sections 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 on-site affordable housing. The Project Sponsor is providing 14.5 percent of the base project units as affordable to satisfy the Inclusionary Affordable Housing Program obligation, which includes 8 units (2 studios, 3 one-bedroom and 3 two-bedroom) of the 75 units provided will be affordable units.*

*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 projects on- or offsite 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 July 24, 2017. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was*

*submitted on July 21, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5 percent of the total proposed dwelling units in the Base Project as affordable.*

*The Project Sponsor will satisfy the Inclusionary Housing requirements by providing seven units, or 11 percent of the total proposed dwelling units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and by providing one additional inclusionary unit at the affordability levels specified in the City's Inclusionary Housing Program or any successor program applicable to on-site below-market rate units, totaling 14.5% of the proposed dwelling units in the Base Project.. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative prior to issuance of the first construction document, this conditional use approval shall be deemed null and void. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative after construction, the City shall pursue any and all available remedies at law.*

- Q. Eastern Neighborhood Infrastructure Impact Fee.** Planning Code Section 423 is applicable to any development project within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District that results in the addition of gross square feet of residential and non-residential space.

*The Project includes approximately 67,314 gsf of new development consisting of approximately 60,006 sq. ft. of residential use and 6,724 sq. ft. of 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. State Density Bonus Law:** Per California Government Code Section 65915-65918 and Planning Code section 206.6, the Project Sponsor has elected to utilize the State Density Bonus Law. The State Law permits a 35 percent density bonus if at least 11 percent of the "Base Project" units are affordable to very-low-income households (as defined in California Health and Safety Code section 50105). The "Base Project" includes the amount of residential development that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: open space, dwelling unit exposure, etc.). Under the State Density Bonus Law, the Project Sponsor is entitled to a specified number of concessions or incentives, as well as waivers for any development standard that would physically preclude construction of the project at the proposed density and with the concessions or incentives.

*The Project is providing 11 percent of units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and is entitled to a 35 percent density bonus and three concessions or incentives under State Law. The Project also seeks waivers to the development standards for: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk requirement (Planning Code Section 270), which are necessary to construct the Project at the proposed density.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Authorization. On balance, the project complies with said criteria in that:

- 1) The proposed new uses and building, at the size and intensity contemplates and at the proposed location, will provide a development that is necessary of desirable, and compatible with, the neighborhood or the community.

*The Project will demolish a single-story commercial building that is currently occupied by a laundromat and associated surface parking lot, and construct a new eight-story mixed-use development with 75 dwelling units and ground floor retail space. Given the objectives of the Mission Area Plan, the Project is necessary and desirable in preserving the diversity and vitality of the Mission, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities and minimizing displacement. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood. The Project will also replace an underutilized site, while also providing new public amenities, including landscaping, sidewalk improvements and bicycle parking. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, educational facilities, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.*

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

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project site is a three-parcel, L-shaped lot with frontage on both Mission Street and Osage Alley, totaling 11,653 square feet in area. The site is currently developed with a 6,433 square foot surface parking lot and a 5,500 square foot commercial building containing a laundromat. The Project will consist of a single structure that maintains a street wall along all frontages at the ground floor, with a podium-level rear yard 18 to 40-feet deep fronting Osage Alley. The building massing is oriented towards the more prominent Mission Street frontage with the 6<sup>th</sup>(partial), 7<sup>th</sup> and 8<sup>th</sup> stories sculpted back. The building is also sculpted back on the 7<sup>th</sup> and 8<sup>th</sup> stories from Osage Alley and the adjacent condominium building to the west of the property at 3421 25<sup>th</sup> Street. Overall, the Project, which would establish a new six- to eight-story building with ground floor retail in an existing mixed-use neighborhood, will be beneficial to the surrounding neighborhood.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Project would not adversely affect public transit in the neighborhood. The Project site is located one block from the 24<sup>th</sup> Street BART Station and is close to several MUNI bus lines, including the 12, 14, 14R, 27, 48, 49, 55, 67 and 800. The Project provides no off-street parking, which supports the City's transit first policies. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation. The Project also incorporates an on-street loading zone in front of the building on Mission Street.*

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

*The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of 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 the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. Overall, the Project is not expected to generate dust or odor impacts.*

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

*The Project will provide the required number of street trees and bicycle parking along the public-rights-of-way. The Project will also remove a curb cut along the Mission Street frontage and replace it with new sidewalk. These upgrades will be beneficial to the surrounding neighborhood because it will provide new street improvements, lighting and vegetation.*

- 3) That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code, except for those requirements for which the Project Sponsor seeks a waiver under the State Density Bonus Law (California Government Code Sections 65915-65918). The Commission finds that these waivers are required in order to construct the Project at the density allowed by State Law. The Project is consistent with objectives and policies of the General Plan as detailed below.*



- 4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*Per Planning Code Section 754, the Mission St NCT Zoning District is described as:*

*This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Accessory Dwelling Units are permitted within the district pursuant to subsection [207\(c\)\(4\)](#) of this Code.*

*The Project will be in conformity with the Mission Street NCT in that it will provide a mixed-use development that provides ground floor retail space with a continuous retail frontage and residential units above, consistent with surrounding neighborhood.*

9. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots In Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

*The Project's design includes a mass and façade that borrows elements present in the surrounding neighborhood, such as traditional bay windows, painted plaster and terracotta cladding, to ensure a design that is of an appropriate scale for this larger development site. The Mission Street façade's massing is broken up horizontally by two large retail storefronts on the ground floor and differentiated exterior finished on the 8<sup>th</sup> floor. Vertically, the façade is broken up with a series of bay window projections with accent colors and varying wall planes.*

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

*The Mission is one of the City's most distinctive neighborhoods as identified in the City's General Plan. The proposed facade design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor which is consistent with the unique identity of the Mission. The new building's character ensures the best design of the times with high-quality building*

*materials (including terracotta cladding, glass reinforced concrete (GRC) cladding, painted plaster, and stone tile) that relate to the surrounding structures that make-up the Mission's distinct character while acknowledging and respecting the positive attributes of the older buildings. The Project also includes blind wall murals its northern and southern facades to be commissioned to local artists. It also provides an opportunity for an increased visual interest that enhances and creates a special identity with a unique image of its own in the neighborhood. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood*

10. **Planning Code Section 121.7** establishes criteria for the Planning Commission to consider when reviewing applications for Lot Mergers In Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section [415](#).

*The Project will provide 11% of its on-site inclusionary units to very-low income households. Planning Code Section 415 requires that a minimum of 10% of the units be affordable to low-income households, 5% of the units shall be affordable to moderate-income households, and 5% of the units shall be affordable to middle-income households and does not require any units to be offered to very-low income households. Currently, the Project exceeds the requirements of Planning Code Section 415.*

- b) The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings.

*The Project will redevelop an underutilized site that contains a single-story, 5,500 square foot commercial building and a 6,433 square foot surface parking lot. The site has been used as a laundromat and ancillary surface parking lot since the early 1990's. Prior to the laundromat, the site was primarily occupied by automobile sales and repair related uses. The lot merger will allow the development of a mixed-use building with 75 dwelling units and 6,724 square feet of ground floor commercial space.*

- c) The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

*The Project will provide 75 new residential dwelling units on a site that currently does not have any housing and will increase the commercial space by approximately 1,200 square feet. The number of residential units and increased commercial space could not be accomplished on a smaller lot.*

- d) In the Mission Street NCT, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

*The Project provides a total of 6,724 square feet of non-residential space on the ground floor fronting on Mission Street that has the ability to be demised into smaller units. The Commission has included a Condition of Approval to require a minimum of one non-residential space on the ground floor fronting on Mission Street be no more than 2,500 square feet. Therefore, the Project will meet the requirement.*

11. **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 1.4**

Ensure community based planning processes are used to generate land use controls.

##### **Policy 1.6**

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

##### **Policy 1.8**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional, or other single use development projects.

##### **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.

*The Project is a higher density mixed-use development on an underutilized lot along a primary vehicular transit corridor. The Project Site is an ideal infill site that is currently occupied by a commercial use (laundromat) and ancillary surface parking lot. The proposed Project would add 75 units of housing to the site with a dwelling unit mix of studio, one-bedroom, and two-bedroom units. The Project is consistent with the Mission Street NCT Zoning District, which encourages housing development in new buildings above the ground story and that is affordable to people with a wide range of incomes. The Project includes eight on-site affordable housing units for ownership, which complies with the Mission Street NCT District's goal to provide a higher level of affordability. As noted by the Project Sponsor, the Project is "affordable by design," since the Project incorporates economically efficient dwelling units, which average*

*402 sf for studios, 563 sf for one-bedrooms, and 818 sf for two-bedrooms. The Project does not possess any vehicular parking. The Project would satisfy its inclusionary affordable housing requirement by designating 8 on-site affordable housing units to satisfy the Inclusionary Affordable Housing obligation.*

**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.

**Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The Project will add 75 dwelling units to the City's housing stock, and meets the affordable housing requirements by providing for eight on-site permanently affordable units for rental, thus encouraging diversity among income levels within the new development.*

**OBJECTIVE 11**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.8**

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

*The Project responds to the site's location within a mixed-character neighborhood. The Project would construct a new eight-story mixed-use building on the west side of Mission Street. The scale of the Project is appropriate from an urban design perspective because it recognizes the significance of this location along the Mission Street transit corridor, one block from the 24<sup>th</sup> Street BART station. Overall, the Project's massing also recognizes the existing block pattern as it relates to the street frontage along Mission Street. The neighborhood is characterized by a wide variety of residential, commercial, retail and PDR uses. In addition, the Project includes projecting vertical and horizontal architectural elements, which provide vertical and horizontal modulation along the street facades and provides a high-quality material palette which invokes the traditional architecture found in the Mission.*

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.2**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing.

*The Project is located in proximity to many neighborhood amenities. The Project is located on Mission Street between 25<sup>th</sup> and 26<sup>th</sup> Streets, which provide a variety of retail establishments, restaurants, small grocery stores, educational facilities and cafes. The Project is also located near the Mission Cultural Center and the 24<sup>th</sup> Street BART Station.*

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1**

Support "smart" regional growth that locates new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The Project Site is located within a quarter mile of several local transit lines including MUNI lines 12, 14, 14R, 27, 48, 49, 55, 67 and 800. The 24<sup>th</sup> Street BART Station is on block away. Residential mixed-use development at this site would support a smart growth and sustainable land use pattern in locating new housing in the urban core close to jobs and transit. Furthermore, the bicycle network in the Mission*

*District is highly developed and utilized. The Project provides 76 Class 1 bicycle parking spaces on-site in addition to 14 Class 2 bicycle parking along the frontage.*

## **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.

*The Project proposes landscaped open space at the rear of the first residential level, and the roof deck has potential for planters and additional landscaping.*

#### **OBJECTIVE 3:**

#### **IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE**

##### **Policy 3.6:**

Maintain, restore, expand and fund the urban forest.

*The 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 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along Mission Street. Frontages are designed with transparent glass and intended for active spaces oriented at the pedestrian level.*

#### **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 76 Class 1 and 14 Class 2 bicycle parking spaces in secure, convenient locations.*

**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 34.3:**

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

**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 does not provide any off-street vehicular parking, which complies with Planning Code Section 151.1. Further, the project will infill the existing curb cut on the project site along the Mission Street frontage.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

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

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.



*The Project does not provide any off-street vehicular parking; therefore, the Project limits conflicts with pedestrians and bicyclists. New street trees will be planted on Mission Street and an existing curb cut will be removed. Along the project site, the pedestrian experience will be greatly improved.*

## **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 1.1.7**

Permit and encourage greater retail uses on the ground floor on parcels that front 16th Street to take advantage of transit service and encourage more mixed uses, while protecting against the wholesale displacement of PDR uses.

*The Project will provide 6,724 square feet of retail space on the ground floor of the building while also providing new housing on a site where none currently exists. Therefore strengthening the mixed use character and maintaining the neighborhood as a place to live and work.*

##### **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.

*The Project will replace a single-story commercial building and associated parking lot with a new mixed-use building with ground floor retail space and residential units above, consistent with the existing residential and commercial uses in the neighborhood. Additionally, the Project complies with the applicable the bedroom mix requirements and is seeking waivers from the height and bulk standards through utilization of the State Density Bonus Law.*

### Housing

#### **OBJECTIVE 2.3**

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

##### **Policy 2.3.3**

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.

*The Project includes 18 studios, 27 one-bedroom units and 30 two-bedroom units of which 8 will be Below Market Rate (BMR). Three of the BMR units will be two-bedroom units. Furthermore, the Project will be subject to the Eastern Neighborhood Impact Fee, Transportation Sustainability Fee and Residential Childcare Fee.*

#### **OBJECTIVE 2.6**

**CONTINUE AND EXPAND THE CITY'S EFFORTS TO INCREASE PERMANENTLY AFFORDABLE HOUSING PRODUCTION AND AVAILABILITY.**

##### **Policy 2.6.1**

Continue and strengthen innovative programs that help to make both rental and ownership housing more affordable and available.

*The Project will create seventy-five residential units, eight of which are BMR units, on a site where no housing currently exists, thus increasing affordable housing production and availability.*

### 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 3.1.6**

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.

*The Project will replace an unremarkable single-story commercial building with a well-articulated, contemporary, mixed-use building. The Project will be constructed with high quality materials and within the allowed height limits for the zoning district to respect the surrounding buildings.*

**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.

*The Project is largely residential, but includes a moderately-sized ground floor retail component along Mission Street, with a ceiling height for the retail is approximately of 16 feet, 6 inches. The Project provides the mix of uses encouraged by the Area Plan for this location. In addition, the Project includes the appropriate dwelling-unit mix, since 40% or 30 of the 75 units are two-bedroom dwelling units. The Mission is one of the City's most distinctive neighborhoods as identified in the City's General Plan. The new building's character ensures the best design of the times with high-quality building materials that relates to the surrounding structures that make-up the Mission's distinct character while acknowledging and respecting the positive attributes of the older buildings. It also provides an opportunity for an increased visual interest that enhances and creates a special identity with a unique image of its own in the neighborhood. Overall, the Project offers an architectural treatment that is contemporary, yet contextual, and that is consistent and compatible with the surrounding neighborhood. The Project does not include any off-street parking and will eliminate the existing curb cut along Mission Street.*

12. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies 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.

*Currently, the existing building on the Project Site is a one-story laundromat. Although the Project would remove this use, the Project does provide for 6,724 square feet of new retail space at the ground level. The Project improves the urban form of the neighborhood by adding new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.*

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

*No housing exists on the Project Site. The Project will provide 75 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project offers an architectural treatment that is contemporary, yet contextual, and an architectural design that is consistent and compatible with the surrounding neighborhood. For these reasons, the 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 comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.*

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

*The Project Site is served by public transportation. Future residents would be afforded close proximity to bus or rail transit. The Project also provides bicycle parking for residents and their guests.*

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

*The Project is consistent with the Mission Area Plan, which encourages mixed-use development along Mission Street. The Project does not involve the creation of commercial office development. The Project would enhance opportunities for resident employment and ownership in retail sales and service sectors by providing for new housing and retail space, which will increase the diversity of the City's housing supply (a top priority in the City) and provide new potential neighborhood-serving uses and employment opportunities.*

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the Project Site.*

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

*The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.*

13. **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.*

14. 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.
15. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2014.0376CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 30, 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 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20066. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

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

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 27, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 27, 2018

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is a Conditional Use Authorization to allow development on a lot larger than 10,000 square feet in the Mission St NCT Zoning District and a lot merger resulting in lot frontage larger than 100-ft in the Mission St NCT Zoning District for the proposed project involving demolition of an existing 5,200 square-foot (sq. ft.), single-story, approximately 15-foot-tall commercial building and construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units and 6,724 sq. ft. of ground floor retail located at 2918 Mission Street, Block 6529, Lots 002, 002A, 003, pursuant to Planning Code Sections 121.2, 121.7, 303 and 754 within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk Districts; in general conformance with plans, dated November 30, 2017, and stamped "EXHIBIT B" included in the docket for Record No. 2014.0376CUA 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 September 27, 2018 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 Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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



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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid up to two (2) 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 two-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.** The Commission shall conduct a public hearing in order to consider the revocation of the Authorization and shall consider the project's progress and intent to construct/build. 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. 2014.0376ENV) 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

7. **Non-Residential Ground Floor Space.** The ground floor non-residential space fronting along Mission Street shall be demised so there is a minimum of one space that is no more than 2,500 square feet.
8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,  
[www.sf-planning.org](http://www.sf-planning.org)*
9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,  
[www.sf-planning.org](http://www.sf-planning.org)*
10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,  
[www.sf-planning.org](http://www.sf-planning.org)*
11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,  
[www.sf-planning.org](http://www.sf-planning.org)*
12. **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

12. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 90 bicycle parking spaces (76 Class 1 spaces for the residential portion of the Project and 14 Class 2 spaces for both the residential and commercial/PDR portion 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)*

13. **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

14. **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)*

15. **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)*

16. **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)*

17. **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)*

18. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

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

## MONITORING

19. **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)*

## OPERATION

20. **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/>*

21. **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)*

## ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

22. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on January 29, 2016. These conditions state:

- a) **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- b) **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- c) **Design Considerations.**
  - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
  - ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
- d) **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- e) **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

## INCLUSIONARY HOUSING REQUIREMENTS

23. **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..

- a) **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is currently required to provide 14.5% of the proposed dwelling units in the Base Project as affordable to qualifying households. The Project Sponsor has elected to satisfy the Inclusionary Affordable Housing obligation by providing on-site inclusionary units. The Project Sponsor will fulfill this requirement by providing the 8 affordable units on-site. As required for the project to achieve a 35% density bonus under the State Density Bonus Law and Planning Code section 206.6, 7 (11%) of the eight required units shall be affordable for a term of 55 years to households earning less than 50% of area median income and, upon the expiration of the 55 year term, shall thereafter be rented at the rates specified in the inclusionary affordable housing program. The remaining inclusionary unit is subject to the requirements as set forth in Section 415. 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"), and in accordance with the State Density Bonus Program and Planning Code section 206.6.

*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).*

- b) **Unit Mix.** The Base Project contains 15 studios, 17 one-bedroom, and 23 two-bedroom units; therefore, the required affordable unit mix is 2 studios, 3 one-bedroom, and 3 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).*

- c) **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).*

- d) **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fourteen and one half percent (14.5%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

- e) **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).*

- f) **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).*

- (i) 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.
- (ii) If the units in the building are offered for rent, seven (11%) of the affordable unit(s) shall be rented to very low-income households, as defined in California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. Any remaining inclusionary units shall be rented to low-income households, as defined in the Planning Code and the 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, and (iii) subleasing are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.



- (iii) 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.
- (iv) Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- (v) 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.
- (vi) 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 waivers (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.
- (vii) 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.
- (viii) If the Project becomes ineligible for the On-site Affordable Housing Alternative prior to the issuance of the first construction permit, the approvals shall be null and void. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor or its successor shall pay the Affordable Housing Fee on the entirety of the project, including any additional density as allowed under State law, and shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable, and the City shall pursue any and all available remedies at law.



January 2, 2018

Clerk, San Francisco Board of Supervisors  
#1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JAN - 2 AM 10: 07  
BY *[Signature]*

**Re: Case No. 2014.0376 CUA 2918 Mission Street  
Appeal of the November 30, 2017 Planning Commission Decisions**

Dear Members of the Board of Supervisors:

Calle 24 Latino Cultural District Council appeals the decisions of the Planning Commission Made on November 30, 2017 regarding the proposed project at 2918 Mission Street (hereafter "proposed project"), including the adoption of CEQA findings under Section 15183 of the CEQA guidelines and Public Resources Code Section 21083.3.1, including the underlying Certificate of Determination and Findings of Community Plan Evaluation, and Initial Study-Community Plan Evaluation and Checklist.

**1. Appeal of the adoption of the CEQA Findings, Certificate of Determination - Community Plan Evaluation and Initial Study - Community Plan Evaluation and Checklist,**

The appeal of the adoption of the Community Plan Exemption and CEQA Findings are filed on the following bases.

- The Proposed Project does not qualify for a Community Plan Evaluation under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 because the approval is based upon an out of date 2008 EIR prepared for the Eastern Neighborhoods Area Plan and the EIR's analysis and determination can no longer be relied upon to support the claimed exemption in the areas of, *inter alia*, direct, indirect, and cumulative impacts with respect to: consistency with area plans and policies, land use, recreation and open space, traffic and circulation, transit and transportation, noise, shadow, health and safety, and other impacts to the Mission.
- The project's cumulative impact was not considered because the PEIR's projections for housing, including this project and those, constructed, entitled, and/or in the pipeline, have been exceeded. Therefore "past, present, and reasonably foreseeable probable future projects" were not properly considered (Guidelines, § 15355).
- The CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District (LCD), which was not designated at the time the PEIR was prepared. Potential impacts due to gentrification and displacement to businesses, residents, and nonprofits within the LCD, including impacts to cultural and historic resources, health and safety and increased traffic due to reverse commutes and shuttle busses have not been considered. Previous reports as required by the Board of Supervisors were hastily and shoddily prepared, and was erroneous in numerous respects.
- The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Considerations have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since the adoption of the 2008 plan and did not.
- Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified

significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report.

- The CEQA findings did not take into account the potential impacts on the Zaida T. Rodriguez school and the school's children with respect to shadow; noise impacts on the Speech and Learning School; transportation, traffic, and circulation impacts with respect to parents picking up and dropping off their children; and overall health and safety of the children.
- The Proposed Project, when considered cumulatively, is inconsistent with the General Plan and the Mission Area Plan.

## **2. Pattern and Practice**

The City is engaging in a pattern and practice of approving residential projects in the Mission based upon a Community Plan Exemption that improperly tiers off of an out of date Eastern Neighborhoods Area Plan EIR instead of conducting project level environmental review. This results in the approval of projects with unexamined environmental affects to the detriment of Mission residents.

The Final Motion, Certificate of Determination and Findings of Community Plan Evaluation and Initial Study- Community Plan Evaluation and Checklist are attached as Exhibit A. The link to the hearing on November 30, 2017 and the Eastern Neighborhoods EIR are contained in the attached Exhibit B.

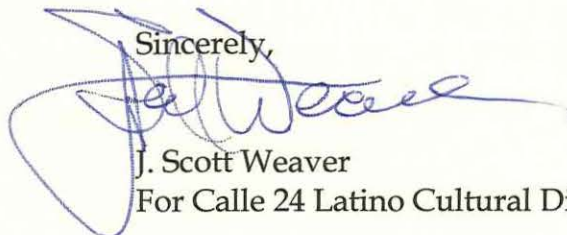
Sincerely,  
  
J. Scott Weaver  
For Calle 24 Latino Cultural District Council

EXHIBIT A

EXHIBIT A

EXHIBIT A





# SAN FRANCISCO PLANNING DEPARTMENT

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☒ Affordable Housing (Sec. 415)

☒ Transportation Sustainability Fee (Sec. 411A)

☒ Eastern Neighborhoods Impact Fee (Sec. 423)

☒ First Source Hiring (Admin. Code)

☒ Residential Child Care Fee (Sec. 414A)

☐ Other

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## Planning Commission Motion No. 20066

HEARING DATE: NOVEMBER 30, 2017  
CORRECTED DATE: DECEMBER 15, 2017

Case No.: 2014.0376CUA  
Project Address: 2918 Mission Street  
Zoning: Mission St NCT (Neighborhood Commercial Transit) Zoning District  
45-X, 55-X and 65-B Height and Bulk Districts  
Block/Lot: 6529/002, 002A and 003  
Project Sponsor: Mark Loper – Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
Staff Contact: Linda Ajello Hoagland – (415) 575-6823  
[linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 121.1, 303, 754 AND THE MISSION 2016 INTERIM ZONING CONTROLS (PLANNING COMMISSION RESOLUTION NO. 19865), FOR THE DEVELOPMENT OF A LARGE LOT IN A NEIGHBORHOOD COMMERCIAL DISTRICT FOR THE PROPOSED PROJECT CONSISTING OF THE DEMOLITION OF A 5,200 SQUARE FOOT, SINGLE-STORY COMMERCIAL BUILDING, AND NEW CONSTRUCTION OF AN EIGHT-STORY, 84-FOOT, 8-INCH-TALL, 67,314 SQUARE FOOT MIXED-USE BUILDING WITH 75 DWELLING UNITS AND APPROXIMATELY 6,724 SQUARE FEET OF GROUND FLOOR RETAIL, WHICH WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918), AND PROPOSES WAIVERS FROM 1) REAR YARD (PLANNING CODE SECTION 134); 2) DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140); 3) HEIGHT (PLANNING CODE SECTIONS 250); AND, 4) BULK (PLANNING CODE SECTION 270), AT 2918 MISSION STREET WITHIN THE MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT (NCT) ZONING DISTRICT AND A 45-X, 55-X AND 65-B HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On January 8, 2016, Mark Loper (hereinafter "Project Sponsor"), on behalf of RRTI, Inc. (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the proposed project at 2918 Mission Street, Lots 002, 002A, 003, Block 6529 (hereinafter "subject property"), pursuant to Planning Code Sections 121.1, 303 and 754, and the Mission

2016 Interim Zoning Controls, to demolish a 5,200 square-foot (sq. ft.), single-story, approximately 15-foot-tall commercial building and to construct an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units and 6,724 sq. ft. of ground floor retail within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk District.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 55 unit "Base Project" that would include housing affordable to very-low income households. Because the Project Sponsor is providing 7 units of housing affordable to very-low income households, the Project seeks a density bonus of 35% and waivers of the following development standards: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk (Planning Code Section 270).

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 August 30, 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; the file for Case No. 2014.0376CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On September 14, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014-0376CUA. At this meeting, the Commission continued this project to the public hearing on November 30, 2017.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2014.0376CUA, 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 site ("Project Site"), Lots 002, 002A and 003 in the Assessor's Block 6529, is located on the west side of Mission Street, between 25<sup>th</sup> and 26<sup>th</sup> Streets in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District. The property is currently developed with a single-story, 5,200 square foot commercial building that is 15 feet in

height and an associated surface parking lot. The subject properties are located mid-block with a combined street frontage of approximately 120 feet on Mission Street. In total, the site is approximately 11,653 square feet.

3. **Surrounding Properties and Neighborhood.** The Project Site is located along a mixed-use corridor within the Mission Area Plan. The Project Site has two frontages: Mission Street, which is a two-way street with parallel on-street parking on both sides of the street; and Osage Alley, which is a one-way alley with no on-street parking. The immediate context is mixed in character with a mix of residential, commercial, retail and public uses. The immediate neighborhood includes a commercial bank to the north at the corner of Mission and 25<sup>th</sup> Street, the Zaida T. Rodriguez Early Education School to the south, and a residential apartment building and parking garage to the west. The Zaida T. Rodriguez annex child development center on Bartlett Street is across Osage Alley from the project site, as are two- to three-story multi-family residential uses. There are three schools (Zaida T. Rodriguez Early Education School, Synergy Elementary School and Saint Anthony – Immaculate Conception School) located within 1,000 feet of the Project Site. Access to Highway 101 and Interstate 80 is about one block to the east at the on- and off-ramps located at South Van Ness Avenue and the Central Freeway. The Project Site is located along Mission Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: PDR-1-G (Production, Distribution, and Repair - General); RM-1 (Residential Mixed - Low Density); NCT-3 (Moderate Scale Neighborhood Commercial Transit); and, P (Public).
4. **Project Description.** The project includes the demolition of an existing 5,200 square foot, single-story, approximately 15-foot-tall commercial building and new construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units, 6,724 sq. ft. of ground floor retail, 76 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. The project does not propose any off-street vehicular parking. The dwelling unit mix includes 18 studios, 27 one-bedroom units and 30 two-bedroom units. The Project includes 9,046 sf of usable open space through a combination of private (10 units totaling 2,045 sf) and common open space (7,001 sf). Six new trees would be planted adjacent to the subject property along Mission Street and the existing curb cut on Mission Street will be removed and replaced with new sidewalk. The Project would also merge three existing lots to create one 11,653 square foot lot. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.
5. **Public Comment.** To date, the Department has received one hundred and eighty one (181) letters of support and eighty-six (86) letters opposing the project. Both supporting and opposing comments received were predominantly form letters (see attached samplings of each). Those in favor of the project are supportive because the Project will provide 75 new residential units on a major transit corridor one block away from BART without displacing anyone. Those in opposition of the Project state that it would contribute to the gentrification and displacement of long-term residents of the Mission; it would provide 65 luxury units to Mission Street; it will result in less than 12 percent of the units affordable to low-income residents; and it will result in a domino effect of higher overall rents in the neighborhood, displacement of local, legacy



businesses serving the community, and the erasure of Latino residents from the Mission. Both groups state that the City should purchase the Project at fair market value to develop a 100 percent affordable housing project, as offered by the property owner/Project Sponsor.

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 NCT Zoning Districts.** Planning Code Section 754 states that residential uses are a principally permitted use within the Mission Street NCT Zoning District. Retail uses are principally, conditionally or not permitted.

*The Project would construct new residential and retail uses within the Mission Street NCT Zoning District; therefore, the Project complies with Planning Code Section 754. Depending on the specific retail tenant(s), they will comply as principally permitted retail uses per Sec. 754 or seek a Conditional Use, as required by the Planning Code.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 3.6:1 for properties within the Mission Street NCT Zoning District and a 45-X, 55-X and 65-B Height and Bulk District.

*The subject lots are 11,653 sq. ft. in total, thus resulting in a maximum allowable floor area of 41,950 sq. ft. for non-residential uses. The Project would construct approximately 6,954 sq. ft. of retail 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 includes an above-grade rear yard, which measures approximately 2,570 sq. ft. The required rear yard does not measure the entire length of the lot. In certain locations, the required rear yard depth is less than 25 percent.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for rear yard requirements, which are defined in Planning Code 134. This reduction in the rear yard requirements is necessary to enable the construction of the project with the increased density provided by as required under Government Code Section 65915(d).*

- D. **Usable Open Space.** Within the Mission Street NCT, Planning Code Section 754, a minimum of 80 sq. ft. of open space per dwelling unit if private or 100 sq. ft. if common is required for each dwelling unit.

*Per Planning Code Section 134(g), private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court.*

Common usable 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 sq ft 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 includes 10 units with private open space meeting the size and dimensional requirements of the Planning Code. For the remaining 65 units, 7,001 sq. ft. of common open space is provided with common terraces on the second and sixth floors and roof deck; therefore, the Project complies with Planning Code Section 754.*

- E. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139, and the Project meets the requirements for feature-related hazards.*

- F. **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 feet wide, side yard or rear yard must be at least 25 feet in width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

*The Project organizes the dwelling units to have exposure on Mission Street or along the rear yard. As proposed, 39 dwelling units face the non-complying rear yard and 3 south-facing units only face a side yard that does not meet the dimensional requirements. Therefore, 42 of the 75 dwelling units do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for dwelling unit exposure, which are defined in Planning Code 140. This reduction in the dwelling unit exposure requirement is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(d).*

- G. **Street Frontage in Neighborhood Commercial 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 14 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 meets the requirements of Planning Code Section 145.1. The Project does not possess off-street parking. The Project features active uses on the ground floor with a residential lobby, and retail space along Mission Street. The ground floor ceiling height of the non-residential uses are at least 14 feet tall and provide required ground level transparency and fenestration. Therefore, the Project complies with Planning Code Section 145.1.*

- H. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires one Class 1 bicycle parking space per dwelling unit and one Class 2 bicycle parking spaces for every 20 dwelling units. Additional bicycle parking requirements apply based on classification of non-residential uses; at least two Class 2 spaces are required for retail uses.

*The Project includes 75 dwelling units; therefore, the Project is required to provide 75 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces for residential uses and one Class 1 bicycle space and three Class 2 bicycle parking spaces for the ground floor non-residential uses. The Project will provide seventy-six (76) Class 1 bicycle parking spaces and fourteen (14) Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the Project complies with Planning Code Section 155.2.*

- I. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to 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 target of 7 points. As currently proposed, the Project will achieve its required 7 points through the following TDM measures:*

- *Bicycle Parking (Option A)*
- *On-site Affordable Housing (Option B)*
- *Parking Supply (Option K)*

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

*For the 75 dwelling units, the Project is required to provide at least 30 two-bedroom units or 23 three-bedroom units. The Project provides 18 studios, 27 one-bedroom units and 30 two-bedroom. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.*

- K. **Height and Bulk.** Planning Code Section 250 and 252 outlines the height and bulk districts within the City and County of San Francisco. The Project is located in three height and bulk districts: 45-X, 55-X and 65-B. Therefore, the proposed development is permitted up to a height of 45 to 55 feet with no bulk limit in the 45-X and 55-X Height and Bulk Districts, and up to a height of 65 feet and a 110 foot maximum length and 125 foot maximum diagonal for a height above 50 feet in the 65-B Height and Bulk District.

*The Project would construct a new mixed-use development up to 84 feet, 8 inches tall and exceeds the height limits by approximately 20 feet. The portion of the Project located in the 65-B bulk district above 50 feet in height has a maximum length of 117 feet, exceeding the 110 foot limit, and a maximum diagonal dimension of 122 feet, 8 inches, complying with bulk restrictions. The total diagonal dimension of the Project above 50 feet is 146 feet, 1 inch, including the portion of the Project site zoned 45-X and 55-X, which is not subject to bulk limits.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and proposes a waiver from the development standards for height and bulk, which are defined in Planning Codes 250, 252, and 270. These expansions beyond the height and bulk requirements are necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).*

- L. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a "narrow street", which is defined as a public right of way less than or equal to 40-feet in width. Osage Alley measures approximately 15-feet wide and is considered a narrow street. For the subject frontage along a narrow street, a 10 foot setback is required above a height of 31-feet, 4-inches. Subject frontage is defined as any building frontage more than 60-ft from an intersection with a street wider than 40-feet.

*Along Osage Alley, the Project is setback at least 10-feet from the property line where the height is above 31-feet, 4-inches; therefore the Project complies with Planning Code Section 261.1.*

- M. **Shadow.** Planning Code Sections 147 and 295 restricts net new shadow, cast by structures exceeding a height of 40-feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40-feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

*The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.*

- 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 60,006 gsf of new residential use and 6,724 gsf of non-residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project filed an environmental review application on or before July 21, 2015, thus the residential use will be subject to 50 percent of the applicable residential TSF.*

- O. **Residential Childcare Impact Fee.** Planning Code Section 414A is applicable to any residential development citywide that results in the addition of a residential unit.

*The Project includes approximately 60,006 gsf of residential use. The proposed Project is subject to fees as outlined in Planning Code Section 414A.*

- P. **Inclusionary Affordable Housing Program in Mission Street NCT Zoning District.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

*The Project Sponsor seeks to develop under the State Density Bonus Law, and therefore must include on-site affordable units in order to construct the Project at the requested density and with the requested waivers of development standards. The Project Sponsor submitted a complete Environmental Evaluation on July 21, 2015, thus is required to provide affordable units in the amount of 14.5 percent of the number of units constructed on site. The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Sections 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 on-site affordable housing. The Project Sponsor is providing 14.5 percent of the base project units as affordable to satisfy the Inclusionary Affordable Housing Program obligation, which includes 8 units (2 studios, 3 one-bedroom and 3 two-bedroom) of the 75 units provided will be affordable units.*

*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 projects on- or offsite 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 July 24, 2017. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on July 21, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5 percent of the total proposed dwelling units in the Base Project as affordable.*

*The Project Sponsor will satisfy the Inclusionary Housing requirements by providing seven units, or 11 percent of the total proposed dwelling units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and by providing one additional inclusionary unit at the affordability levels specified in the City's Inclusionary Housing Program or any successor program applicable to on-site below-market rate units, totaling 14.5% of the proposed dwelling units in the Base Project.. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative prior to issuance of the first construction document, this conditional use approval shall be deemed null and void. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative after construction, the City shall pursue any and all available remedies at law.*

- Q. Eastern Neighborhood Infrastructure Impact Fee.** Planning Code Section 423 is applicable to any development project within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District that results in the addition of gross square feet of residential and non-residential space.

*The Project includes approximately 67,314 gsf of new development consisting of approximately 60,006 sq. ft. of residential use and 6,724 sq. ft. of 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. State Density Bonus Law:** Per California Government Code Section 65915-65918 and Planning Code section 206.6, the Project Sponsor has elected to utilize the State Density Bonus Law. The State Law permits a 35 percent density bonus if at least 11 percent of the "Base Project" units are affordable to very-low-income households (as defined in California Health and Safety Code section 50105). The "Base Project" includes the amount of residential development that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: open space, dwelling unit exposure, etc.). Under the State Density Bonus Law, the Project Sponsor is entitled to a specified number of concessions or incentives, as well as waivers for any development standard that would physically preclude construction of the project at the proposed density and with the concessions or incentives.

*The Project is providing 11 percent of units in the Base Project as affordable to very-low income households (as defined in California Health and Safety Code section 50105) and is entitled to a 35 percent density bonus and three concessions or incentives under State Law. The Project also seeks waivers to the*

*development standards for: 1) Rear Yard (Planning Code Section 134); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Sections 250); and, 4) Bulk requirement (Planning Code Section 270), which are necessary to construct the Project at the proposed density.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Authorization. On balance, the project complies with said criteria in that:

- 1) The proposed new uses and building, at the size and intensity contemplates and at the proposed location, will provide a development that is necessary of desirable, and compatible with, the neighborhood or the community.

*The Project will demolish a single-story commercial building that is currently occupied by a laundromat and associated surface parking lot, and construct a new eight-story mixed-use development with 75 dwelling units and ground floor retail space. Given the objectives of the Mission Area Plan, the Project is necessary and desirable in preserving the diversity and vitality of the Mission, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities and minimizing displacement. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood. The Project will also replace an underutilized site, while also providing new public amenities, including landscaping, sidewalk improvements and bicycle parking. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, educational facilities, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.*

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

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project site is a three-parcel, L-shaped lot with frontage on both Mission Street and Osage Alley, totaling 11,653 square feet in area. The site is currently developed with a 6,433 square foot surface parking lot and a 5,500 square foot commercial building containing a laundromat. The Project will consist of a single structure that maintains a street wall along all frontages at the ground floor, with a podium-level rear yard 18 to 40-feet deep fronting Osage Alley. The building massing is oriented towards the more prominent Mission Street frontage with the 6<sup>th</sup>(partial), 7<sup>th</sup> and 8<sup>th</sup> stories sculpted back. The building is also sculpted back on the 7<sup>th</sup> and 8<sup>th</sup> stories from Osage Alley and the*

*adjacent condominium building to the west of the property at 3421 25<sup>th</sup> Street. Overall, the Project, which would establish a new six- to eight-story building with ground floor retail in an existing mixed-use neighborhood, will be beneficial to the surrounding neighborhood.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Project would not adversely affect public transit in the neighborhood. The Project site is located one block from the 24<sup>th</sup> Street BART Station and is close to several MUNI bus lines, including the 12, 14, 14R, 27, 48, 49, 55, 67 and 800. The Project provides no off-street parking, which supports the City's transit first policies. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation. The Project also incorporates an on-street loading zone in front of the building on Mission Street.*

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

*The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of 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 the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. Overall, the Project is not expected to generate dust or odor impacts.*

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

*The Project will provide the required number of street trees and bicycle parking along the public-rights-of-way. The Project will also remove a curb cut along the Mission Street frontage and replace it with new sidewalk. These upgrades will be beneficial to the surrounding neighborhood because it will provide new street improvements, lighting and vegetation.*

- 3) That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code, except for those requirements for which the Project Sponsor seeks a waiver under the State Density Bonus Law*



*(California Government Code Sections 65915-65918). The Commission finds that these waivers are required in order to construct the Project at the density allowed by State Law. The Project is consistent with objectives and policies of the General Plan as detailed below.*

- 4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*Per Planning Code Section 754, the Mission St NCT Zoning District is described as:*

*This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*

*The Project will be in conformity with the Mission Street NCT in that it will provide a mixed-use development that provides ground floor retail space with a continuous retail frontage and residential units above, consistent with surrounding neighborhood.*

9. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots In Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

*The Project's design includes a mass and façade that borrows elements present in the surrounding neighborhood, such as traditional bay windows, painted plaster and terracotta cladding, to ensure a design that is of an appropriate scale for this larger development site. The Mission Street façade's massing is broken up horizontally by two large retail storefronts on the ground floor and differentiated exterior finished on the 8<sup>th</sup> floor. Vertically, the façade is broken up with a series of bay window projections with accent colors and varying wall planes.*

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

*The Mission is one of the City's most distinctive neighborhoods as identified in the City's General Plan. The proposed facade design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor which is consistent with the unique identity of the Mission. The new building's character ensures the best design of the times with high-quality building materials (including terracotta cladding, glass reinforced concrete (GRC) cladding, painted plaster, and stone tile) that relate to the surrounding structures that make-up the Mission's distinct character while acknowledging and respecting the positive attributes of the older buildings. The Project also includes blind wall murals its northern and southern facades to be commissioned to local artists. It also provides an opportunity for an increased visual interest that enhances and creates a special identity with a unique image of its own in the neighborhood. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood*

10. **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 1.4**

Ensure community based planning processes are used to generate land use controls.

##### **Policy 1.6**

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

##### **Policy 1.8**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional, or other single use development projects.

##### **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.

*The Project is a higher density mixed-use development on an underutilized lot along a primary vehicular transit corridor. The Project Site is an ideal infill site that is currently occupied by a commercial use (laundromat) and ancillary surface parking lot. The proposed Project would add 75 units of housing to the site with a dwelling unit mix of studio, one-bedroom, and two-bedroom units. The Project is consistent with the Mission Street NCT Zoning District, which encourages housing development in new buildings above the ground story and that is affordable to people with a wide range of incomes. The Project includes eight on-site affordable housing units for ownership, which complies with the Mission Street NCT District's goal to provide a higher level of affordability. As noted by the Project Sponsor, the Project is "affordable by design," since the Project incorporates economically efficient dwelling units, which average 402 sf for studios, 563 sf for one-bedrooms, and 818 sf for two-bedrooms. The Project does not possess any vehicular parking. The Project would satisfy its inclusionary affordable housing requirement by designating 8 on-site affordable housing units to satisfy the Inclusionary Affordable Housing obligation.*

#### **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.

##### **Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The Project will add 75 dwelling units to the City's housing stock, and meets the affordable housing requirements by providing for eight on-site permanently affordable units for rental, thus encouraging diversity among income levels within the new development.*

#### **OBJECTIVE 11**

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

##### **Policy 11.1**

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

##### **Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.8**

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

*The Project responds to the site's location within a mixed-character neighborhood. The Project would construct a new eight-story mixed-use building on the west side of Mission Street. The scale of the Project is appropriate from an urban design perspective because it recognizes the significance of this location along the Mission Street transit corridor, one block from the 24<sup>th</sup> Street BART station. Overall, the Project's massing also recognizes the existing block pattern as it relates to the street frontage along Mission Street. The neighborhood is characterized by a wide variety of residential, commercial, retail and PDR uses. In addition, the Project includes projecting vertical and horizontal architectural elements, which provide vertical and horizontal modulation along the street facades and provides a high-quality material palate which invokes the traditional architecture found in the Mission.*

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.2**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing.

*The Project is located in proximity to many neighborhood amenities. The Project is located on Mission Street between 25<sup>th</sup> and 26<sup>th</sup> Streets, which provide a variety of retail establishments, restaurants, small grocery stores, educational facilities and cafes. The Project is also located near the Mission Cultural Center and the 24<sup>th</sup> Street BART Station.*

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1**

Support "smart" regional growth that locates new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The Project Site is located within a quarter mile of several local transit lines including MUNI lines 12, 14, 14R, 27, 48, 49, 55, 67 and 800. The 24<sup>th</sup> Street Bart Station is on block away. Residential mixed-use development at this site would support a smart growth and sustainable land use pattern in locating new housing in the urban core close to jobs and transit. Furthermore, the bicycle network in the Mission District is highly developed and utilized. The Project provides 76 Class 1 bicycle parking spaces on-site in addition to 14 Class 2 bicycle parking along the frontage.*

**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.

*The Project proposes landscaped open space at the rear of the first residential level, and the roof deck has potential for planters and additional landscaping.*

**OBJECTIVE 3:**

**IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE**

**Policy 3.6:**

Maintain, restore, expand and fund the urban forest.

*The 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 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along Mission Street. Frontages are designed with transparent glass and intended for active spaces oriented at the pedestrian level.*

**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 76 Class 1 and 14 Class 2 bicycle parking spaces in secure, convenient locations.*

**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 34.3:**

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

**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 does not provide any off-street vehicular parking, which complies with Planning Code Section 151.1. Further, the project will infill the existing curb cut on the project site along the Mission Street frontage.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

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

**Policy 4.4:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

**Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The Project does not provide any off-street vehicular parking; therefore, the Project limits conflicts with pedestrians and bicyclists. New street trees will be planted on Mission Street and an existing curb cut will be removed. Along the project site, the pedestrian experience will be greatly improved.*

**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 1.1.7**

Permit and encourage greater retail uses on the ground floor on parcels that front 16th Street to take advantage of transit service and encourage more mixed uses, while protecting against the wholesale displacement of PDR uses.

*The Project will provide 6,724 square feet of retail space on the ground floor of the building while also providing new housing on a site where none currently exists. Therefore strengthening the mixed use character and maintaining the neighborhood as a place to live and work.*

**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.

*The Project will replace a single-story commercial building and associated parking lot with a new mixed-use building with ground floor retail space and residential units above, consistent with the existing residential and commercial uses in the neighborhood. Additionally, the Project complies with the applicable the bedroom mix requirements and is seeking waivers from the height and bulk standards through utilization of the State Density Bonus Law.*

### Housing

#### **OBJECTIVE 2.3**

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

##### **Policy 2.3.3**

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.

*The Project includes 18 studios, 27 one-bedroom units and 30 two-bedroom units of which 8 will be Below Market Rate (BMR). Three of the BMR units will be two-bedroom units. Furthermore, the Project will be subject to the Eastern Neighborhood Impact Fee, Transportation Sustainability Fee and Residential Childcare Fee.*

#### **OBJECTIVE 2.6**

**CONTINUE AND EXPAND THE CITY'S EFFORTS TO INCREASE PERMANENTLY AFFORDABLE HOUSING PRODUCTION AND AVAILABILITY.**

##### **Policy 2.6.1**

Continue and strengthen innovative programs that help to make both rental and ownership housing more affordable and available.

*The Project will create seventy-five residential units, eight of which are BMR units, on a site where no housing currently exists, thus increasing affordable housing production and availability.*



**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 3.1.6**

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.

*The Project will replace an unremarkable single-story commercial building with a well-articulated, contemporary, mixed-use building. The Project will be constructed with high quality materials and within the allowed height limits for the zoning district to respect the surrounding buildings.*

**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.

*The Project is largely residential, but includes a moderately-sized ground floor retail component along Mission Street, with a ceiling height for the retail is approximately of 16 feet, 6 inches. The Project provides the mix of uses encouraged by the Area Plan for this location. In addition, the Project includes the appropriate dwelling-unit mix, since 40% or 30 of the 75 units are two-bedroom dwelling units. The Mission is one of the City's most distinctive neighborhoods as identified in the City's General Plan. The new building's character ensures the best design of the times with high-quality building materials that relates to the surrounding structures that make-up the Mission's distinct character while acknowledging and respecting the positive attributes of the older buildings. It also provides an opportunity for an increased visual interest that enhances and creates a special identity with a unique image of its own in the neighborhood. Overall, the Project offers an architectural treatment that is contemporary, yet contextual, and that is consistent and compatible with the surrounding neighborhood. The Project does not include any off-street parking and will eliminate the existing curb cut along Mission Street.*

11. **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 complies 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.

*Currently, the existing building on the Project Site is a one-story laundromat. Although the Project would remove this use, the Project does provide for 6,724 square feet of new retail space at the ground level. The Project improves the urban form of the neighborhood by adding new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.*

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

*No housing exists on the Project Site. The Project will provide 75 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project offers an architectural treatment that is contemporary, yet contextual, and an architectural design that is consistent and compatible with the surrounding neighborhood. For these reasons, the 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 comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.*

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

*The Project Site is served by public transportation. Future residents would be afforded close proximity to bus or rail transit. The Project also provides bicycle parking for residents and their guests.*

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

*The Project is consistent with the Mission Area Plan, which encourages mixed-use development along Mission Street. The Project does not involve the creation of commercial office development. The Project would enhance opportunities for resident employment and ownership in retail sales and service sectors by providing for new housing and retail space, which will increase the diversity of the City's housing supply (a top priority in the City) and provide new potential neighborhood-serving uses and employment opportunities.*

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not adversely affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the Project Site.*

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

*The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.*

12. **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.*

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2014.0376CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 30, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

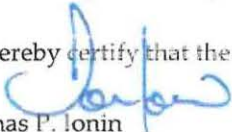
The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Eastern Neighborhoods Plan EIR and contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20066. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

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

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

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

  
Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NAYS: Melgar and Moore

ABSENT: Hillis

ADOPTED: November 30, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is a Conditional Use Authorization to allow the demolition of an existing 5,200 square-foot (sq. ft.), single-story, approximately 15-foot-tall commercial building and construction of an eight-story, 84-foot, 8-inch-tall 67,314 sq. ft. mixed-use building with 75 dwelling units and 6,724 sq. ft. of ground floor retail located at 2918 Mission Street, Block 6529, Lots 002, 002A, 003, pursuant to Planning Code Sections 121.2, 303 and 754 and the Mission 2016 Interim Zoning Controls (Planning Commission Resolution No. 19865) within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District, and 45-X, 55-X and 65-B Height and Bulk Districts; in general conformance with plans, dated November 30, 2017, and stamped "EXHIBIT B" included in the docket for Record No. 2014.0376CUA and subject to conditions of approval reviewed and approved by the Commission on November 30, 2017 under Motion No. 20066. 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. 20066.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20066 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 Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

1. **Validity.** The authorization and right vested by virtue of this action is valid up to two (2) 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 two-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.** The Commission shall conduct a public hearing in order to consider the revocation of the Authorization and shall consider the project's progress and intent to construct/build. 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 two (2) 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. 2014.0376ENV) 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

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 building permit plans. 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. 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. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;

- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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

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

## PARKING AND TRAFFIC

12. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 90 bicycle parking spaces (76 Class 1 spaces for the residential portion of the Project and 14 Class 2 spaces for both the residential and commercial/PDR portion 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)*

13. **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

14. **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)*

15. **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)*



16. **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)*
17. **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)*
18. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

19. **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)*

## OPERATION

20. **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/>*
21. **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)*

## ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

22. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the "Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects," which were recommended by the Entertainment Commission on January 29, 2016. These conditions state:
- a) **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
  - b) **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
  - c) **Design Considerations.**
    - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
    - ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
  - d) **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
  - e) **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

#### **INCLUSIONARY HOUSING REQUIREMENTS**

23. **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..
- a) **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is currently required to provide 14.5% of the proposed dwelling units in the Base Project as affordable to qualifying households. The Project Sponsor has elected to satisfy the Inclusionary Affordable Housing obligation by providing on-site inclusionary units. The

Project Sponsor will fulfill this requirement by providing the 8 affordable units on-site. As required for the project to achieve a 35% density bonus under the State Density Bonus Law and Planning Code section 206.6, 7 (11%) of the eight required units shall be affordable for a term of 55 years to households earning less than 50% of area median income and, upon the expiration of the 55 year term, shall thereafter be rented at the rates specified in the inclusionary affordable housing program. The remaining inclusionary unit is subject to the requirements as set forth in Section 415. 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"), and in accordance with the State Density Bonus Program and Planning Code section 206.6.

*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).*

- b) **Unit Mix.** The Base Project contains 15 studios, 17 one-bedroom, and 23 two-bedroom units; therefore, the required affordable unit mix is 2 studios, 3 one-bedroom, and 3 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).*

- c) **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).*

- d) **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fourteen and one half percent (14.5%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

- e) **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).*

- f) **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).*

- (i) 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.
- (ii) If the units in the building are offered for rent, seven (11%) of the affordable unit(s) shall be rented to very low-income households, as defined in California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. Any remaining inclusionary units shall be rented to low-income households, as defined in the Planning Code and the 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, and (iii) subleasing are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- (iii) 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.

- (iv) Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- (v) 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.
- (vi) 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 waivers (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.
- (vii) 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.
- (viii) If the Project becomes ineligible for the On-site Affordable Housing Alternative prior to the issuance of the first construction permit, the approvals shall be null and void. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor or its successor shall pay the Affordable Housing Fee on the entirety of the project, including any additional density as allowed under State law, and shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable, and the City shall pursue any and all available remedies at law.



SAN FRANCISCO  
**PLANNING DEPARTMENT**

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BOARD OF SUPERVISORS  
SAN FRANCISCO

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BY BH

**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.: 2014-0376ENV  
Project Address: 2918-2924 Mission Street  
Zoning: Mission Neighborhood Commercial Transit (NCT) District  
65-B/55-X, 65-B/55-X, and 65B/45-X Height and Bulk Districts  
Block/Lot: 6529/002, 002A, 003  
Lot Sizes: 2600, 2620, and 6433 sf; 11,653 sf total  
Plan Area: Mission Subarea of the Eastern Neighborhoods  
Project Sponsor: Mark Loper, Reuben, Junius & Rose, LLP  
415-567-9000  
Staff Contact: Julie Moore, 415-575-8733  
Julie.Moore@sfgov.org

**PROJECT DESCRIPTION**

The project site consists of three lots on the west side of Mission Street between 25<sup>th</sup> Street and 26<sup>th</sup> Street; the southernmost lot extends from Mission Street to Osage Alley. The proposed project would demolish an approximately 5,200-square-foot (sf), one story, commercial building and adjacent 6,400-sf surface parking lot to construct an eight-story, 85-foot-tall, residential building with ground floor retail. As proposed, the project would require waivers, concessions, and/or incentives from Planning Code physical development limitations pursuant to California Government Code section 65915, commonly known as the state density bonus law, including for a building height 20 feet above the 65-foot height limit.

(Continued on next page.)

**CEQA DETERMINATION**

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

**DETERMINATION**

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

Lisa Gibson  
Lisa Gibson  
Environmental Review Officer

8/30/17  
Date

cc: Mark Loper, Reuben, Junius & Rose LLP, Project Sponsor; Supervisor Hillary Ronen, District 9; Linda Ajello Hoagland, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

The proposed 67,300-sf building would include 75 dwelling units (18 studio, 27 one-bedroom, and 30 two-bedroom). Two retail spaces, totaling about 6,700 sf, would front Mission Street on either side of the building lobby. A 44-foot-long white loading zone would be provided in front of the lobby and the existing parking lot curb cut would be replaced with sidewalk. A bicycle storage room with 76 class 1 bicycle spaces would be accessed through the lobby area and from Osage Alley. Six street trees and seven bicycle racks (14 class 2 bicycle parking spaces) would be installed on Mission Street.<sup>1</sup> Open space would be provided by common terraces on the second floor and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf of private decks. The proposed building would include an elevator and stair penthouse approximately 9 feet in height above the 85-foot-tall roof.

## PROJECT APPROVAL

The project requires a conditional use authorization per Planning Code section 121.1 for new construction on a large lot. Planning Commission approval of the conditional use authorization would constitute 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.

## 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 2918-2924 Mission Street project 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

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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."

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



prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 2918 – 2924 Mission 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.

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.

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<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=1892>, 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.

<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.



As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to NC-T (Neighborhood Commercial - Transit) District. The NC-T District is intended to promote high-density housing and a flexible mix of smaller neighborhood-serving retail and commercial uses. Restrictions on the size of non-residential uses would prohibit the development of large scale retail and office uses, and most PDR uses. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the community plan evaluation (CPE) initial study, under Land Use. The 2918 – 2924 Mission Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 45 to 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 2918–2924 Mission Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 2918–2924 Mission Street project, and identified the mitigation measures applicable to the 2918–2924 Mission Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>6,7</sup> Therefore, no further CEQA evaluation for the 2918–2924 Mission Street project is required. In sum, the Eastern Neighborhoods PEIR and this certificate of determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on a block bounded by Mission Street to the east, Osage Alley to the west, 25<sup>th</sup> Street to the north and 26<sup>th</sup> Street to the south. The project area along Mission Street is primarily zoned Mission NC-T and characterized by two and three story buildings with ground floor retail. West of the site in the Residential Transit Oriented-Mission (RTO-M) zoning between Osage Alley and Orange Alley, the uses are predominantly residential buildings, two to four stories in height; with a seven-story apartment building at the northwest corner of Osage Alley and 25<sup>th</sup> Street. Buildings immediately adjacent to the project site are the Zaida T. Rodriguez Early Education School to the south and to the west across Osage Alley, Chase Bank to the north at the corner of Mission and 25<sup>th</sup> Street, and a mix of two and three story buildings used for a variety of uses including automobile repair, retail stores, residences, restaurants, and the Instituto Familiar de la Raza across Mission Street to the east. The western boundary of the Calle 24 Latino Cultural District is located along the eastern side of Mission Street; the boundary of the Calle 24 Special Use District is situated generally one block further east on Lilac Street.

The Bay Area Rapid Transit (BART) 24<sup>th</sup> Street station is located one block north of the project site, as are several MUNI bus lines including the 14-Mission, 14R-Mission Rapid, 48-Quintary/24<sup>th</sup> Street, 49-Van

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<sup>6</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2918-2924 Mission Street, April 19, 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. 2014.0376ENV.

<sup>7</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2918-2924 Mission Street, June 1, 2017.

Ness/Mission and the 67-Bernal Heights. Access to U.S. 101 is less than one mile southeast of the site via Cesar Chavez Street.

## 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 2918-2924 Mission 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 2918-2924 Mission Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not displace an existing PDR use and, therefore, would not contribute to the significant and unavoidable land use impact. The proposed project would not impact a CEQA historical resource and would therefore not contribute to the significant and unavoidable historic architectural resources impact. The proposed project would not generate cumulatively considerable new transit trips and would therefore not contribute to the significant and unavoidable transportation impacts. The proposed project would not cast new shadow that would negatively affect the use and enjoyment of a recreational resource, and therefore would 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.

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

Mitigation Measure	Applicability	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Applicable	The project sponsor has agreed to predrill piles where feasible and to use noise shielding devices.
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: CEQA no longer requires consideration	N/A

Mitigation Measure	Applicability	Compliance
	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.	
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA no longer requires 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
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-generating uses	N/A
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires 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: these requirements have been superseded by the San Francisco Dust Control Ordinance	The proposed project would be required to comply with the San Francisco Dust Control Ordinance and Article 22A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by Article 38 requirements	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed residential and retail uses are not expected to emit substantial levels of DPM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed project would not include a backup diesel generator or	N/A

Mitigation Measure	Applicability	Compliance
	other sources of TACs	
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: no archeological studies are on file for this site	N/A
J-2: Properties with no Previous Studies	Applicable: the project would require excavation.	The project sponsor has agreed to implement measures for the accidental discovery of archeological resources
J-3: Mission Dolores Archeological District	Not Applicable: the project 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: project includes demolition of an existing structure	Project sponsor has agreed to implement measures for handling and disposal of hazardous building materials
<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

Mitigation Measure	Applicability	Compliance
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level 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 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 September 30, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. Comments were received from 19 individuals or entities. Overall, environmental 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 concern regarding noise and air quality during construction, hazardous materials in soil, shading on the childcare center's play yards and nearby properties, pedestrian safety on Osage Alley, lack of sufficient parking, and the scale of the project relative to the neighborhood buildings. Additional comments noted the need for more affordable housing and expressed concerns regarding displacement and gentrification in the vicinity, impacts on the Calle 24 Latino Cultural District, and cumulative air quality and greenhouse gas effects from additional traffic in the vicinity. As shown in the project-specific initial study, 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.

CEQA generally does not require the analysis of social or economic impacts. As stated in CEQA Guidelines section 15131(a), "economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. The construction of 2918-2924 Mission Street would not create an economic change that would lead to the physical deterioration of the surrounding neighborhood.

The Eastern Neighborhoods PEIR included an extensive analysis of the socioeconomic effects of the area plans and rezoning generally concluding that: (1) the rezoning would have secondary socioeconomic effects, (2) these effects would be more severe without the rezoning, and (3) these socioeconomic effects would not in turn lead to significant physical environmental impacts. The PEIR identifies improvement measures to address less than significant effects of potential displacement of some neighborhood-serving uses. Thus, the concerns about the socioeconomic effects of development under the area plans and rezoning are not new and were not overlooked by the plan-level EIR.

The Planning Department worked with ALH Urban & Regional Economics to prepare analyses of retail supply and demand, commercial and residential displacement, as well as a review of the relevant academic literature to evaluate whether gentrification and displacement of existing residents or businesses in the Mission can be attributed to market-rate residential and mixed-use development under the Eastern Neighborhoods rezoning and area plans. Neither these analyses nor the literature establishes empirical evidence supporting the position that market-rate development under the rezoning and area plans is responsible for residential or commercial displacement.

The department also conducted additional analysis to evaluate whether the proposed project would cause or contribute to significant impacts on the physical environment related to population growth, such as transportation, air quality, and greenhouse gas emissions, beyond those identified in the Eastern Neighborhoods PEIR. This analysis, like that previously provided in the community plan evaluations prepared for the project, is based on current data and modelling and uses the Planning Department's latest environmental impact analysis standards and methodologies. This analysis shows that cumulative impacts on traffic congestion are the same or slightly less severe than anticipated in the Eastern Neighborhoods PEIR. In addition, current data provided by the San Francisco Municipal Transportation Agency ("SFMTA") show that transit capacity on most lines serving the Eastern Neighborhoods is better than previously anticipated. This is due largely to SFMTA's implementation of a number of major transportation system improvements that were assumed to be infeasible at the time that the Eastern Neighborhoods PEIR was certified. Thus, there is no evidence that transportation and related air quality, greenhouse gas, and other impacts in the Eastern Neighborhoods plan areas are substantially more severe than the Eastern Neighborhoods PEIR disclosed.

## CONCLUSION

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

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

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

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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. 2014.0375ENV.

# MITIGATION MONITORING AND REPORTING PROGRAM

## 2918-2924 Mission Street (Case No. 2014.0376ENV)

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>					
<p><b><u>Project Mitigation Measure 1 – Accidental Discovery (Eastern Neighborhoods PEIR Mitigation Measure J-2)</u></b></p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource "ALERT" sheet to Prime Contractor, sub-contractors and utilities firms	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Submit signed affidavit of distribution to ERO
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity	Notify ERO of accidental discovery	ERO to determine additional measures
If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified		Considered complete upon implementation of any measures



## MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Archeological consultant		archeological consultant to be retained. Identify and evaluate archeological resources	Make recommendation to the ERO	requested by ERO
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO		Considered complete upon implementation of any measures requested by ERO
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any required archeological field program.	Submittal of Draft/Final FARR to ERO		
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 copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>NOISE</b>					
<p><b><u>Project Mitigation Measure 2 – Pile Driving Noise (Eastern Neighborhoods PEIR Mitigation Measure F-1).</u></b></p> <p>The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	Project sponsor; project contractor(s)	During construction period	Prepare and submit monthly report during construction.	San Francisco Planning Department and the Department of Building Inspection	Considered complete on submittal of final monthly report.
<p><b><u>Project Mitigation Measure 3 – Construction Noise (Eastern Neighborhoods PEIR Mitigation Measure F-2).</u></b></p> <p>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:</p> <ul style="list-style-type: none"> <li>Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>Monitor the effectiveness of noise attenuation measures by taking noise</li> </ul>	Project sponsor; project contractor(s)	<p>Prior to construction activities</p> <p>During construction period</p>	<p>Prepare and submit a Noise Control Plan</p> <p>Prepare and submit monthly noise reports.</p>	San Francisco Planning Department and the Department of Building Inspection	Considered complete on submittal of final monthly report.

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>measurements; and</p> <ul style="list-style-type: none"> <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>					

## HAZARDOUS MATERIALS

### Project Mitigation Measure 4 – Hazardous Building Materials (Eastern Neighborhoods PEIR Mitigation Measure L-1)

The project sponsor shall ensure that any existing equipment containing polychlorinated biphenyls (PCBs) or di (2-ethylhexyl)phthalate (DEPH), such as fluorescent light ballasts (that may be present within the existing buildings on the project site), are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

Planning Department and Department of Public Health (DPH)	Prior to approval of project	Comply with applicable laws during removal and disposal of any equipment containing PCBs or DEPH and document this process	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon receipt of final monitoring report at completion of construction
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# SAN FRANCISCO PLANNING DEPARTMENT

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## Initial Study – Community Plan Evaluation

*Date of Preparation:* August 30, 2017  
*Case No.:* 2014-0376ENV  
*Project Address:* 2918-2924 Mission Street  
*Zoning:* Mission Neighborhood Commercial Transit (NCT) District  
65-B/55-X, 65-B/55-X, and 65B/45-X Height and Bulk Districts  
*Block/Lot:* 6529/002, 002A, 003  
*Lot Sizes:* 2600, 2620, and 6433 sf; 11,653 sf total  
*Plan Area:* Mission Subarea of the Eastern Neighborhoods  
*Project Sponsor:* Mark Loper, Reuben, Junius & Rose, LLP  
415-567-9000  
*Staff Contact:* Julie Moore, 415-575-8733  
Julie.Moore@sfgov.org

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project site consists of three lots on the west side of Mission Street between 25<sup>th</sup> Street and 26<sup>th</sup> Street; the southernmost lot extends from Mission Street to Osage Alley. The proposed project would demolish an approximately 5,200-square-foot (sf), one story, commercial building and adjacent 6,400-sf surface parking lot to construct an eight-story, 85-foot-tall, residential building with ground floor retail. As proposed, the project would require waivers, concessions, and/or incentives from Planning Code physical development limitations pursuant to California Government Code section 65915, commonly known as the state density bonus law, including for a building height 20 feet above the 65-foot height limit.

The proposed approximately 67,300-sf building would include 75 dwelling units (18 studio, 27 one-bedroom, and 30 two-bedroom). Two retail spaces, totaling about 7,000 sf, would front Mission Street on either side of the building lobby. A 44-foot-long white loading zone would be provided in front of the lobby and the existing parking lot curb cut would be removed. A bicycle storage room with 76 class 1 bicycle spaces would be accessed through the lobby area and from Osage Alley. Six street trees and seven bicycle racks (14 class 2 bicycle parking spaces)<sup>1</sup> would be installed on Mission Street. Open space would be provided by common terraces on the second floor and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf of private decks. The proposed building would include an elevator and stair penthouse approximately 9 feet in height above the 85-foot-tall roof.

Construction of the proposed building would generally involve excavation of about 3 feet of soil over the entire project site and up to an estimated 17 feet deep at the location of two areas of known soil

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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."

contamination, resulting in removal of about 2,100 cubic yards of soil. The building slab would be constructed on top of an impermeable vapor barrier placed over a gravel layer and a passive ventilation system. Project construction is estimated to take approximately 20 months, which includes about two to three months for demolition, excavation, and pile driving, which would be the most intensive phases of construction.

Adjacent properties include a commercial bank to the north at the corner of Mission and 25<sup>th</sup> Street, the Zaida T. Rodriguez Early Education School to the south, and a residential apartment building and parking garage to the west. The Zaida T. Rodriguez annex child development center on Bartlett Street is across Osage Alley from the project site, as are two to three-story residences. The local vicinity on Mission Street is characterized by a wide variety of commercial, retail, public and residential uses. Across from the project site, the eastern side of Mission Street is the western boundary of the Calle 24 Latino Cultural District; the Calle 24 Special Use District begins one block further east on Lilac Street. The Bay Area Rapid Transit (BART) 24<sup>th</sup> Street station is located one block north of the project site, as are several MUNI bus lines. Access to U.S. 101 is less than one mile southeast of the site via Cesar Chavez Street.

Figure 1 shows the proposed project's location; Figure 2 shows the site plan; Figure 3 shows the ground floor plan; Figures 4 – 10 show the plans for levels 2 through 8; Figure 11 shows the roof plan; and Figure 12 shows the building elevation.

The proposed 2918-2924 Mission Street project would require the following approvals:

**Actions by the Planning Commission**

- Conditional Use Authorization per Planning Code section 121.1 for new construction on a large lot

**Actions by other City Departments**

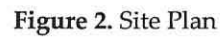
- Building Permit for demolition of existing building – Department of Building Inspection
- Building Permit for construction of new building – Department of Building Inspection
- San Francisco Entertainment Commission Review for Residential Projects within 300 feet of a Place of Entertainment per Chapter 116 of Administrative Code
- San Francisco Department of Public Health – Review for Compliance with Article 22A of the San Francisco Health Code

2918-2914 Mission Street



Printed: 22, December 2015

Figure 1. Project Site Location



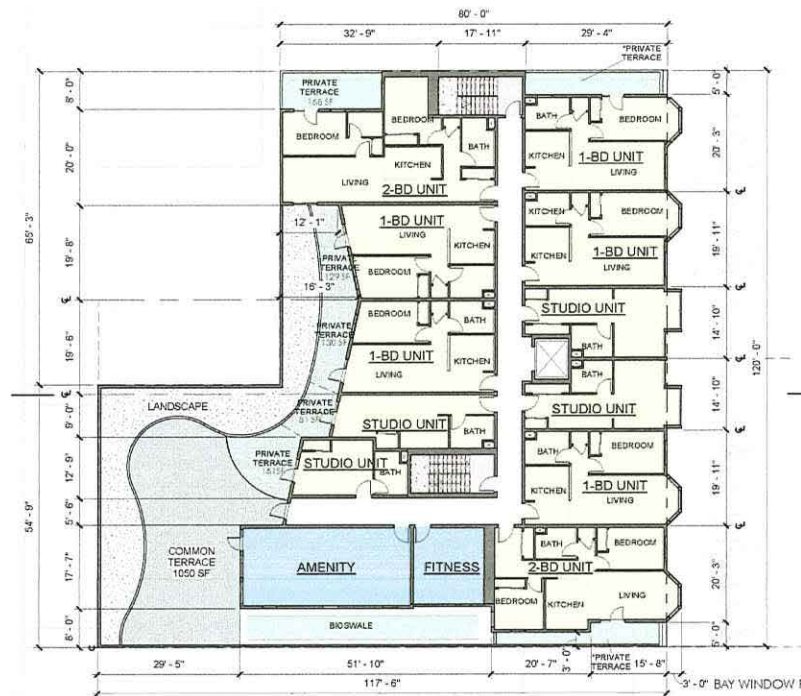


Figure 4. Second Floor Plan

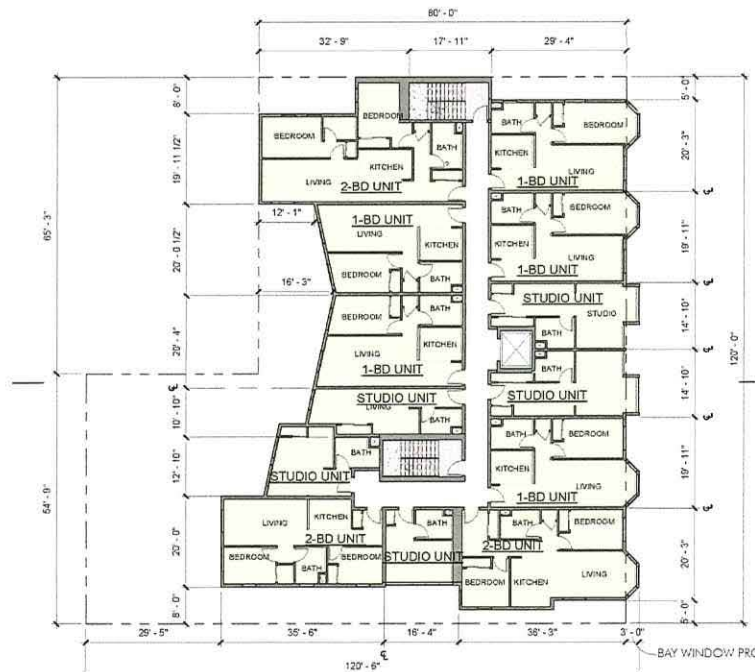
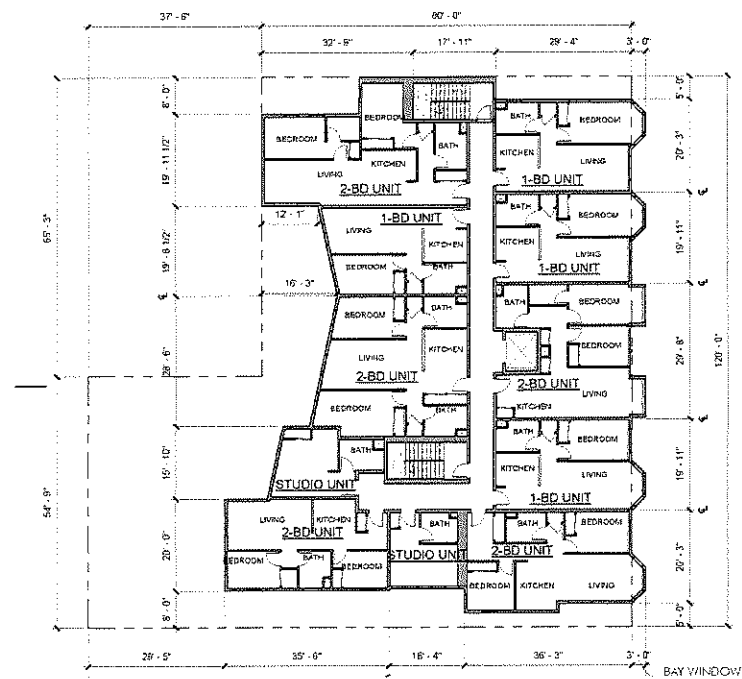
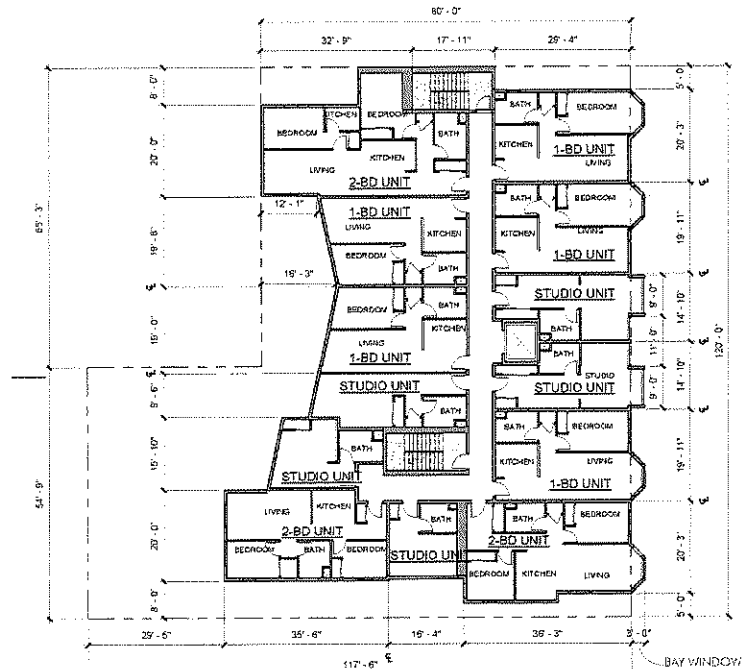


Figure 5. Third Floor Plan





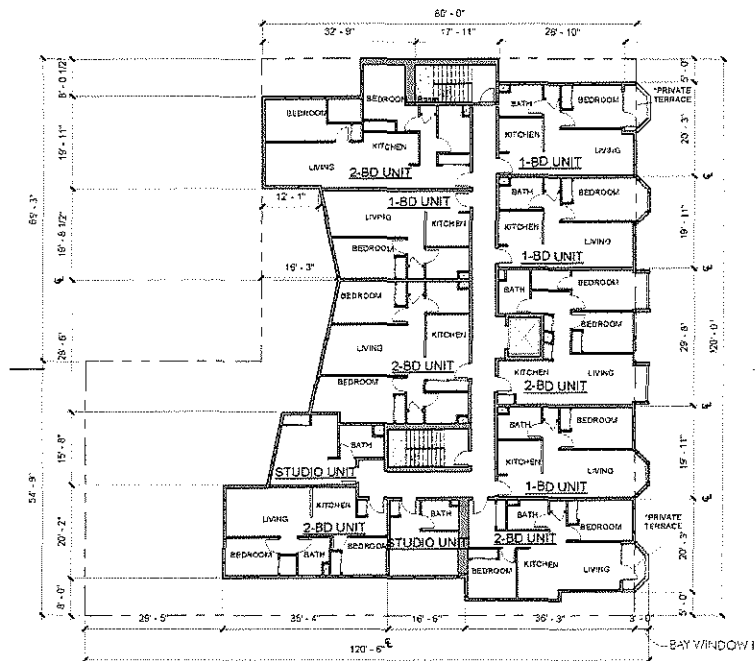


Figure 8. Sixth Floor Plan

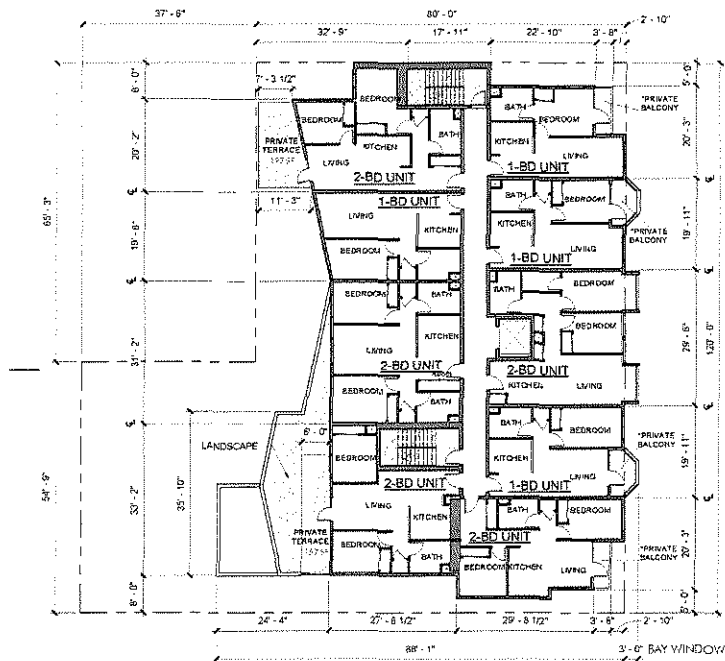


Figure 9. Seventh Floor Plan

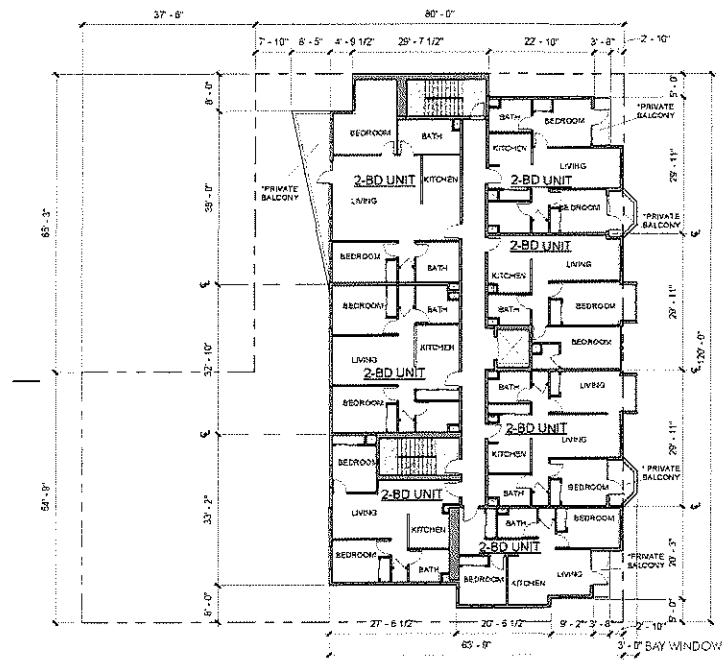


Figure 10. Eighth Floor Plan

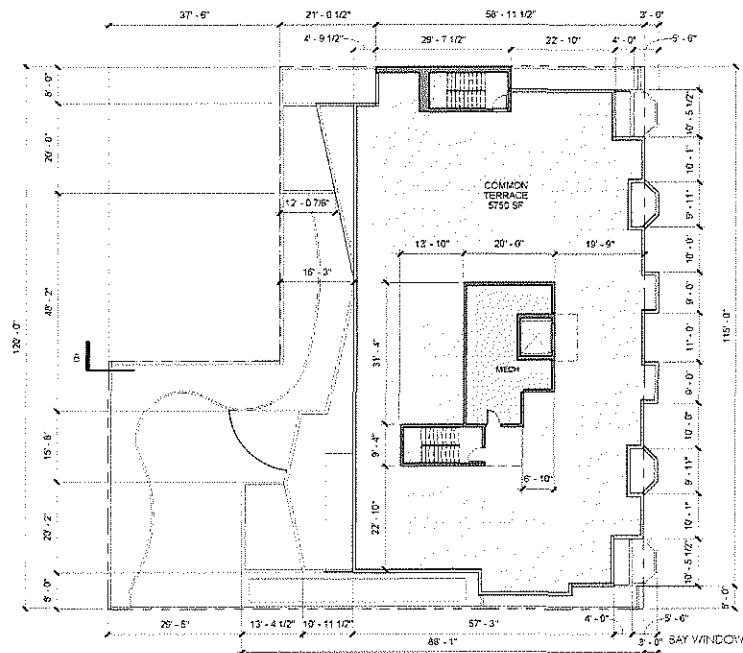


Figure 11. Roof Plan

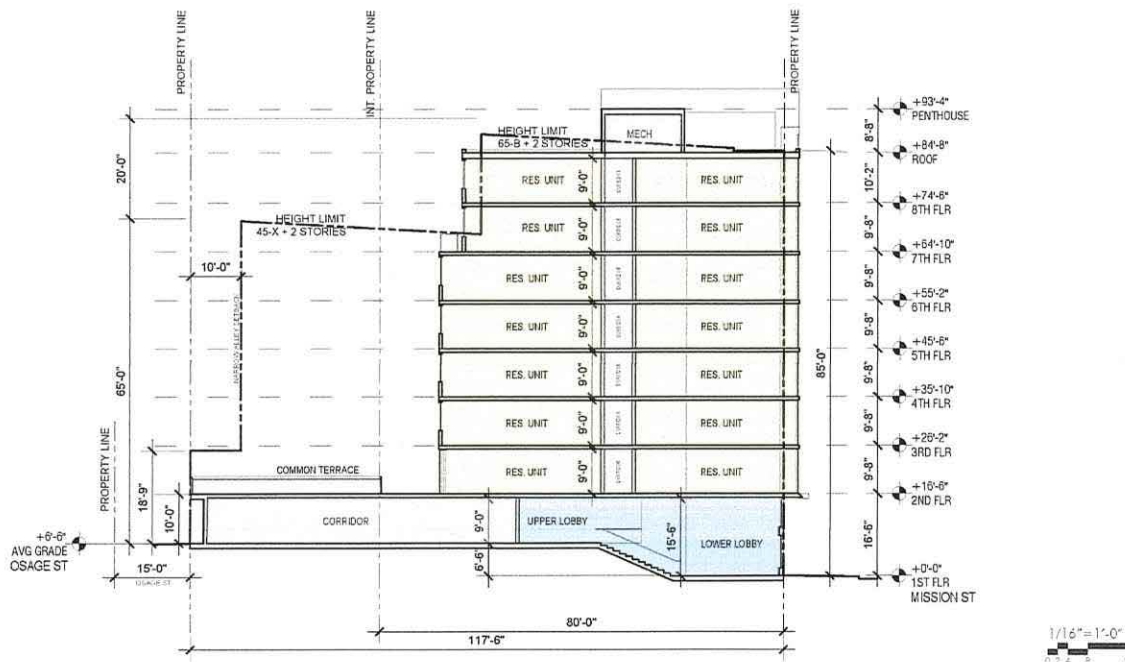


Figure 12. Building Elevation

## 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 indicates 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 mitigated negative declaration or environmental impact report. If no such impacts are identified, no further environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with Public Resources Code 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 initial study.

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

<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.

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

The proposed project would include construction of an eight-story building with 75 dwelling units and ground floor retail space. As discussed below in this initial study, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## CHANGES IN THE REGULATORY ENVIRONMENT

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

- State statute regarding Aesthetics, Parking Impacts, effective January 2014, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled, (VMT) 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 April 14, 2017;
- 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, the Transportation Sustainability Program process (see initial study section "Transportation");
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see initial study section "Noise");
- 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 section "Air Quality");
- 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 section "Recreation");
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study section "Utilities and Service Systems"); and
- Article 22A of the Health Code amendments effective August 2013 (see initial study section "Hazardous Materials").

**Aesthetics and Parking**

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

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

The proposed project meets each of the above three criteria and thus, this initial study 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 riding transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this initial study, 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 2918-2924 Mission Street, April 13, 2016. 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. 2014.0376ENV.

<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).



<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>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 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. The proposed project would not remove any existing PDR uses and would therefore not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. In addition, the project site was zoned NC-3 (Neighborhood Commercial) prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses and the rezoning of the project site did not contribute to the significant impact.

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

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Mission Neighborhood Commercial Transit (NCT) District and is consistent with bulk and density limits under the state density bonus law (California Government Code section 65915). The project is consistent with objectives of the Mission Area Plan by maximizing development potential in keeping with neighborhood character, providing a variety of dwelling unit mixes to satisfy an array of housing needs, and providing bicycle parking. The Mission NCT District requires that at least 40 percent of all dwelling units contain two or more bedrooms or 30 percent of all dwelling units contain three or more bedrooms. The Mission NCT permits commercial uses up to 5,999 sf per use as principally permitted uses. The project proposes 75 dwelling units, 40 percent of which are two-bedroom units, as well as two separate ground floor retail spaces totaling 6,700 sf, each of which is below the 5,999-sf permitted use size limitation. The project is seeking a height concession pursuant to the state density bonus law to exceed the applicable 45 and 65-foot height limits. As proposed, with the allowable height concession pursuant to the state density bonus, the project is permitted in the Mission NCT District and is consistent with the development density as envisioned in the Mission Area Plan.<sup>5,6</sup>

<sup>5</sup> San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 2918-2924 Mission Street, April 19, 2017.

<sup>6</sup> San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 2918-2924 Mission Street, June 1, 2017.

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

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 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 identifies 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, traffic and transportation, air quality, noise, public services, utilities, and recreational resources. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics, and identifies mitigation measures to address significant impacts.

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 section 21082.2 and CEQA Guidelines section 15064, economic and social changes 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 considers 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 section 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 75 dwellings units, which would result in an increase of about 185 residents.<sup>7</sup> The proposed project would not result in the displacement or elimination of any existing residential dwelling units. These direct effects of the proposed project on population and housing would not result in new or substantially more severe significant impacts on population and housing beyond those identified in the Eastern Neighborhoods PEIR. The project’s contribution to indirect effects of population growth identified in the Eastern Neighborhoods PEIR on land use, transportation, air quality, noise, public services, utilities, and recreational resources are evaluated under each of those topics in this initial study below.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>7</sup> Estimated number of new residents based on average household size (2.47) of occupied housing units in the Census Tract 209 per the 2010 U.S. Census Bureau Profile of General Population and Housing Characteristics (DP-1) summary data and the proposed project’s 75 new dwelling units [75 \* 2.47 = 185 residents]. Available at <http://factfinder.census.gov>. Accessed May 27, 2016.

<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) 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.

The commercial building at 2918-2922 Mission Street was constructed in 1924. It was included in the *South Mission Historic Resource Survey*<sup>8</sup> and was given a rating of 6L, indicating that the property is ineligible for National Register, California Register of Historical Resources, or local designation through survey evaluation. Further, the building is not located within a historic district. As such, the building would not be considered a historic resource pursuant to CEQA. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

The project site is located across Mission Street from the Calle 24 Latino Cultural Heritage District.<sup>9</sup> A cultural heritage district is defined as a region and community linked together by similar cultural or heritage assets, and offering visitor experiences that showcase those resources. The purpose of the Latino Cultural Heritage District is to recognize, promote and preserve cultural assets of the district. While there may be properties within the Calle 24 Latino Cultural Heritage District that qualify as historic resources, the district itself is not a historic district under CEQA. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

<sup>8</sup> San Francisco Planning Department, *South Mission Historic Resources Survey*, adopted by Historic Preservation Commission Motion 0093, November 17, 2010.

<sup>9</sup> Board of Supervisors Resolution, File No. 140421, May 28, 2014.

### 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.

The proposed project would involve approximately 2,100 cubic yards of excavation to depths up to 17 feet in an area where no previous archeological studies have been prepared. Therefore, the proposed project is subject to Eastern Neighborhoods PEIR Mitigation Measure J-2, which requires preparation of a Preliminary Archeological Sensitivity Study. The Planning Department's archeologist conducted a preliminary archeological review of the project site in conformance with the study requirements of Mitigation Measure J-2 and determined that the Planning Department's first standard archeological mitigation measure (accidental discovery) applies to the proposed project.<sup>10</sup> The Preliminary Archeological Review and its requirements (e.g., accidental discovery measure) are consistent with Mitigation Measure J-2 from the Eastern Neighborhoods PEIR. With implementation of this project mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Eastern Neighborhoods PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, as updated in the Mitigation Measures section below.

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

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

<sup>10</sup> Planning Department Archeologist, Randall Dean, *Preliminary Archeological Review 2918-2924 Mission Street*, June 3, 2016.

<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) 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"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction transportation. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction traffic 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, emergency access, and construction transportation impacts of the proposed project as discussed below.<sup>11</sup> Based on this project-level review, the department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site.

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 Traveled, 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 initial study.

<sup>11</sup> San Francisco Planning Department, Transportation Study Determination, Case No. 2014.0376ENV, 2918 Mission Street, January 29, 2016.

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.

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

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

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

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

<sup>14</sup> Includes the VMT generated by the households in the development.

residential and retail 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, 129.

**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 129</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 129</u>
Households (Residential)	17.2	14.6	7.2	16.1	13.7	6.3
Employment (Retail)	14.9	12.6	9.2	14.6	12.4	9.3

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 (TAZ) that exhibits low levels of VMT<sup>16</sup>; 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 75 dwelling units and ground-floor retail space. Existing average daily VMT per capita is 7.2 for residential uses in the transportation analysis zone the project site is located in, TAZ 129. This is 58 percent below the existing regional average daily VMT per capita of 17.2. Future 2040 average daily VMT per capita is 6.3 for TAZ 129. This is 61 percent below the future 2040 regional average daily VMT per capita of 16.1. The existing average daily VMT per retail employee is 9.2 for TAZ 129, which is 37 percent below the existing regional average of 14.82. Future 2040 VMT per

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

<sup>16</sup> According to the guidelines, a low level of VMT would be 15 percent less than the regional average VMT, as shown in Table 1.

employee is projected to be 9.3 for TAZ 129, which is 36 percent below the future regional average of 14.58.<sup>17</sup> Therefore, the proposed project would not cause substantial additional VMT and impacts would be less-than-significant impact.

### Trip Generation

The proposed project would include 45 studios/one-bedroom units and 30 two-bedroom units, approximately 6,700 sf of retail space, and 76 class 1 bicycle parking spaces

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>18</sup> The proposed project would generate an estimated 1,681 person trips (inbound and outbound) on a weekday daily basis, consisting of 859 person trips by auto, 429 transit trips, 294 walk trips and 99 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 204 person trips, consisting of 93 person trips by auto (61 vehicle trips accounting for vehicle occupancy data for this census tract), 64 transit trips, 32 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, 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 would be subject to the fee. The City is also currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding. In compliance with Mitigation Measure E-11: Transportation Demand Management, the San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code to create a Transportation Demand Management (TDM) Program for all new projects of certain sizes, in all zoning districts (Ordinance No. 34-17, effective March 19, 2017).<sup>20</sup> Both the Transportation Sustainability Fee and the TDM program are part of the Transportation Sustainability Program.<sup>21</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, which was approved by the SFMTA Board of Directors in March 2014. This program (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and

<sup>17</sup> San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 2918-2924 Mission Street, September 21, 2016.

<sup>18</sup> San Francisco Planning Department, Transportation Calculations for 2918-2924 Mission Street, September 21, 2016.

<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.

<sup>20</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=4979626&GUID=D19B15D5-5169-4ADE-8C32-0966CE4201C8>.

<sup>21</sup> <http://tsp.sfplanning.org>



increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 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 14-Mission, 14R-Mission Rapid, 12-Folsom/Pacific, 27-Bryant, 36-Teresita, 48-Quintara, 49-Van Ness/Mission, 67-Bernal Heights, and the Bay Area Rapid Transit (BART). The proposed project would be expected to generate 429 daily transit trips, including 64 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 64 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, the project site is located within a quarter-mile of Muni lines 27-Bryant, 48-Quintara, and 49-Van Ness/Mission. The proposed project would not contribute considerably to these conditions as its minor contribution of 64 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

## Conclusion

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



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

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. The Eastern Neighborhoods PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant. The Eastern Neighborhoods PEIR identified six noise mitigation measures, three of which may be applicable to subsequent development projects.<sup>22</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

<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).

### 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 geotechnical investigation (see Geology and Soils Section below) prepared for the project provides recommendations for the use and installation of various types of foundations (spread footings, a mat foundation, and deep foundations such as drilled piers, micropiles, or auger-cast-in-place piles). Because deep piers may require pile driving for installation of steel casing, Eastern Neighborhoods PEIR Mitigation Measure F-1 would apply, and is included in the Mitigation Measures Section as Project Mitigation Measure 2.

Construction of the proposed project would result in temporary elevated noise levels at nearby residences and schools. The Zaida T. Rodriguez Early Education School is located adjacent to the south of the project site at 2950 Mission Street and across Osage Alley at 421 Bartlett Street. Project construction phases would include demolition, shoring and excavation, foundation installation, structural framing, interior framing, and exterior and interior finishes. The noisiest of these activities is typically excavation and foundation installation, estimated to take around two to three months of the 20-month construction period, when heavy machinery would be in use. Accordingly, Eastern Neighborhoods PEIR Mitigation Measure F-2 would apply to the project and is included in the Mitigation Measures Section as Project Mitigation Measure 3. This measure requires that site-specific construction noise attenuation measures are developed by a qualified acoustical consultant to achieve maximum feasible noise attenuation. The project sponsor has prepared a noise and vibration mitigation plan.<sup>23</sup> According to the mitigation plan, ambient noise and construction noise measurements would be taken at noise sensitive locations in the vicinity of the project site during construction. Construction noise reduction may be achieved by various methods of equipment source noise reduction, noise barriers, and sensitive receptor noise reduction. These methods could include the following: providing intake and exhaust mufflers on pneumatic impact tools and equipment; using noise-attenuating shields, shrouds or portable barriers; using electric instead of diesel or gasoline-powered equipment; providing enclosures for stationary items of equipment and noise barriers around particularly noisy areas at the project site; minimizing noisy activities during the most noise sensitive hours; installing noise control curtains; and installing removable secondary acoustic window inserts to existing windows in sensitive receptor buildings. The noise mitigation plan measures would be subject to review by the Department of Building Inspection prior to construction. Compliance with this mitigation measure would result in a less-than-significant impact with regard to construction noise.

In addition, all construction activities for the proposed project (approximately 20 months) would be subject to and required to comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). 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 or the Director of the Department of Building Inspection to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient

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<sup>23</sup> Clearwater Group, *Site Mitigation Plan, 2918-2924 Mission Street*, May 26, 2016.

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 public works authorizes a special permit for conducting the work during that period.

The building department is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8 a.m. to 5 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 20 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-1 and F-2 (Project Mitigation Measures 2 and 3), which would reduce construction noise impacts to a less-than-significant level.

### **Operational Noise**

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed project's residential and retail uses would be similar to that of the surrounding vicinity and are not expected to generate noise levels in excess of ambient noise, therefore PEIR Mitigation Measure F-5 would not apply.

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

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

processes to ensure that the design of new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

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

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

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

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>24</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.

<sup>24</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.



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>25</sup>

### Construction Dust Control

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

In addition, compliance with article 22A of the San Francisco Health Code and section 106.3.2.4 of the building code, a site mitigation plan (which includes a dust control plan) has been prepared for project construction and approved by the San Francisco Department of Public Health. Dust control measures set forth include installation of wind screens on the perimeter security fences to reduce potential dust migration to off-site areas and a dust monitoring program that triggers additional engineering controls or halting work if dust levels in excess of action levels or visible dust are observed.<sup>26</sup>

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 necessary to reduce construction-related dust impacts of the proposed project.

### Criteria Air Pollutants

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that "Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD's quantitative thresholds for individual projects."<sup>27</sup> The BAAQMD's *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide

<sup>25</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.

<sup>26</sup> San Francisco Department of Public Health, Environmental Health, SFHC Article 22a Compliance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, San Francisco. EHB-SAM Case No: 1296, June 15, 2016.

<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.

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. The project would entail demolition of an existing one-story commercial building and construction of an eight-story, 85-foot-tall mixed-use residential building with 75 dwelling units and about 6,700-sf of ground-floor retail space. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria as the proposed 75-unit residential building would be below the 240 dwelling unit construction criteria pollutant screening size and 451 dwelling unit operational criteria pollutant screening size. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### Health Risk

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, amended December 8, 2014)(Article 38). The 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.

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

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

applicable to the proposed project. The proposed project 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 would not include any sources, such as backup generators, that would emit DPM or other TACs. 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 the project would not result in significant air quality impacts that were not identified in the PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
<b>7. GREENHOUSE GAS EMISSIONS—</b>				
<b>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

<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.



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

The proposed project would increase the intensity of use of the site with the demolition of the existing 5,200-sf commercial building and the construction of an eight-story, approximately 67,300-sf mixed use building that includes 75 residential dwelling units and approximately 6,700 sf of retail space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

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

Compliance with the City's Transportation Sustainability Fee, bicycle parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency,

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<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.

<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.



thereby reducing the proposed project's energy-related GHG emissions.<sup>40</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>41</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. The project would not include new commercial refrigeration systems or wood burning fireplaces, which 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 was determined to be consistent with San Francisco's GHG reduction strategy.<sup>43</sup>

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

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
<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. Based on the height and location of the proposed

<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.

<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 2918-2924 Mission Street*, September 21, 2016.

approximately 85-foot-tall building, a pedestrian wind assessment was prepared by a qualified wind consultant for the proposed project.<sup>44</sup> The objective of the wind assessment was to provide a screening-level evaluation of the potential wind impacts of the proposed development, to assess the need for further detailed modelling and analysis. The wind assessment found that the existing wind conditions on the adjacent streets are expected to be below the 26-mile-per-hour wind hazard criterion as outlined in the San Francisco Planning Code section 148 throughout the year. The wind assessment also found that the proposed building would not cause winds that would reach or exceed the 26-mile-per-hour wind hazard criterion at all pedestrian areas on and around the proposed development and that wind speeds at building entrances and public sidewalks would be suitable for the intended pedestrian usage.

### 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 would construct an approximately 85-foot-tall building; therefore, the Planning Department prepared a preliminary shadow fan analysis a shadow analysis to determine whether the project would have the potential to cast new shadow on nearby parks.<sup>45</sup> The preliminary shadow fan analysis indicates that the proposed project would not cast shadows on any neighborhood parks or recreational resources subject to Planning Code section 295. In addition, the proposed project would not cast shadows on the play yard of the Zaida T. Rodriguez early education school adjacent to the south of the site.

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

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

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<sup>44</sup> RWDI, *Screening-Level Wind Analysis, 2918 Mission Street, RWDI #1604031*, September 8, 2016.

<sup>45</sup> San Francisco Planning Department, *Preliminary Shadow Fan*, August 10, 2017.

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

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

As part of the Eastern Neighborhoods adoption, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding recreation and open space. Since certification of the PEIR, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond providing the Recreation and Parks Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. This funding is being utilized for improvements and expansion to Garfield Square, South Park, Potrero Hill Recreation Center, Warm Water Cove Park, and Pier 70 Parks Shoreline within the Eastern Neighborhoods Plan area. The impact fees and the 2012 San Francisco Clean and Safe Neighborhood Parks Bond are funding measures similar to that described in PEIR Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities.

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and the In Chan Kaajal Park at 17<sup>th</sup> and Folsom, have opened. . 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 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 in June 2011. The plan 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 plan 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 Urban Water Management Plan includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The plan projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods Plan area including at the Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES—Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, the project would not result in new or substantially more severe impacts on the physical environment associated with the provision of public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<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 a fully developed lot covered by a building and asphalt-paved parking lot located within the Mission Plan area of the Eastern Neighborhoods Area Plan and does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

<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>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 to inform excavation and construction with regard to potential geologic hazards.<sup>46</sup> Three soil borings drilled to depths up to 50 feet

<sup>46</sup> Langan Treadwell Rollo, *Geotechnical Investigation, 2918 Mission Street*, May 6, 2016.

below ground surface indicate that subsurface conditions consist of sand with varying amounts of silt and clay. Groundwater was encountered at depths between 27 and 30 feet. The site is adjacent to the BART subsurface easement (tunnels and tracks) along Mission Street. Because the project site is within the BART zone of influence, project design and construction are subject to BART's design requirements, review and approval.<sup>47</sup> These guidelines inform the geotechnical investigation recommendations for building foundations to avoid adverse effects on the adjacent BART structures.

The geotechnical investigation states that the proposed project is not located in an Alquist-Priolo Earthquake Fault zone and notes that the nearest active fault, the North San Andreas Fault, is about 5 miles to the west. Additionally, there are no mapped active faults crossing the project site and there is a low risk of surface rupture that could damage the structure. However, the project site is located within a seismically active area, as is the entire Bay Area, and will be subject to strong ground shaking during a major earthquake on a nearby fault, which could result in seismic hazards such as that associated with soil liquefaction, lateral spreading, and seismic densification. The study states that the potential for these hazards is low, but that a moderate to large earthquake on a nearby fault could cause settlement on the order of ¼ to ½-inch.

The geological investigation concludes that the proposed project is feasible with incorporation of the recommended measures. Detailed recommendations with regard to selection of the appropriate foundation(s) to support the proposed structure within the BART zone of influence, support of temporary slopes and neighboring structures in compliance with BART requirements during excavation, and underpinning the adjacent buildings are provided. Additional recommendations regarding site preparation, shoring, floor slabs, below-grade retaining walls, site drainage, seismic design criteria, and construction monitoring are also provided.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. The building department will review the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site specific soils report(s) through the building permit application process, as needed. The building department requirement for a geotechnical report and review of the building permit application pursuant to the building code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

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<sup>47</sup> BART, *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*, July 23, 2003.



<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

The project site is currently occupied by a one-story structure and an asphalt-paved parking lot; the proposed project would also occupy the entire project site and there would not be any change in the amount of impervious surface coverage, which in turn, could increase the amount of drainage and runoff. In accordance with the Stormwater Management Ordinance (Ordinance No. 64-16) and Public Works

Code section 147, the proposed project would be subject to and would comply with the San Francisco Public Utilities Commission (SFPUC) Stormwater Management Requirements and Design Guidelines, incorporating low impact design approaches and stormwater management systems into the project. Adherence to these requirements would ensure that stormwater is managed appropriately so as to not adversely affect drainage systems and water quality.

Stormwater runoff during construction must comply with the Construction Site Runoff Ordinance (Ordinance No. 260-13) and the Public Works Code section 146. Construction activities that disturbs 5,000 sf or more, such as the project, must submit an erosion and sediment control plan to the SFPUC for review and approval prior to construction. The plan would outline the best management practices to be implemented during construction to prevent the discharge of sediment, non-stormwater, and waste runoff from the project site.

The proposed project would not expose people or structures to flooding risks or hazards, or impede or redirect flood flows in a 100-year flood hazard area, because the project site is not located within a 100-year flood zone. Because the project site is not located within a flood hazard zone or near a water reservoir with a dam or levee, the proposed project would not 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. Similarly, the project site also is not located within a tsunami hazard zone and would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.<sup>48</sup>

Therefore, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>48</sup> San Francisco Planning Department, *San Francisco General Plan, Community Safety Element*. (Map 05, Tsunami Hazard Zones, page 15). October 2012. Available online at: [http://www.sf-planning.org/ftp/General Plan/Community Safety Element 2012.pdf](http://www.sf-planning.org/ftp/General%20Plan/Community%20Safety%20Element%202012.pdf), accessed November 13, 2014.

<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>
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, underground storage tank closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

### **Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the plan area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes demolition of an existing building, Mitigation Measure L-1 would apply to the proposed project and is included as Mitigation Measure 4 in the Mitigation Measures Section below. With implementation of Mitigation Measure 4, there would be a less-than-significant impact on the environment with respect to hazardous building materials.



## 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 are subject to this ordinance. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *phase I environmental site assessment* that meets the requirements of Health Code section 22.A.6. The site assessment would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a *site mitigation plan* to the Department of Public Health or other appropriate state or federal agency(ies), and to remediate site contamination in accordance with an approved site mitigation plan prior to the issuance of any building permit.

The proposed project would excavate approximately 2,100 cubic yards of soil from a site formerly used as an automobile service station and listed on the California State Water Resources Control Board's Leaking Underground Storage Tank list due to a release from a 1,000-gallon unleaded gasoline storage tank removed in 2006.<sup>49</sup> The water board case was closed in November 2006.<sup>50,51</sup> Therefore, the project is subject to the Maher Ordinance. In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to the health department for oversight of site investigation and cleanup. As required, the sponsor's consultant has prepared a phase I site assessment, submitted a work plan for subsurface investigation to the health department for review and approval,<sup>52</sup> performed a *phase II subsurface investigation*,<sup>53</sup> and received health department approval of its proposed site mitigation plan.<sup>54,55</sup> The phase I site assessment indicates that the site was used for automobile sales and service for about four decades, from 1935 to the mid-1970s, and would likely have used petroleum hydrocarbon fuels, oils, lubricants, degreasers, and solvents. Later site uses may have included dry cleaner operations, based on a permit from 1991, which could have used chlorinated solvents on-site. The results of the soil, soil vapor, and groundwater sampling and analysis indicate that contaminants are present in subsurface soil, soil vapor, and groundwater at the site. Contaminants include petroleum hydrocarbons, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons

<sup>49</sup> Clearwater Group, *Phase I Environmental Site Assessment, Wash Club Laundry, 2918-2920-2922-2924 Mission Street*, July 12, 2015.

<sup>50</sup> California State Water Resources Control Board, GeoTracker Database Search, Available online at <http://geotracker.waterboards.ca.gov>. Accessed September 22, 2016.

<sup>51</sup> San Francisco Department of Public Health, *Remedial Action Completion Certification, Underground Storage Tank Case, Wash Club Laundry, 2922 Mission Street, LOP Case Number: 11769*, November 2, 2006.

<sup>52</sup> Clearwater Group, *Work Plan for Subsurface Investigation, Wash Club Laundry, 2918-2924 Mission Street*, March 7, 2016.

<sup>53</sup> Clearwater Group, *Subsurface Investigation Report, San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 24, 2016.

<sup>54</sup> Clearwater Group, *Site Mitigation Plan, San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 26, 2016.

<sup>55</sup> San Francisco Department of Public Health, Environmental Health, *SFHC Article 22A Compliance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, EHB-SAM Case Number: 1296*. June 15, 2016.

(PAHs), asbestos, and various metals, some at concentrations exceeding the San Francisco Bay Regional Water Quality Control Board's *environmental screening levels* for residential use. Screening levels are levels of commonly-found contaminants below which the presence of the chemical in soil, soil gas, or groundwater can be assumed not to pose a significant threat to human health, water resources, or the environment under most circumstances.<sup>56</sup>

Project construction would require excavation of the top 3 feet of soil over most of the site for foundation construction, and excavation to 7.5 feet below ground surface for the elevator pit. The site mitigation plan proposes over-excavation of soil in areas where soil vapor contamination exceeds applicable screening levels, and post-excavation confirmatory soil sampling to verify that impacted areas have been removed. In addition, additional investigation of the extent of lead in soil would be performed and removed, as needed. According to the site mitigation plan, all soil contaminants above screening levels, except for arsenic (which is attributable to background conditions in the Bay Area), would be removed during the excavation activities prior to project construction. Excavated materials would be hauled for disposal at an appropriate landfill facility. To reduce the potential hazards that could result from exposure to hazardous materials in soil during the excavation, handling, transportation and disposal of excavated soil, the site mitigation plan includes eight mitigation plans and procedures for project construction. These include the following: waste management and disposal plan; dust control plan; stormwater pollution protection plan; soil management and handling procedures plan; health and safety plan; vapor screening plan; excavation management waste plan; and noise and vibration mitigation plan.<sup>57</sup>

Groundwater was encountered at a depth of approximately 27-30 feet below ground surface. Groundwater sampling indicates that total petroleum hydrocarbons (as motor oil) and phenol are present at concentrations above the default tier 1 environmental screening levels<sup>58</sup> and are not considered a risk for residential use based on the nature of the contaminants and depth to groundwater.<sup>59</sup> This is corroborated by the Tier 2 screening levels, which consider site-specific conditions (i.e., depth to groundwater, subsurface materials, and presence of a building slab) in determining the screening levels and indicate that contaminant concentrations at the project site are well below the Tier 2 screening levels that are protective of residential uses.<sup>60</sup> Thus, no remediation of groundwater would be required.<sup>61</sup> In addition, the site mitigation plan states that the building design would include a vapor barrier and passive venting system to reduce the upward migration of water vapor, residual VOCs, or SVOCs in the subsurface. As discussed above, the site mitigation plan has been reviewed and approved by the City health department.

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

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<sup>56</sup> San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs)*, Interim Final, February 2016.

<sup>57</sup> Clearwater Group, Site Mitigation Plan, *San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 26, 2016.

<sup>58</sup> Tier 1 ESLs are based on a conservative default site scenario to protect sites with unrestricted land and water use, shallow soil and groundwater contamination, and permeable soil. Tier 2s are based on a site-specific conceptual site model based on the subsurface conditions at the project site.

<sup>59</sup> Ibid.

<sup>60</sup> San Francisco Bay Regional Water Quality Control Board, *Environmental Screening Levels (ESLs)*, *ESL Workbook*, February 2016.

<sup>61</sup> San Francisco Department of Public Health, Stephanie Cushing, personal communication, October 4, 2016.

<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>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 the Department of Building Inspection. The plan area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the area plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and area plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) 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 is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

## MITIGATION MEASURES

### Project Mitigation Measure 1 – Accidental Discovery of Archeological Resources (Mitigation Measure J-2 of the Eastern Neighborhoods PEIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological

consultants maintained by the Planning Department archeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

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 copy, one unbound copy 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 - Pile Driving** (Mitigation Measure F-1 of the Eastern Neighborhoods PEIR)

The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

**Project Mitigation Measure 3 – Construction Noise** (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR)

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation



will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Project Mitigation Measure 4 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)**

In order to minimize impacts to public and construction worker health and safety during demolition of the existing structure, the sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any florescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

EXHIBIT B

EXHIBIT B

EXHIBIT B

## **Exhibit B**

Link to November 30, 2017 Hearing Re: 2918 Mission Street

[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=29290](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=29290)

(Starts at 2:14:24

Link to Eastern Neighborhoods Plan EIR

<http://sf-planning.org/AREA-PLAN-EIRS>

(scroll down)

WEST BAY LAW  
WARTELLE, WEAVER & SCHREIBER  
A PROFESSIONAL CORPORATION  
369 PINE ST. STE. 506 415-693-0504  
SAN FRANCISCO, CA 94104

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20939

PAY TO THE ORDER OF SF Planning Department 1/2/18  
Five Hundred Ninety Seven and 00/100 \$ 597.00  
DOLLARS

VOID IF NOT CASHED WITHIN 90 DAYS

MEMO

DRIZED SIGNATURE

THIS DOCUMENT MUST HAVE A COLORED BACKGROUND, ULTRAVIOLET FIBERS AND AN ARTIFICIAL WATERMARK ON THE BACK - VERIFY FOR AUTHENTICITY.

WEST BAY LAW WARTELLE, WEAVER & SCHREIBER A PROFESSIONAL CORPORATION

20939

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JAN -2 AM 10:07  
BY JK

WEST BAY LAW WARTELLE, WEAVER & SCHREIBER A PROFESSIONAL CORPORATION

20939

1 [Conditionally Reversing the Community Plan Evaluation - 2918-2924 Mission Street]

2  
3 **Motion conditionally reversing the determination by the Planning Department that a**  
4 **proposed project at 2918-2924 Mission Street is exempt from further environmental**  
5 **review under a Community Plan Evaluation, subject to the adoption of written findings**  
6 **of the Board in support of this determination.**  
7

8 WHEREAS, On August 30, 2017, the Planning Department issued a Community Plan  
9 Evaluation ("environmental determination"), pursuant to CEQA, the CEQA Guidelines, 14 Cal.  
10 Code of Reg. Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative  
11 Code, finding that the proposed project at 2918-2924 Mission Street ("Project") is consistent  
12 with the development density established by zoning, community plan, and general plan  
13 policies in the Eastern Neighborhoods Rezoning and Area Plans (the "Eastern Neighborhoods  
14 Area Plans") for the project site, for which a Programmatic EIR (the "PEIR") was certified; and

15 WHEREAS, The proposed project consists of merging three lots into a single 11,653-sf  
16 lot, demolishing the existing building, and constructing an eight-story, 85-foot-tall,  
17 approximately 67,300-sf building containing 75 dwelling units (18 studio, 27 one-bedroom,  
18 and 30 two-bedroom units) with ground floor retail, providing a 44-foot-long white loading zone  
19 in front of the lobby and removing the existing parking lot curb cut, providing a bicycle storage  
20 room with 76 class 1 bicycle spaces accessible through the lobby area and from Osage Alley,  
21 providing six street trees and seven bicycle racks (14 class 2 bicycle parking spaces) on  
22 Mission Street, and providing open space in the form of common terraces on the second floor  
23 and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf  
24 of private decks; and  
25

1 WHEREAS, On November 30, 2017 the Planning Commission approved a conditional  
2 use authorization for the proposed Project, by Motion No. 20066; and

3 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
4 January 2, 2018, J. Scott Weaver, West Bay Law, on behalf of Calle 24 Latino Cultural District  
5 Council ("Appellant"), appealed the environmental determination; and

6 WHEREAS, The Planning Department's Environmental Review Officer, by  
7 memorandum to the Clerk of the Board dated January 4, 2018, determined that the appeal  
8 had been timely filed; and

9 WHEREAS, On June 19, 2018, this Board held a duly noticed public hearing to  
10 consider the appeal of the environmental determination filed by Appellant; and

11 WHEREAS, In reviewing the appeal of the environmental determination, this Board  
12 reviewed and considered the environmental determination, the appeal letter, the responses to  
13 the appeal documents that the Planning Department prepared, the other written records  
14 before the Board of Supervisors and all of the public testimony made in support of and  
15 opposed to the appeal; and

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
17 conditionally reversed the determination that the project did not require further environmental  
18 review subject to the adoption of written findings of the Board in support of such determination  
19 based on the written record before the Board of Supervisors as well as all of the testimony at  
20 the public hearing in support of and opposed to the appeal; and

21 WHEREAS, The written record and oral testimony in support of and opposed to the  
22 appeal and deliberation of the oral and written testimony at the public hearing before the  
23 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
24 the environmental determination is in the Clerk of the Board of Supervisors File No. 180019  
25 and is incorporated in this motion as though set forth in its entirety; now therefore be it

1           MOVED, That this Board of Supervisors conditionally reverses the determination by the  
2 Planning Department that the project is exempt from environmental review, subject to the  
3 adoption of written findings of the Board in support of this determination.  
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# City and County of San Francisco

## Tails

### Motion: M18-090

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 180021

**Date Passed:** June 19, 2018

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination.

February 13, 2018 Board of Supervisors - CONTINUED

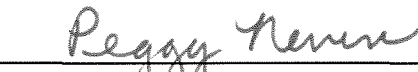
Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

June 19, 2018 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

File No. 180021

I hereby certify that the foregoing Motion was **APPROVED** on 6/19/2018 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board





# SAN FRANCISCO PLANNING DEPARTMENT

**EXHIBIT  
D**

## REVISED Certificate of Determination Community Plan Evaluation

Case No.: 2014-0376ENV  
Project Address: 2918-2924 Mission Street  
Zoning: Mission Neighborhood Commercial Transit (NCT) District  
65-B/55-X, 65-B/55-X, and 65B/45-X Height and Bulk Districts  
Block/Lot: 6529/002, 002A, 003  
Lot Sizes: 2600, 2620, and 6433 sf; 11,653 sf total  
Plan Area: Mission Subarea of the Eastern Neighborhoods  
Project Sponsor: Mark Loper, Reuben, Junius & Rose, LLP  
415-567-9000  
Staff Contact: Julie Moore, 415-575-8733  
Julie.Moore@sfgov.org

1650 Mission St.  
Suite 400  
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CA 94103-2479

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Planning  
Information:  
**415.558.6377**

THIS COMMUNITY PLAN EVALUATION (CPE) SUPERSEDES THE CPE THAT WAS PUBLISHED ON  
AUGUST 30, 2017.

(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

September 20, 2018  
Date

cc: Mark Loper, Reuben, Junius & Rose LLP, Project Sponsor; Supervisor Hillary Ronen, District 9; Linda Ajello Hoagland, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## BACKGROUND

The Planning Department issued an Initial Study/Community Plan Evaluation (IS/CPE) for the 2918-2924 Mission Street Project (the “proposed project”) described below on August 30, 2017. The Planning Commission considered the project on December 15, 2017. On that date, the Planning Commission adopted the IS/CPE and approved the Conditional Use Authorization for the project and the Mission 2016 Interim Zoning Controls (Planning Commission Resolution No. 19865), which constituted the Approval Action under Chapter 31 of the Administrative Code. On January 2, 2018, J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District, filed an appeal of the CPE determination. The Board of Supervisors held a hearing on the appeal of the environmental determination on June 19, 2018. The Board upheld the appeal and reversed the determination by the Planning Department that the proposed project does not require additional environmental review. The Board found that there are environmental effects that are peculiar to the proposed project that were not analyzed as significant effects in the Eastern Neighborhoods Program Environmental Impact Report, and these effects are potentially significant off-site impacts. Specifically, the Board found the environmental analysis of the proposed project to be adequate in all respects except for the shadow analysis on the outdoor play areas of the Zaida T. Rodriguez early education school and directed the Planning Department to conduct further, more detailed, shadow analysis on these play areas to accurately assess the shadow impacts on these areas.<sup>1</sup>

In response to this direction, the Planning Department has updated the IS/CPE to include additional analysis of the shadow effects of the proposed project on the Zaida T. Rodriguez early education school. The remainder of the IS/CPE has not changed, except for clarification of the list of required approvals by the Planning Commission and of the retail uses in the project description. This IS/CPE supersedes the August 30, 2017 IS/CPE for the proposed project.

## PROJECT DESCRIPTION

The project site consists of three lots on the west side of Mission Street between 25<sup>th</sup> Street and 26<sup>th</sup> Street; the southernmost lot extends from Mission Street to Osage Alley. The proposed project would demolish an approximately 5,200-square-foot (sf), one story, commercial building and adjacent 6,400-sf surface parking lot to construct an eight-story, 85-foot-tall, residential building with ground floor retail. As proposed, the project would require waivers, concessions, and/or incentives from Planning Code physical development limitations pursuant to California Government Code section 65915, commonly known as the state density bonus law, including for a building height 20 feet above the 65-foot height limit.

The proposed 67,300-sf building would include 75 dwelling units (18 studio, 27 one-bedroom, and 30 two-bedroom). Retail spaces, totaling about 6,700 sf, would front Mission Street on either side of the building lobby. A 44-foot-long white loading zone would be provided in front of the lobby and the existing parking lot curb cut would be replaced with sidewalk. A bicycle storage room with 76 class 1 bicycle spaces would be accessed through the lobby area and from Osage Alley. Six street trees and seven

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<sup>1</sup> Board of Supervisors, Motion No. M18-094, Findings Reversing the Community Plan Evaluation – 2918-2924 Mission Street, July 10, 2018. This and other documents pertaining to the CPE appeal in Board of Supervisors File No. 180718 are available at <https://sfgov.org/legistar.com/LegislationDetail.aspx?ID=3306976&GUID=573556D0-4ACA-4E05-A3BE-0E0EC81CF040&Options=ID|Text|&Search=180019>

bicycle racks (14 class 2 bicycle parking spaces) would be installed on Mission Street.<sup>2</sup> Open space would be provided by common terraces on the second floor and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf of private decks. The proposed building would include an elevator and stair penthouse approximately 9 feet in height above the 85-foot-tall roof.

## PROJECT APPROVAL

The project requires a conditional use authorization per Planning Code section 121.1, 121.7, and 303 for development of large lots in Neighborhood Commercial districts and a lot merger resulting in a lot frontage exceeding 100 feet in the Mission NCT District. Planning Commission approval of the conditional use authorization would constitute 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.

## 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 2918-2924 Mission Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>3</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment

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<sup>2</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.”

<sup>3</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 2918 – 2924 Mission 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>4,5</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.

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>6</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 NC-T (Neighborhood Commercial - Transit) District. The NC-T District is intended to promote high-density housing and a flexible mix of smaller neighborhood-serving retail and commercial uses. Restrictions on the size of non-residential uses would prohibit the development of large scale retail and office uses, and most PDR uses. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the community plan evaluation (CPE) initial study, under Land Use. The 2918 –

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<sup>4</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>5</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.

<sup>6</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.

2924 Mission Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 45 to 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 2918–2924 Mission Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 2918–2924 Mission Street project, and identified the mitigation measures applicable to the 2918–2924 Mission Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>7,8</sup> Therefore, no further CEQA evaluation for the 2918–2924 Mission Street project is required. In sum, the Eastern Neighborhoods PEIR and this certificate of determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on a block bounded by Mission Street to the east, Osage Alley to the west, 25<sup>th</sup> Street to the north and 26<sup>th</sup> Street to the south. The project area along Mission Street is primarily zoned Mission NC-T and characterized by two and three story buildings with ground floor retail. West of the site in the Residential Transit Oriented-Mission (RTO-M) zoning between Osage Alley and Orange Alley, the uses are predominantly residential buildings, two to four stories in height; with a seven-story apartment building at the northwest corner of Osage Alley and 25<sup>th</sup> Street. Buildings immediately adjacent to the project site are the Zaida T. Rodriguez Early Education School to the south and to the west across Osage Alley, Chase Bank to the north at the corner of Mission and 25<sup>th</sup> Street, and a mix of two and three story buildings used for a variety of uses including automobile repair, retail stores, residences, restaurants, and the Instituto Familiar de la Raza across Mission Street to the east. The western boundary of the Calle 24 Latino Cultural District is located along the eastern side of Mission Street; the boundary of the Calle 24 Special Use District is situated generally one block further east on Lilac Street.

The Bay Area Rapid Transit (BART) 24<sup>th</sup> Street station is located one block north of the project site, as are several MUNI bus lines including the 14-Mission, 14R-Mission Rapid, 48-Quintary/24<sup>th</sup> Street, 49-Van Ness/Mission and the 67-Bernal Heights. Access to U.S. 101 is less than one mile southeast of the site via Cesar Chavez Street.

## 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;

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<sup>7</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2918-2924 Mission Street, April 19, 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. 2014.0376ENV.

<sup>8</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2918-2924 Mission Street, June 1, 2017.

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 2918-2924 Mission 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 2918-2924 Mission Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not displace an existing PDR use and, therefore, would not contribute to the significant and unavoidable land use impact. The proposed project would not impact a CEQA historical resource and would therefore not contribute to the significant and unavoidable historic architectural resources impact. The proposed project would not generate cumulatively considerable new transit trips and would therefore not contribute to the significant and unavoidable transportation impacts. The proposed project would not cast new shadow that would negatively affect the use and enjoyment of a recreational resource, and therefore would not contribute to the significant and unavoidable shadow impacts described in the Eastern Neighborhoods PEIR. Shadow from the project would not substantially affect the use of the Zaida T. Rodriguez schoolyards, and would not exceed levels commonly experienced or expected in a dense urban environment.

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

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

Mitigation Measure	Applicability	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Applicable	The project sponsor has agreed to predrill piles where feasible and to use noise shielding devices.
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: CEQA no longer requires consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing	N/A

Mitigation Measure	Applicability	Compliance
	noise levels.	
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA no longer requires 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
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise-generating uses	N/A
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires 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: these requirements have been superseded by the San Francisco Dust Control Ordinance	The proposed project would be required to comply with the San Francisco Dust Control Ordinance and Article 22A
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by Article 38 requirements	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed residential and retail uses are not expected to emit substantial levels of DPM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed project would not include a backup diesel generator or other sources of TACs	N/A
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: no archeological studies are on file	N/A

Mitigation Measure	Applicability	Compliance
	for this site	
J-2: Properties with no Previous Studies	Applicable: the project would require excavation.	The project sponsor has agreed to implement measures for the accidental discovery of archeological resources
J-3: Mission Dolores Archeological District	Not Applicable: the project 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: project includes demolition of an existing structure	Project sponsor has agreed to implement measures for handling and disposal of hazardous building materials
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A



Mitigation Measure	Applicability	Compliance
	analysis	
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 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 September 30, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. Comments were received from 19 individuals or entities. Overall, environmental 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 concern regarding noise and air quality during construction, hazardous materials in soil, shading on the childcare center's play yards and nearby properties, pedestrian safety on Osage Alley, lack of sufficient parking, and the scale of the project relative to the neighborhood buildings. Additional comments noted the need for more affordable housing and expressed concerns regarding displacement and gentrification in the vicinity, impacts on the Calle 24 Latino Cultural District, and cumulative air quality and greenhouse gas effects from additional traffic in the vicinity. As shown in the project-specific initial study, 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.

CEQA generally does not require the analysis of social or economic impacts. As stated in CEQA Guidelines section 15131(a), "economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not

be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. The construction of 2918-2924 Mission Street would not create an economic change that would lead to the physical deterioration of the surrounding neighborhood.

The Eastern Neighborhoods PEIR included an extensive analysis of the socioeconomic effects of the area plans and rezoning generally concluding that: (1) the rezoning would have secondary socioeconomic effects, (2) these effects would be more severe without the rezoning, and (3) these socioeconomic effects would not in turn lead to significant physical environmental impacts. The PEIR identifies improvement measures to address less than significant effects of potential displacement of some neighborhood-serving uses. Thus, the concerns about the socioeconomic effects of development under the area plans and rezoning are not new and were not overlooked by the plan-level EIR.

The Planning Department worked with ALH Urban & Regional Economics to prepare analyses of retail supply and demand, commercial and residential displacement, as well as a review of the relevant academic literature to evaluate whether gentrification and displacement of existing residents or businesses in the Mission can be attributed to market-rate residential and mixed-use development under the Eastern Neighborhoods rezoning and area plans. Neither these analyses nor the literature establishes empirical evidence supporting the position that market-rate development under the rezoning and area plans is responsible for residential or commercial displacement.

The department also conducted additional analysis to evaluate whether the proposed project would cause or contribute to significant impacts on the physical environment related to population growth, such as transportation, air quality, and greenhouse gas emissions, beyond those identified in the Eastern Neighborhoods PEIR. This analysis, like that previously provided in the community plan evaluations prepared for the project, is based on current data and modelling and uses the Planning Department’s latest environmental impact analysis standards and methodologies. This analysis shows that cumulative impacts on traffic congestion are the same or slightly less severe than anticipated in the Eastern Neighborhoods PEIR. In addition, current data provided by the San Francisco Municipal Transportation Agency (“SFMTA”) show that transit capacity on most lines serving the Eastern Neighborhoods is better than previously anticipated. This is due largely to SFMTA’s implementation of a number of major transportation system improvements that were assumed to be infeasible at the time that the Eastern Neighborhoods PEIR was certified. Thus, there is no evidence that transportation and related air quality, greenhouse gas, and other impacts in the Eastern Neighborhoods plan areas are substantially more severe than the Eastern Neighborhoods PEIR disclosed.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>9</sup>:

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

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<sup>9</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.0376ENV.

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

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

# MITIGATION MONITORING AND REPORTING PROGRAM

## 2918-2924 Mission Street (Case No. 2014.0376ENV)

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>					
<b><u>Project Mitigation Measure 1 – Accidental Discovery (Eastern Neighborhoods PEIR Mitigation Measure J-2)</u></b> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource “ALERT” sheet to Prime Contractor, sub-contractors and utilities firms	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Submit signed affidavit of distribution to ERO
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity	Notify ERO of accidental discovery	ERO to determine additional measures
If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified		Considered complete upon implementation of any measures

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Archeological consultant		archeological consultant to be retained. Identify and evaluate archeological resources	Make recommendation to the ERO	requested by ERO
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO		Considered complete upon implementation of any measures requested by ERO
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any required archeological field program.	Submittal of Draft/Final FARR to ERO		
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 copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>NOISE</b>					
<p><b><u>Project Mitigation Measure 2 – Pile Driving Noise (Eastern Neighborhoods PEIR Mitigation Measure F-1).</u></b></p> <p>The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	Project sponsor; project contractor(s)	During construction period	Prepare and submit monthly report during construction.	San Francisco Planning Department and the Department of Building Inspection	Considered complete on submittal of final monthly report.
<p><b><u>Project Mitigation Measure 3 – Construction Noise (Eastern Neighborhoods PEIR Mitigation Measure F-2).</u></b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>• Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>• Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>• Monitor the effectiveness of noise attenuation measures by taking noise</li> </ul>	Project sponsor; project contractor(s)	<p>Prior to construction activities</p> <p>During construction period</p>	<p>Prepare and submit a Noise Control Plan</p> <p>Prepare and submit monthly noise reports.</p>	San Francisco Planning Department and the Department of Building Inspection	Considered complete on submittal of final monthly report.

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>measurements; and</p> <ul style="list-style-type: none"> <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>					

## HAZARDOUS MATERIALS

### **Project Mitigation Measure 4 – Hazardous Building Materials (Eastern Neighborhoods PEIR Mitigation Measure L-1)**

The project sponsor shall ensure that any existing equipment containing polychlorinated biphenyls (PCBs) or di (2-ethylhexyl)phthalate (DEPH), such as fluorescent light ballasts (that may be present within the existing buildings on the project site), are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

Planning Department and Department of Public Health (DPH)	Prior to approval of project	Comply with applicable laws during removal and disposal of any equipment containing PCBs or DEPH and document this process	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon receipt of final monitoring report at completion of construction
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# SAN FRANCISCO PLANNING DEPARTMENT

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## **REVISED** **Initial Study – Community Plan Evaluation**

*Date of Preparation:* September 20, 2018  
*Case No.:* **2014-0376ENV**  
*Project Address:* 2918-2924 Mission Street  
*Zoning:* Mission Neighborhood Commercial Transit (NCT) District  
65-B/55-X, 65-B/55-X, and 65B/45-X Height and Bulk Districts  
*Block/Lot:* 6529/002, 002A, 003  
*Lot Sizes:* 2600, 2620, and 6433 sf; 11,653 sf total  
*Plan Area:* Mission Subarea of the Eastern Neighborhoods  
*Project Sponsor:* Mark Loper, Reuben, Junius & Rose, LLP  
415-567-9000  
*Staff Contact:* Julie Moore, 415-575-8733  
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THIS INITIAL STUDY/COMMUNITY PLAN EVALUATION (IS/CPE) SUPERSEDES THE IS/CPE THAT WAS PUBLISHED ON AUGUST 30, 2017.

### **BACKGROUND**

The Planning Department issued an Initial Study/Community Plan Evaluation (IS/CPE) for the 2918-2924 Mission Street Project (the “proposed project”) described below on August 30, 2017. The Planning Commission considered the project on December 15, 2017. On that date, the Planning Commission adopted the IS/CPE and approved the Conditional Use Authorization for the project and the Mission 2016 Interim Zoning Controls (Planning Commission Resolution No. 19865), which constituted the Approval Action under Chapter 31 of the Administrative Code. On January 2, 2018, J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District, filed an appeal of the CPE determination. The Board of Supervisors held a hearing on the appeal of the environmental determination on June 19, 2018. The Board upheld the appeal and reversed the determination by the Planning Department that the proposed project does not require additional environmental review. The Board found that there are environmental effects that are peculiar to the proposed project that were not analyzed as significant effects in the Eastern Neighborhoods Program Environmental Impact Report, and these effects are potentially significant off-site impacts. Specifically, the Board found the environmental analysis of the proposed project to be adequate in all respects except for the shadow analysis on the outdoor play areas of the Zaida T. Rodriguez early education school and directed the Planning Department to conduct



further, more detailed, shadow analysis on these play areas to accurately assess the shadow impacts on these areas.<sup>1</sup>

In response to this direction, the Planning Department has updated the IS/CPE to include additional analysis of the shadow effects of the proposed project on the Zaida T. Rodriguez early education school. The remainder of the IS/CPE has not changed, except for clarification of the list of required approvals by the Planning Commission and of the retail uses in the project description. This IS/CPE supersedes the August 30, 2017 IS/CPE for the proposed project.

## PROJECT DESCRIPTION

The project site consists of three lots on the west side of Mission Street between 25<sup>th</sup> Street and 26<sup>th</sup> Street; the southernmost lot extends from Mission Street to Osage Alley. The proposed project would demolish an approximately 5,200-square-foot (sf), one story, commercial building and adjacent 6,400-sf surface parking lot to construct an eight-story, 85-foot-tall, residential building with ground floor retail. As proposed, the project would require waivers, concessions, and/or incentives from Planning Code physical development limitations pursuant to California Government Code section 65915, commonly known as the state density bonus law, including for a building height 20 feet above the 65-foot height limit.

The proposed approximately 67,300-sf building would include 75 dwelling units (18 studio, 27 one-bedroom, and 30 two-bedroom). Retail spaces, totaling about 7,000 sf, would front Mission Street on either side of the building lobby. A 44-foot-long white loading zone would be provided in front of the lobby and the existing parking lot curb cut would be removed. A bicycle storage room with 76 class 1 bicycle spaces would be accessed through the lobby area and from Osage Alley. Six street trees and seven bicycle racks (14 class 2 bicycle parking spaces)<sup>2</sup> would be installed on Mission Street. Open space would be provided by common terraces on the second floor and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf of private decks. The proposed building would include an elevator and stair penthouse approximately 9 feet in height above the 85-foot-tall roof.

Construction of the proposed building would generally involve excavation of about 3 feet of soil over the entire project site and up to an estimated 17 feet deep at the location of two areas of known soil contamination, resulting in removal of about 2,100 cubic yards of soil. The building slab would be constructed on top of an impermeable vapor barrier placed over a gravel layer and a passive ventilation system. Project construction is estimated to take approximately 20 months, which includes about two to three months for demolition, excavation, and pile driving, which would be the most intensive phases of construction.

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<sup>1</sup> Board of Supervisors, Motion No. M18-094, Findings Reversing the Community Plan Evaluation – 2918-2924 Mission Street, July 10, 2-19. This and other documents pertaining to the CPE appeal in Board of Supervisors File No. 180718 are available at <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3306976&GUID=573556D0-4ACA-4E05-A3BE-0E0EC81CF040&Options=ID|Text|&Search=180019>

<sup>2</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.”

Adjacent properties include a commercial bank to the north at the corner of Mission and 25<sup>th</sup> Street, the Zaida T. Rodriguez Early Education School to the south, and a residential apartment building and parking garage to the west. The Zaida T. Rodriguez annex child development center on Bartlett Street is across Osage Alley from the project site, as are two to three-story residences. The local vicinity on Mission Street is characterized by a wide variety of commercial, retail, public and residential uses. Across from the project site, the eastern side of Mission Street is the western boundary of the Calle 24 Latino Cultural District; the Calle 24 Special Use District begins one block further east on Lilac Street. The Bay Area Rapid Transit (BART) 24<sup>th</sup> Street station is located one block north of the project site, as are several MUNI bus lines. Access to U.S. 101 is less than one mile southeast of the site via Cesar Chavez Street.

Figure 1 shows the proposed project's location; Figure 2 shows the site plan; Figure 3 shows the ground floor plan; Figures 4 – 10 show the plans for levels 2 through 8; Figure 11 shows the roof plan; and Figure 12 shows the building elevation.

The proposed 2918-2924 Mission Street project would require the following approvals:

**Actions by the Planning Commission**

- Conditional Use Authorization pursuant to Planning Code sections 121.1, 121.7, and 303 for development of large lots in Neighborhood Commercial districts and a lot merger resulting in a lot frontage exceeding 100 feet in the Mission NCT District

**Actions by other City Departments**

- Building Permit for demolition of existing building – Department of Building Inspection
- Building Permit for construction of new building – Department of Building Inspection
- San Francisco Entertainment Commission Review for Residential Projects within 300 feet of a Place of Entertainment per Chapter 116 of Administrative Code
- San Francisco Department of Public Health – Review for Compliance with Article 22A of the San Francisco Health Code

## 2918-2914 Mission Street



Figure 1. Project Site Location

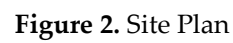




Figure 4. Second Floor Plan

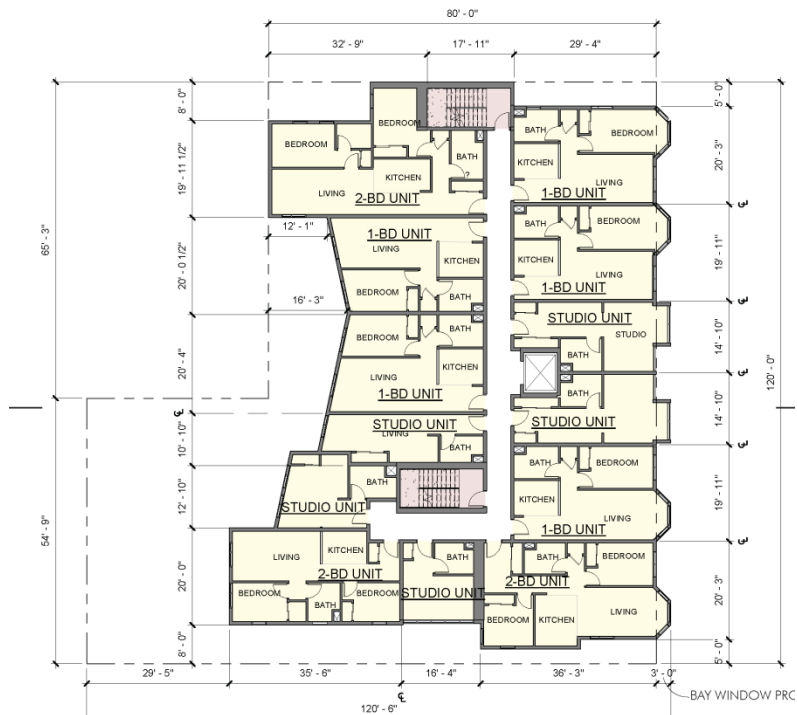


Figure 5. Third Floor Plan

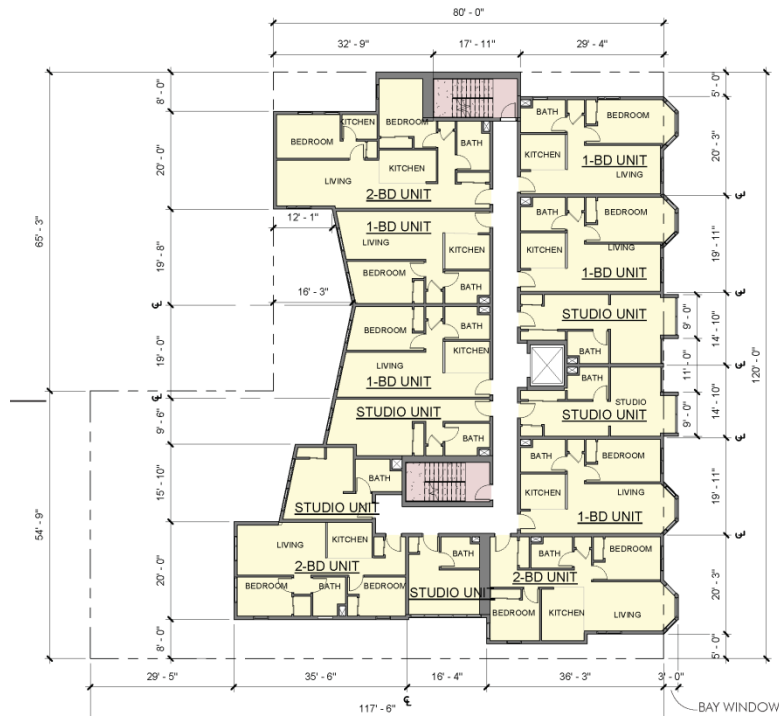


Figure 6. Fourth Floor Plan

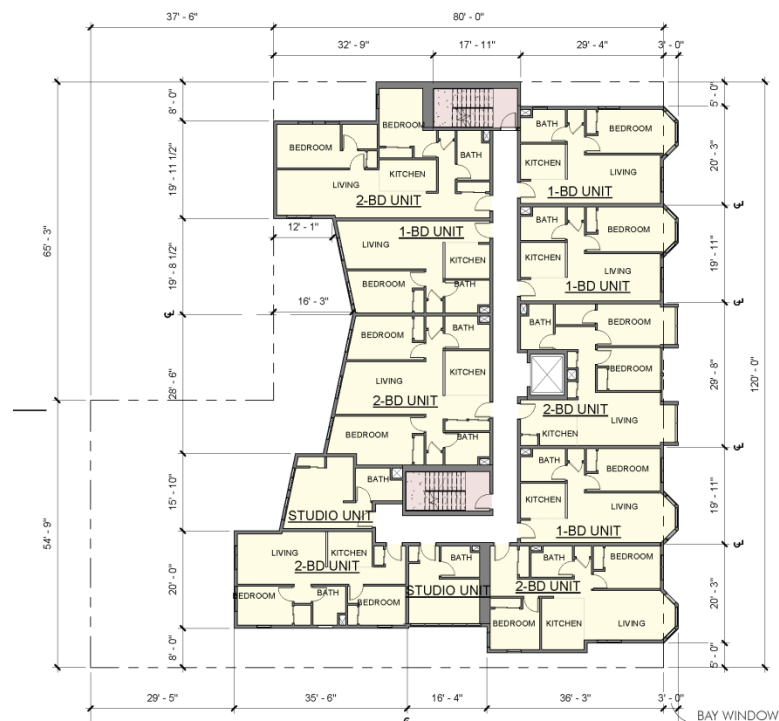


Figure 7. Fifth Floor Plan

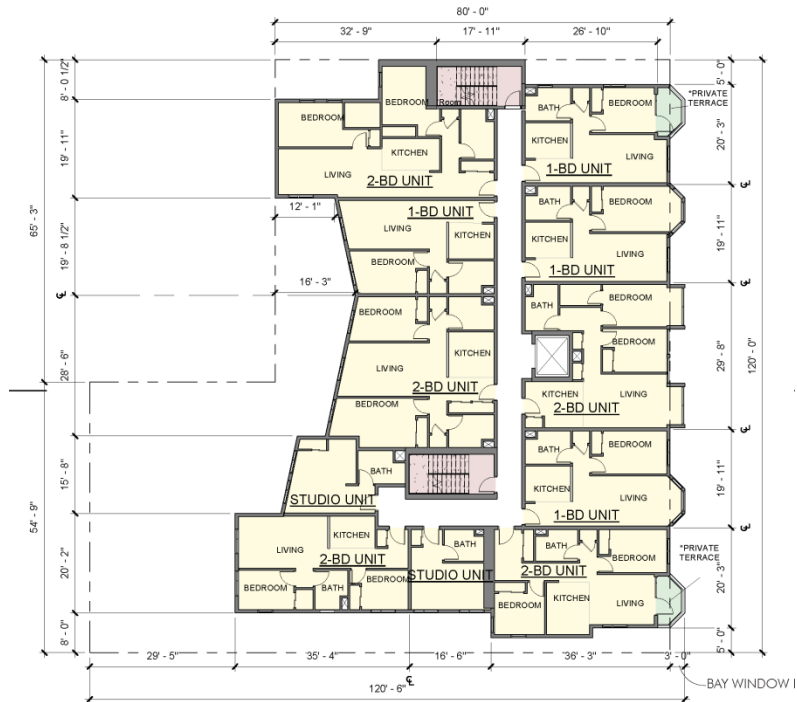


Figure 8. Sixth Floor Plan

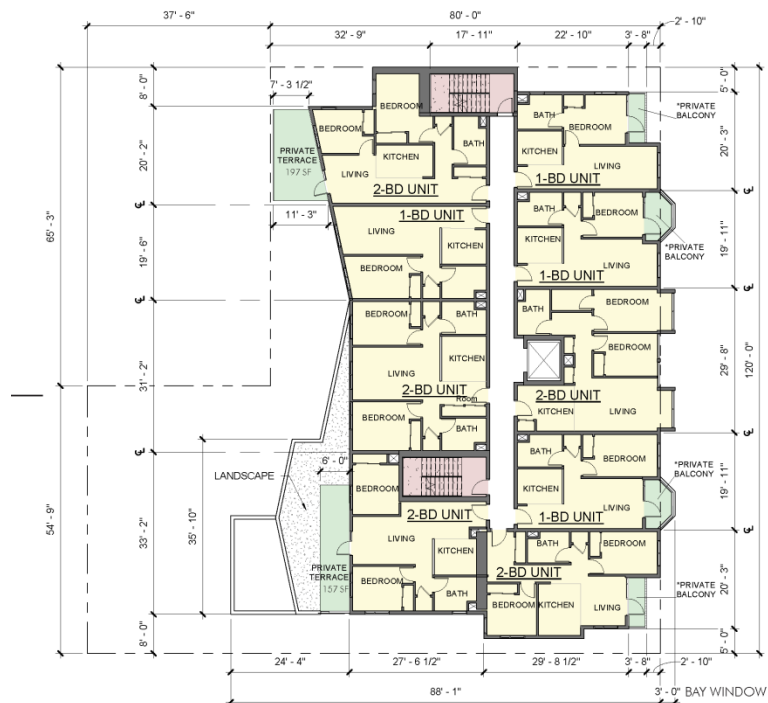


Figure 9. Seventh Floor Plan

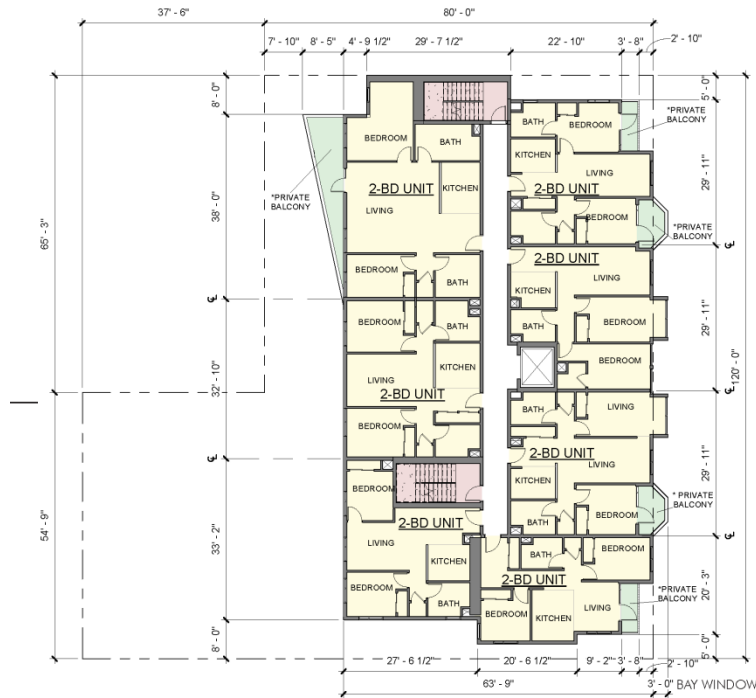


Figure 10. Eighth Floor Plan

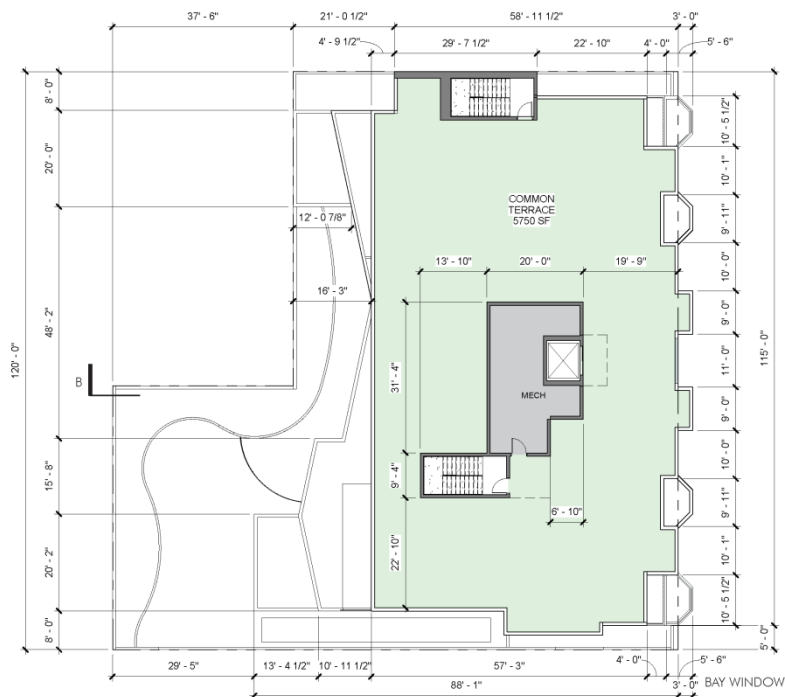


Figure 11. Roof Plan



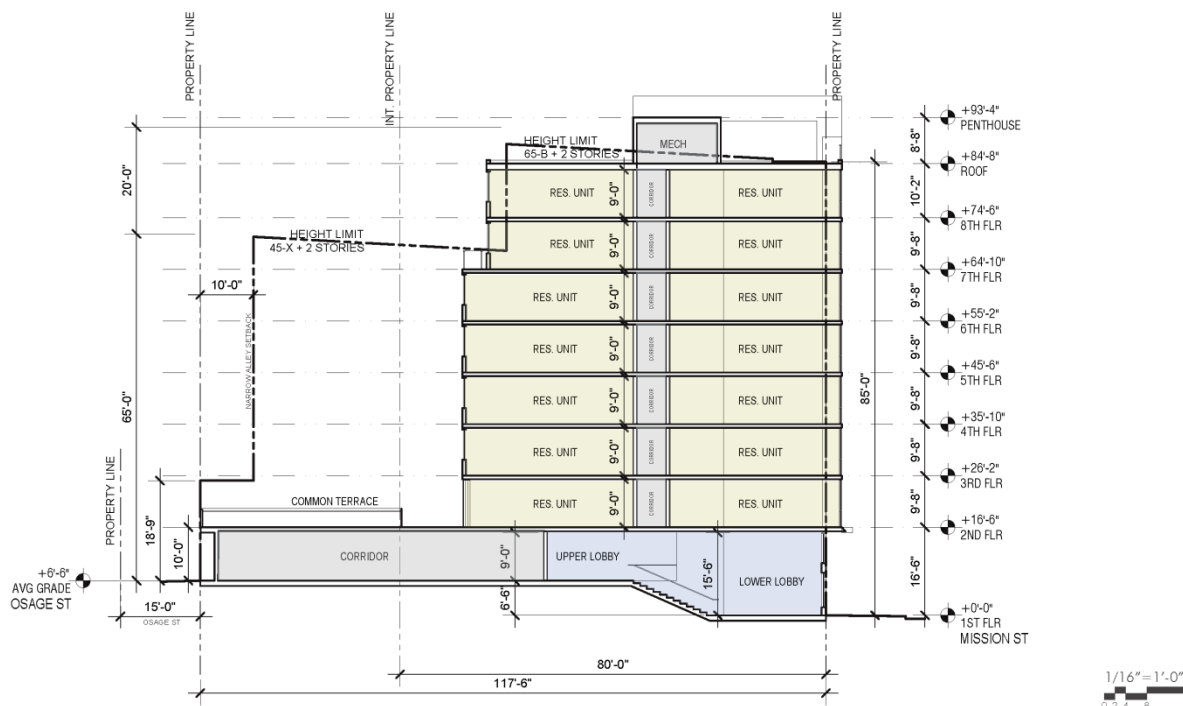


Figure 12. Building Elevation

## 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>3</sup> The initial study indicates 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 mitigated negative declaration or environmental impact report. If no such impacts are identified, no further environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with Public Resources Code 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 initial study.

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

<sup>3</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.

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

The proposed project would include construction of an eight-story building with 75 dwelling units and ground floor retail space. As discussed below in this initial study, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## CHANGES IN THE REGULATORY ENVIRONMENT

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

- State statute regarding Aesthetics, Parking Impacts, effective January 2014, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled, (VMT) 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 April 14, 2017;
- 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, the Transportation Sustainability Program process(see initial study section “Transportation”);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see initial study section “Noise”);
- 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 section “Air Quality”);
- 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 section “Recreation”);
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study section “Utilities and Service Systems”); and
- Article 22A of the Health Code amendments effective August 2013 (see initial study section “Hazardous Materials”).

**Aesthetics and Parking**

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

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

The proposed project meets each of the above three criteria and thus, this initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>4</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>5</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 riding transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this initial study, 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>4</sup> San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 2918-2924 Mission Street, April 13, 2016. 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. 2014.0376ENV.

<sup>5</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php).

<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>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 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. The proposed project would not remove any existing PDR uses and would therefore not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. In addition, the project site was zoned NC-3 (Neighborhood Commercial) prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses and the rezoning of the project site did not contribute to the significant impact.

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

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the Mission Neighborhood Commercial Transit (NCT) District and is consistent with bulk and density limits under the state density bonus law (California Government Code section 65915). The project is consistent with objectives of the Mission Area Plan by maximizing development potential in keeping with neighborhood character, providing a variety of dwelling unit mixes to satisfy an array of housing needs, and providing bicycle parking. The Mission NCT District requires that at least 40 percent of all dwelling units contain two or more bedrooms or 30 percent of all dwelling units contain three or more bedrooms. The Mission NCT permits commercial uses up to 5,999 sf per use as principally permitted uses. The project proposes 75 dwelling units, 40 percent of which are two-bedroom units, as well as two separate ground floor retail spaces totaling 6,700 sf, each of which is below the 5,999-sf permitted use size limitation. The project is seeking a height concession pursuant to the state density bonus law to exceed the applicable 45 and 65-foot height limits. As proposed, with the allowable height concession pursuant to the state density bonus, the project is permitted in the Mission NCT District and is consistent with the development density as envisioned in the Mission Area Plan.<sup>6,7</sup>

<sup>6</sup> San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 2918-2924 Mission Street, April 19, 2017.

<sup>7</sup> San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 2918-2924 Mission Street, June 1, 2017.

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

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 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 identifies 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, traffic and transportation, air quality, noise, public services, utilities, and recreational resources. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics, and identifies mitigation measures to address significant impacts.

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 section 21082.2 and CEQA Guidelines section 15064, economic and social changes 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 considers 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 section 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 75 dwellings units, which would result in an increase of about 185 residents.<sup>8</sup> The proposed project would not result in the displacement or elimination of any existing residential dwelling units. These direct effects of the proposed project on population and housing would not result in new or substantially more severe significant impacts on population and housing beyond those identified in the Eastern Neighborhoods PEIR. The project’s contribution to indirect effects of population growth identified in the Eastern Neighborhoods PEIR on land use, transportation, air quality, noise, public services, utilities, and recreational resources are evaluated under each of those topics in this initial study below.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>8</sup> Estimated number of new residents based on average household size (2.47) of occupied housing units in the Census Tract 209 per the 2010 U.S. Census Bureau Profile of General Population and Housing Characteristics (DP-1) summary data and the proposed project’s 75 new dwelling units [75 \* 2.47 = 185 residents]. Available at <http://factfinder.census.gov>. Accessed May 27, 2016.

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

The commercial building at 2918-2922 Mission Street was constructed in 1924. It was included in the *South Mission Historic Resource Survey*<sup>9</sup> and was given a rating of 6L, indicating that the property is ineligible for National Register, California Register of Historical Resources, or local designation through survey evaluation. Further, the building is not located within a historic district. As such, the building would not be considered a historic resource pursuant to CEQA. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

The project site is located across Mission Street from the Calle 24 Latino Cultural Heritage District.<sup>10</sup> A cultural heritage district is defined as a region and community linked together by similar cultural or heritage assets, and offering visitor experiences that showcase those resources. The purpose of the Latino Cultural Heritage District is to recognize, promote and preserve cultural assets of the district. While there may be properties within the Calle 24 Latino Cultural Heritage District that qualify as historic resources, the district itself is not a historic district under CEQA. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

<sup>9</sup> San Francisco Planning Department, *South Mission Historic Resources Survey*, adopted by Historic Preservation Commission Motion 0093, November 17, 2010.

<sup>10</sup> Board of Supervisors Resolution, File No. 140421, May 28, 2014.

## 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.

The proposed project would involve approximately 2,100 cubic yards of excavation to depths up to 17 feet in an area where no previous archeological studies have been prepared. Therefore, the proposed project is subject to Eastern Neighborhoods PEIR Mitigation Measure J-2, which requires preparation of a Preliminary Archeological Sensitivity Study. The Planning Department's archeologist conducted a preliminary archeological review of the project site in conformance with the study requirements of Mitigation Measure J-2 and determined that the Planning Department's first standard archeological mitigation measure (accidental discovery) applies to the proposed project.<sup>11</sup> The Preliminary Archeological Review and its requirements (e.g., accidental discovery measure) are consistent with Mitigation Measure J-2 from the Eastern Neighborhoods PEIR. With implementation of this project mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Eastern Neighborhoods PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, as updated in the Mitigation Measures section below.

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

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

<sup>11</sup> Planning Department Archeologist, Randall Dean, *Preliminary Archeological Review 2918-2924 Mission Street*, June 3, 2016.



<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) 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"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction transportation. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction traffic 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, emergency access, and construction transportation impacts of the proposed project as discussed below.<sup>12</sup> Based on this project-level review, the department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site.

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 Traveled, 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 initial study.

<sup>12</sup> San Francisco Planning Department, Transportation Study Determination, Case No. 2014.0376ENV, 2918 Mission Street, January 29, 2016.

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.

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>

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> Average daily VMT for

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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.

residential and retail 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, 129.

**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 129</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 129</u>
Households (Residential)	17.2	14.6	7.2	16.1	13.7	6.3
Employment (Retail)	14.9	12.6	9.2	14.6	12.4	9.3

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 (TAZ) that exhibits low levels of VMT<sup>17</sup>; 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 75 dwelling units and ground-floor retail space. Existing average daily VMT per capita is 7.2 for residential uses in the transportation analysis zone the project site is located in, TAZ 129. This is 58 percent below the existing regional average daily VMT per capita of 17.2. Future 2040 average daily VMT per capita is 6.3 for TAZ 129. This is 61 percent below the future 2040 regional average daily VMT per capita of 16.1. The existing average daily VMT per retail employee is 9.2 for TAZ 129, which is 37 percent below the existing regional average of 14.82. Future 2040 VMT per

<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 trips. 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.

<sup>17</sup> According to the guidelines, a low level of VMT would be 15 percent less than the regional average VMT, as shown in Table 1.

employee is projected to be 9.3 for TAZ 129, which is 36 percent below the future regional average of 14.58.<sup>18</sup> Therefore, the proposed project would not cause substantial additional VMT and impacts would be less-than-significant impact.

### **Trip Generation**

The proposed project would include 45 studios/one-bedroom units and 30 two-bedroom units, approximately 6,700 sf of retail space, and 76 class 1 bicycle parking spaces

Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>19</sup> The proposed project would generate an estimated 1,681 person trips (inbound and outbound) on a weekday daily basis, consisting of 859 person trips by auto, 429 transit trips, 294 walk trips and 99 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 204 person trips, consisting of 93 person trips by auto (61 vehicle trips accounting for vehicle occupancy data for this census tract), 64 transit trips, 32 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, 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>20</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 would be subject to the fee. The City is also currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding. In compliance with Mitigation Measure E-11: Transportation Demand Management, the San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code to create a Transportation Demand Management (TDM) Program for all new projects of certain sizes, in all zoning districts (Ordinance No. 34-17, effective March 19, 2017).<sup>21</sup> Both the Transportation Sustainability Fee and the TDM program are part of the Transportation Sustainability Program.<sup>22</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, which was approved by the SFMTA Board of Directors in March 2014. This program (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and

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<sup>18</sup> San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 2918-2924 Mission Street, September 21, 2016.

<sup>19</sup> San Francisco Planning Department, Transportation Calculations for 2918-2924 Mission Street, September 21, 2016.

<sup>20</sup> Two additional files were created at the Board of Supervisors for TSF regarding hospitals and health services, grandfathering, and additional fees for larger projects: see Board file nos. 151121 and 151257.

<sup>21</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=4979626&GUID=D19B15D5-5169-4ADE-8C32-0966CE4201C8>.

<sup>22</sup> <http://tsp.sfplanning.org>

increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 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 14-Mission, 14R-Mission Rapid, 12-Folsom/Pacific, 27-Bryant, 36-Teresita, 48-Quintara, 49-Van Ness/Mission, 67-Bernal Heights, and the Bay Area Rapid Transit (BART). The proposed project would be expected to generate 429 daily transit trips, including 64 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 64 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, the project site is located within a quarter-mile of Muni lines 27-Bryant, 48-Quintara, and 49-Van Ness/Mission. The proposed project would not contribute considerably to these conditions as its minor contribution of 64 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

## **Conclusion**

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

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

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. The Eastern Neighborhoods PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant. The Eastern Neighborhoods PEIR identified six noise mitigation measures, three of which may be applicable to subsequent development projects.<sup>23</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

<sup>23</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).

## 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 geotechnical investigation (see Geology and Soils Section below) prepared for the project provides recommendations for the use and installation of various types of foundations (spread footings, a mat foundation, and deep foundations such as drilled piers, micropiles, or auger-cast-in-place piles). Because deep piers may require pile driving for installation of steel casing, Eastern Neighborhoods PEIR Mitigation Measure F-1 would apply, and is included in the Mitigation Measures Section as Project Mitigation Measure 2.

Construction of the proposed project would result in temporary elevated noise levels at nearby residences and schools. The Zaida T. Rodriguez Early Education School is located adjacent to the south of the project site at 2950 Mission Street and across Osage Alley at 421 Bartlett Street. Project construction phases would include demolition, shoring and excavation, foundation installation, structural framing, interior framing, and exterior and interior finishes. The noisiest of these activities is typically excavation and foundation installation, estimated to take around two to three months of the 20-month construction period, when heavy machinery would be in use. Accordingly, Eastern Neighborhoods PEIR Mitigation Measure F-2 would apply to the project and is included in the Mitigation Measures Section as Project Mitigation Measure 3. This measure requires that site-specific construction noise attenuation measures are developed by a qualified acoustical consultant to achieve maximum feasible noise attenuation. The project sponsor has prepared a noise and vibration mitigation plan.<sup>24</sup> According to the mitigation plan, ambient noise and construction noise measurements would be taken at noise sensitive locations in the vicinity of the project site during construction. Construction noise reduction may be achieved by various methods of equipment source noise reduction, noise barriers, and sensitive receptor noise reduction. These methods could include the following: providing intake and exhaust mufflers on pneumatic impact tools and equipment; using noise-attenuating shields, shrouds or portable barriers; using electric instead of diesel or gasoline-powered equipment; providing enclosures for stationary items of equipment and noise barriers around particularly noisy areas at the project site; minimizing noisy activities during the most noise sensitive hours; installing noise control curtains; and installing removable secondary acoustic window inserts to existing windows in sensitive receptor buildings. The noise mitigation plan measures would be subject to review by the Department of Building Inspection prior to construction. Compliance with this mitigation measure would result in a less-than-significant impact with regard to construction noise.

In addition, all construction activities for the proposed project (approximately 20 months) would be subject to and required to comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). 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 or the Director of the Department of Building Inspection to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient

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<sup>24</sup> Clearwater Group, *Site Mitigation Plan, 2918-2924 Mission Street*, May 26, 2016.

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 public works authorizes a special permit for conducting the work during that period.

The building department is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8 a.m. to 5 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 20 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-1 and F-2 (Project Mitigation Measures 2 and 3), which would reduce construction noise impacts to a less-than-significant level.

### **Operational Noise**

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed project's residential and retail uses would be similar to that of the surrounding vicinity and are not expected to generate noise levels in excess of ambient noise, therefore PEIR Mitigation Measure F-5 would not apply.

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

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



processes to ensure that the design of new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

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

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

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

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>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.

<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.

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>

### **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 the building department. 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.

In addition, compliance with article 22A of the San Francisco Health Code and section 106.3.2.4 of the building code, a site mitigation plan (which includes a dust control plan) has been prepared for project construction and approved by the San Francisco Department of Public Health. Dust control measures set forth include installation of wind screens on the perimeter security fences to reduce potential dust migration to off-site areas and a dust monitoring program that triggers additional engineering controls or halting work if dust levels in excess of action levels or visible dust are observed.<sup>27</sup>

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 necessary to reduce construction-related dust impacts of the proposed project.

### **Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>28</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide

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<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.

<sup>27</sup> San Francisco Department of Public Health, Environmental Health, SFHC Article 22a Compliance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, San Francisco. EHB-SAM Case No: 1296, June 15, 2016.

<sup>28</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.

screening criteria<sup>29</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. The project would entail demolition of an existing one-story commercial building and construction of an eight-story, 85-foot-tall mixed-use residential building with 75 dwelling units and about 6,700-sf of ground-floor retail space. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria as the proposed 75-unit residential building would be below the 240 dwelling unit construction criteria pollutant screening size and 451 dwelling unit operational criteria pollutant screening size. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### **Health Risk**

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, amended December 8, 2014)(Article 38). The 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.

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

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<sup>29</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

applicable to the proposed project. The proposed project 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 would not include any sources, such as backup generators, that would emit DPM or other TACs. 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 the project would not result in significant air quality impacts that were not identified in the 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>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>30</sup> per service population,<sup>31</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>32</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG

<sup>30</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>31</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>32</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.

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>33</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *2010 Clean Air Plan*,<sup>34</sup> Executive Order S-3-05<sup>35</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>36,37</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>38</sup> and B-30-15.<sup>39,40</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site with the demolition of the existing 5,200-sf commercial building and the construction of an eight-story, approximately 67,300-sf mixed use building that includes 75 residential dwelling units and approximately 6,700 sf of retail space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

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

Compliance with the City's Transportation Sustainability Fee, bicycle parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency,

<sup>33</sup> ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

<sup>34</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>35</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>36</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>37</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.

<sup>38</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>39</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>40</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.

thereby reducing the proposed project's energy-related GHG emissions.<sup>41</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>42</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. The project would not include new commercial refrigeration systems or wood burning fireplaces, which would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>43</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>44</sup>

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

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

## Wind

Based 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. Based on the height and location of the proposed

<sup>41</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>42</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>43</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>44</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 2918-2924 Mission Street*, September 21, 2016.

approximately 85-foot-tall building, a pedestrian wind assessment was prepared by a qualified wind consultant for the proposed project.<sup>45</sup> The objective of the wind assessment was to provide a screening-level evaluation of the potential wind impacts of the proposed development, to assess the need for further detailed modelling and analysis. The wind assessment found that the existing wind conditions on the adjacent streets are expected to be below the 26-mile-per-hour wind hazard criterion as outlined in the San Francisco Planning Code section 148 throughout the year. The wind assessment also found that the proposed building would not cause winds that would reach or exceed the 26-mile-per-hour wind hazard criterion at all pedestrian areas on and around the proposed development and that wind speeds at building entrances and public sidewalks would be suitable for the intended pedestrian usage.

### 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 and other publicly accessible open spaces 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 the time that the PEIR was certified. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct an approximately 85-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 or other publicly accessible open spaces.<sup>46</sup> The preliminary shadow fan analysis indicates that the proposed project would not cast shadows on any neighborhood parks or recreational resources subject to Planning Code section 295. Further, the proposed project would not cast shadows on any other publicly accessible open spaces, including on any schoolyards participating in the Shared Schoolyard Project (or any identified for planned program expansion), a joint partnership through which the San Francisco Unified School District, Public Works, and Recreation and Parks Department are able to open schoolyards to the public on weekends.<sup>47</sup> At the request of the Board of Supervisors, the Planning Department has reviewed the potential impacts of the proposed project on the schoolyard of the Zaida T. Rodriguez early education school, adjacent to the project site.

The proposed project would cast shadow on the schoolyards of the Zaida T. Rodriguez early education school, a San Francisco Unified School District public school. The Zaida T. Rodriguez school has two campuses: a pre-kindergarten (Pre-K) that operates year-round on weekdays (excluding school holidays) from 7:30 a.m. to 5:30 p.m. at 2915 Mission Street, adjacent to and south of the project site; and a transitional kindergarten (TK) that operates most weekdays on the school year calendar (late August to

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<sup>45</sup> RWDI, *Screening-Level Wind Analysis*, 2918 Mission Street, RWDI #1604031, September 8, 2016.

<sup>46</sup> San Francisco Planning Department, Preliminary Shadow Fan, August 10, 2017.

<sup>47</sup> San Francisco Share Schoolyard Project, [http://www.sfshareschoolyard.org/participating\\_schools](http://www.sfshareschoolyard.org/participating_schools), accessed September 6, 2018.



early June, excluding school holidays<sup>48</sup>) from 8 a.m. to 2 p.m. at 421 Bartlett, across Osage Alley to the west of the proposed project.<sup>49</sup> The location of the campuses and their respective schoolyards (also referred to as play yards) are shown on **Figure 13**. The campus schoolyards are open to students and teachers, and are only in active use during limited periods during the day. According to school staff, the Pre-K yard is used for morning recess separately by two groups, the first group from 9 a.m. to 10 a.m. and the second group from 10:30 a.m. to 11:30 a.m., and then for lunch recess beginning around noon.<sup>50</sup> The TK yard is used for morning recess by one group from 9 a.m. to 9:30 a.m., and the second group from 9:30 a.m. to 10 a.m., followed by lunch recess beginning around noon.



**Figure 13.** Zaida T. Rodriguez Early Education School Play Yards (figure not to scale)

Shadow effects of the proposed project on the nearby schoolyards were evaluated using a three-dimensional digital model of the proposed project according to the well-established quantitative methodologies used for shadow analysis on City parks subject to Planning Code section 295 (although schoolyards are not subject to section 295). Under these procedures, quantification of shadow effect is

<sup>48</sup> SFUSD academic calendar for 2018-2019 school year is from August 20, 2018 to June 4, 2019.

<http://www.sfusd.edu/en/assets/sfusd-staff/news-and-calendars/files/instructional-calendar/2018-19-calendar-ENG.pdf>; accessed September 13, 2018.

<sup>49</sup> San Francisco Unified School District (SFUSD), "Zaida T. Rodriguez Early Education School" webpage; <http://www.sfusd.edu/en/schools/school-information/rodriguez-ees.html>; Accessed August 30, 2018.

<sup>50</sup> ESA, Shadow Analysis of Proposed 2918 Mission Street Project, September 20, 2018



expressed as a percentage of theoretical annual available sunlight (TAAS).<sup>51</sup> The findings of the shadow analysis are summarized for each schoolyard below.<sup>52</sup> This analytical approach does not take into account existing shadow cast by trees, canopies, and shade structures that also shadow portions of the schoolyard. As such, the section 295 shadow analysis overstates the actual net new shadow of the proposed project; thus, the evaluation below also qualitatively discusses the net new shadow when existing shadow is taken into account.

*TK Schoolyard (421 Bartlett Street Campus)*

On an annual basis, the existing shadow coverage of the yard from nearby buildings is 3.75 percent of TAAS. The proposed project would increase shadow by approximately 17 percent on an annual basis, resulting in overall shadow totaling 20.75 percent of TAAS. Net new shadow would fall on the TK yard year-round beginning at 6:47 a.m. at the summer solstice (approximately June 21) and 8:20 a.m. at the winter solstice (approximately December 21). Shadow would leave the yard by about 11:30 a.m. from late February through mid-November, and by about 10:20 a.m. during the remainder of the year. The area of net new shadow on the yard would vary by season and time of day, from as low as 2 percent of the schoolyard to as much as 97 percent of the schoolyard.

As discussed above, use of the yard is limited to students and teachers for a 30 minute morning recess between the hours of 9 to 10 a.m., and again for lunch recess after noon. Because net new project shadow would be completely gone from the yard by 11:30 a.m. at all times of the year, there would be no new shadow during the lunch recess; therefore the focus of this analysis is shadow during the limited period between 9 and 10 a.m. During the morning recess, the amount of existing shadow on the yard from nearby structures varies from about 2 to 13 percent of the schoolyard area, with the largest amount from March through mid-October. (Note: the TK school is not in session during the summer months). The amount of net new shadow on the yard during morning recess from the proposed project would vary from an average high of about 81 percent of the schoolyard area at 9 a.m. decreasing to 63 percent at 10 a.m. during the months of March through mid-October, and an average low of about 44 percent of the schoolyard area at 9 a.m. decreasing to 6 percent at 10 a.m. during the remainder of the year (mid-October through February). Combining the existing and net new project shadow, the total amount of shadow on the yard by area would vary from 91 percent at 9 a.m. decreasing to 65 percent at 10 a.m. from March to mid-October, and from 47 percent at 9 a.m. decreasing to 10 percent at 10 a.m. from mid-October through February. Thus, during roughly half the school year (spring and early fall), there would be an average total shadow coverage on the schoolyard of approximately 78 percent, and during the other half of the school year (late fall and winter), shadow coverage would average about 29 percent of the schoolyard area during the morning recess.

In summary, during the two hours per day that the yard is used by students for recreation, shadow coverage exceeding two-thirds of the yard, on average, would occur approximately one quarter of the time, particularly at the earliest hour of morning recess in the late spring and early fall. Project shadows would disappear after approximately 10:20 a.m. in the winter months, and 11:30 a.m. at any time of the

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<sup>51</sup> The theoretical annual available sunlight is the amount of sunlight, measured in square-foot-hours that would fall on a given park during the hours covered by section 295. It is computed by multiplying the area of the park by 3,721.4, which is the number of hours in the year subject to section 295. This quantity is not affected by shadow cast by existing buildings, but represents the amount of sunlight that would be available with no buildings in place.

<sup>52</sup> ESA and Fastcast, Shadow Analysis of Proposed 2918 Mission Street Project, Case No. 2014.0376ENV, September 19, 2018.

year. The greatest amount of shadow would occur around the summer solstice, when school is not in session.

Consistent with the section 295 shadow analysis methodology the three dimensional model used for the shadow analysis presented above includes the proposed project and existing buildings, but does not include existing trees, canopies, and shade structures that also shadow portions of the schoolyard. As such, this analysis overstates the actual net new shadow of the proposed project on the TK schoolyard. During the 9 to 10 a.m. morning recess hour, portions of the yard are currently shadowed by a gazebo/overhang structure on the east side of the school building, a shade structure over the sandbox, and a stand of trees that border the northern and southern edges of the yard. Because these elements are not included in the model, their resulting shadow cannot be quantified; however based on field observations, it appears that these features currently shade roughly 25 percent of the schoolyard during the 9 a.m. to 10 a.m. hour (see Figure 14 and 15). Thus, the actual amount of net new shadow resulting from the proposed project would be less than calculated in the shadow study discussed above. Existing shadow from trees and canopies covers active play areas to the north of the play structure, the sandbox and adjacent areas, and the breezeway beneath the gazebo.



**Figure 14.** Northern edge of TK yard – September 8, 2018 at 9:40 a.m.



**Figure 15.** Southern edge of TK yard with sandbox and gazebo – September 8, 2018 at 9:40 a.m.

*Pre-Kindergarten Schoolyard (2915 Mission Street)*

On an annual basis, the existing shadow coverage of the Pre-K yard from nearby buildings is 8.11 percent of TAAS. The proposed project would increase shadow by approximately 0.18 percent, resulting in overall shadow totaling 8.29 percent of TAAS. In general, net new project shadow would fall on the yard for 21 weeks between mid-April and the end of August for durations of between 15 minutes and almost 4¾ hours (284 minutes).<sup>53</sup> In the morning, project shadow would begin to reach the Pre-K play yard between about 7 a.m. and 7:30 a.m., depending on the date, and would leave the play yard no later than 9:10 a.m. This morning shadow would overlap with the first 10 minutes of the first recess period. During these 10 minutes, approximately 5 percent of the schoolyard would be shadowed by the project. Approximately half of the schoolyard is currently shadowed by the school building during the first recess period. Project shadow would again reach the Pre-K play yard beginning as early as about 4:45 p.m. and would last until the last section 295 minute, which typically occurs between 6:52 p.m. and 7:36 p.m. during the weeks when project shadow would fall on the Pre-K play yard. Most of the late afternoon shade would reach the Pre-K play yard after the Pre-K school's 5:30 p.m. closing time.<sup>54</sup>

<sup>53</sup> In mid-April and late August, project shadow would reach the Pre-K play yard for only 15 minutes per day.

<sup>54</sup> Cumulative shadow analysis determined that a proposed project at 2976 Mission Street would add a nominal amount of shadow (less than 0.01 percent of TAAS and a maximum of 33 square feet) on the Pre-K yard.

*Nearby Public Property*

The proposed project would shade portions of nearby streets, sidewalks, and properties at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly experienced or expected in urban areas.

*Conclusion*

As discussed above, the proposed project would not shade any properties under the jurisdiction of the Recreation and Parks Department or any other publicly accessible open spaces, including any schoolyards participating in the Shared Schoolyard Project. Net new shadow resulting from the proposed project would fall on the Zaida T. Rodriguez schoolyards for varying durations at different times of the year. The greatest amount of shadow would occur around the summer solstice, when the TK yard is not in use. Net new shadow coverage on the TK yard during the two hours per day that the yard is used by students for recreation would cover more than two-thirds of the yard area on average approximately one quarter of the time it is used, and would cast the most new shadow at the earliest hour of morning recess in the late spring and early fall. During other times of the year, net new shadow would cover approximately one quarter of the yard on average during morning recess. However, as noted above, these percentages do not take into consideration existing shadow from trees, canopies, and gazebos. There would be no new shadow coverage resulting from the proposed project during lunch recess, as the schoolyard would be unaffected by project shadows after approximately 10:20 a.m. in the winter months, and after approximately 11:30 a.m. at any time of the year. Shadow from the project, while noticeable during the current morning recess times at certain times of the year, would not substantially affect the use of the schoolyards, and would not exceed levels commonly experienced or expected in a dense urban environment. Net new shadow coverage on the Pre-K yard would be limited to 5 percent of the yard for 10 minutes of morning recess, and after 4:45 p.m. until school closing at 5:30 p.m.

Although occupants of nearby property may regard the increase in shadow on public streets and sidewalks and private properties as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

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

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>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 the In Chan Kaajal Park at 17<sup>th</sup> and Folsom, have opened. . 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 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 in June 2011. The plan 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 plan 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 Urban Water Management Plan includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The plan projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods Plan area including at the

Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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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 is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, the project would not result in new or substantially more severe impacts on the physical environment associated with the provision of public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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### 12. BIOLOGICAL RESOURCES—Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) 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 a fully developed lot covered by a building and asphalt-paved parking lot located within the Mission Plan area of the Eastern Neighborhoods Area Plan and does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

<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>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"/>



<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>
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"/>	
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 to inform excavation and construction with regard to potential geologic hazards.<sup>55</sup> Three soil borings drilled to depths up to 50 feet below ground surface indicate that subsurface conditions consist of sand with varying amounts of silt and clay. Groundwater was encountered at depths between 27 and 30 feet. The site is adjacent to the BART subsurface easement (tunnels and tracks) along Mission Street. Because the project site is within the BART zone of influence, project design and construction are subject to BART's design requirements, review and approval.<sup>56</sup> These guidelines inform the geotechnical investigation recommendations for building foundations to avoid adverse effects on the adjacent BART structures.

The geotechnical investigation states that the proposed project is not located in an Alquist-Priolo Earthquake Fault zone and notes that the nearest active fault, the North San Andreas Fault, is about 5 miles to the west. Additionally, there are no mapped active faults crossing the project site and there is a

<sup>55</sup> Langan Treadwell Rollo, *Geotechnical Investigation, 2918 Mission Street*, May 6, 2016.

<sup>56</sup> BART, *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*, July 23, 2003.

low risk of surface rupture that could damage the structure. However, the project site is located within a seismically active area, as is the entire Bay Area, and will be subject to strong ground shaking during a major earthquake on a nearby fault, which could result in seismic hazards such as that associated with soil liquefaction, lateral spreading, and seismic densification. The study states that the potential for these hazards is low, but that a moderate to large earthquake on a nearby fault could cause settlement on the order of ¼ to ½-inch.

The geological investigation concludes that the proposed project is feasible with incorporation of the recommended measures. Detailed recommendations with regard to selection of the appropriate foundation(s) to support the proposed structure within the BART zone of influence, support of temporary slopes and neighboring structures in compliance with BART requirements during excavation, and underpinning the adjacent buildings are provided. Additional recommendations regarding site preparation, shoring, floor slabs, below-grade retaining walls, site drainage, seismic design criteria, and construction monitoring are also provided.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. The building department will review the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site specific soils report(s) through the building permit application process, as needed. The building department requirement for a geotechnical report and review of the building permit application pursuant to the building code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>

<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>
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 occupied by a one-story structure and an asphalt-paved parking lot; the proposed project would also occupy the entire project site and there would not be any change in the amount of impervious surface coverage, which in turn, could increase the amount of drainage and runoff. In accordance with the Stormwater Management Ordinance (Ordinance No. 64-16) and Public Works Code section 147, the proposed project would be subject to and would comply with the San Francisco Public Utilities Commission (SFPUC) Stormwater Management Requirements and Design Guidelines, incorporating low impact design approaches and stormwater management systems into the project. Adherence to these requirements would ensure that stormwater is managed appropriately so as to not adversely affect drainage systems and water quality.

Stormwater runoff during construction must comply with the Construction Site Runoff Ordinance (Ordinance No. 260-13) and the Public Works Code section 146. Construction activities that disturbs 5,000 sf or more, such as the project, must submit an erosion and sediment control plan to the SFPUC for review and approval prior to construction. The plan would outline the best management practices to be implemented during construction to prevent the discharge of sediment, non-stormwater, and waste runoff from the project site.

The proposed project would not expose people or structures to flooding risks or hazards, or impede or redirect flood flows in a 100-year flood hazard area, because the project site is not located within a 100-year flood zone. Because the project site is not located within a flood hazard zone or near a water reservoir with a dam or levee, the proposed project would not 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. Similarly, the project site also is not located within a tsunami hazard zone and would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.<sup>57</sup>

Therefore, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>57</sup> San Francisco Planning Department, *San Francisco General Plan, Community Safety Element*. (Map 05, Tsunami Hazard Zones, page 15). October 2012. Available online at: [http://www.sf-planning.org/ftp/General\\_Plan/Community\\_Safety\\_Element\\_2012.pdf](http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf), accessed November 13, 2014.

<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>
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, underground storage tank closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

### **Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the plan area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes demolition of an existing building, Mitigation Measure L-1 would apply to the proposed project and is included as Mitigation Measure 4 in the Mitigation Measures Section below. With implementation of Mitigation Measure 4, there would be a less-than-significant impact on the environment with respect to hazardous building materials.

### **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 are subject to this ordinance. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *phase I environmental site assessment* that meets the requirements of Health Code section 22.A.6. The site assessment would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or

groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a *site mitigation plan* to the Department of Public Health or other appropriate state or federal agency(ies), and to remediate site contamination in accordance with an approved site mitigation plan prior to the issuance of any building permit.

The proposed project would excavate approximately 2,100 cubic yards of soil from a site formerly used as an automobile service station and listed on the California State Water Resources Control Board's Leaking Underground Storage Tank list due to a release from a 1,000-gallon unleaded gasoline storage tank removed in 2006.<sup>58</sup> The water board case was closed in November 2006.<sup>59,60</sup> Therefore, the project is subject to the Maher Ordinance. In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to the health department for oversight of site investigation and cleanup. As required, the sponsor's consultant has prepared a phase I site assessment, submitted a work plan for subsurface investigation to the health department for review and approval,<sup>61</sup> performed a *phase II subsurface investigation*,<sup>62</sup> and received health department approval of its proposed site mitigation plan.<sup>63,64</sup> The phase I site assessment indicates that the site was used for automobile sales and service for about four decades, from 1935 to the mid-1970s, and would likely have used petroleum hydrocarbon fuels, oils, lubricants, degreasers, and solvents. Later site uses may have included dry cleaner operations, based on a permit from 1991, which could have used chlorinated solvents on-site. The results of the soil, soil vapor, and groundwater sampling and analysis indicate that contaminants are present in subsurface soil, soil vapor, and groundwater at the site. Contaminants include petroleum hydrocarbons, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs), asbestos, and various metals, some at concentrations exceeding the San Francisco Bay Regional Water Quality Control Board's *environmental screening levels* for residential use. Screening levels are levels of commonly-found contaminants below which the presence of the chemical in soil, soil gas, or groundwater can be assumed not to pose a significant threat to human health, water resources, or the environment under most circumstances.<sup>65</sup>

Project construction would require excavation of the top 3 feet of soil over most of the site for foundation construction, and excavation to 7.5 feet below ground surface for the elevator pit. The site mitigation plan proposes over-excavation of soil in areas where soil vapor contamination exceeds applicable screening levels, and post-excavation confirmatory soil sampling to verify that impacted areas have been removed. In addition, additional investigation of the extent of lead in soil would be performed and removed, as needed. According to the site mitigation plan, all soil contaminants above screening levels, except for

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<sup>58</sup> Clearwater Group, *Phase I Environmental Site Assessment, Wash Club Laundry, 2918-2920-2922-2924 Mission Street*, July 12, 2015.

<sup>59</sup> California State Water Resources Control Board, GeoTracker Database Search, Available online at <http://geotracker.waterboards.ca.gov>. Accessed September 22, 2016.

<sup>60</sup> San Francisco Department of Public Health, *Remedial Action Completion Certification, Underground Storage Tank Case, Wash Club Laundry, 2922 Mission Street, LOP Case Number: 11769*, November 2, 2006.

<sup>61</sup> Clearwater Group, *Work Plan for Subsurface Investigation, Wash Club Laundry, 2918-2924 Mission Street*, March 7, 2016.

<sup>62</sup> Clearwater Group, *Subsurface Investigation Report, San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 24, 2016.

<sup>63</sup> Clearwater Group, *Site Mitigation Plan, San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 26, 2016.

<sup>64</sup> San Francisco Department of Public Health, Environmental Health, *SFHC Article 22A Compliance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, EHB-SAM Case Number: 1296*. June 15, 2016.

<sup>65</sup> San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs), Interim Final*, February 2016.

arsenic (which is attributable to background conditions in the Bay Area), would be removed during the excavation activities prior to project construction. Excavated materials would be hauled for disposal at an appropriate landfill facility. To reduce the potential hazards that could result from exposure to hazardous materials in soil during the excavation, handling, transportation and disposal of excavated soil, the site mitigation plan includes eight mitigation plans and procedures for project construction. These include the following: waste management and disposal plan; dust control plan; stormwater pollution protection plan; soil management and handling procedures plan; health and safety plan; vapor screening plan; excavation management waste plan; and noise and vibration mitigation plan.<sup>66</sup>

Groundwater was encountered at a depth of approximately 27-30 feet below ground surface. Groundwater sampling indicates that total petroleum hydrocarbons (as motor oil) and phenol are present at concentrations above the default tier 1 environmental screening levels<sup>67</sup> and are not considered a risk for residential use based on the nature of the contaminants and depth to groundwater.<sup>68</sup> This is corroborated by the Tier 2 screening levels, which consider site-specific conditions (i.e., depth to groundwater, subsurface materials, and presence of a building slab) in determining the screening levels and indicate that contaminant concentrations at the project site are well below the Tier 2 screening levels that are protective of residential uses.<sup>69</sup> Thus, no remediation of groundwater would be required.<sup>70</sup> In addition, the site mitigation plan states that the building design would include a vapor barrier and passive venting system to reduce the upward migration of water vapor, residual VOCs, or SVOCs in the subsurface. As discussed above, the site mitigation plan has been reviewed and approved by the City health department.

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

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

<sup>66</sup> Clearwater Group, Site Mitigation Plan, *San Francisco Health Code Article 22A, Maher Ordinance, Wash Club Laundry and Mini-Mart, 2918-2924 Mission Street, Local Oversight Program Site Number: 11769, EHB-SAM Case Number 1296*, May 26, 2016.

<sup>67</sup> Tier 1 ESLs are based on a conservative default site scenario to protect sites with unrestricted land and water use, shallow soil and groundwater contamination, and permeable soil. Tier 2s are based on a site-specific conceptual site model based on the subsurface conditions at the project site.

<sup>68</sup> Ibid.

<sup>69</sup> San Francisco Bay Regional Water Quality Control Board, *Environmental Screening Levels (ESLs), ESL Workbook*, February 2016.

<sup>70</sup> San Francisco Department of Public Health, Stephanie Cushing, personal communication, October 4, 2016.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) 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 the Department of Building Inspection. The plan area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the area plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and area plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<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 is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

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## MITIGATION MEASURES

### **Project Mitigation Measure 1 – Accidental Discovery of Archeological Resources** (Mitigation Measure J-2 of the Eastern Neighborhoods PEIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery

program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

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 copy, one unbound copy 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 - Pile Driving** (Mitigation Measure F-1 of the Eastern Neighborhoods PEIR)

The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

**Project Mitigation Measure 3 – Construction Noise** (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR)

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Project Mitigation Measure 4 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)**

In order to minimize impacts to public and construction worker health and safety during demolition of the existing structure, the sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any florescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.



# SAN FRANCISCO PLANNING DEPARTMENT

**EXHIBIT  
E**

## Land Use Information

PROJECT ADDRESS: 2918 MISSION ST  
RECORD NO.: 2014.0376CUA

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

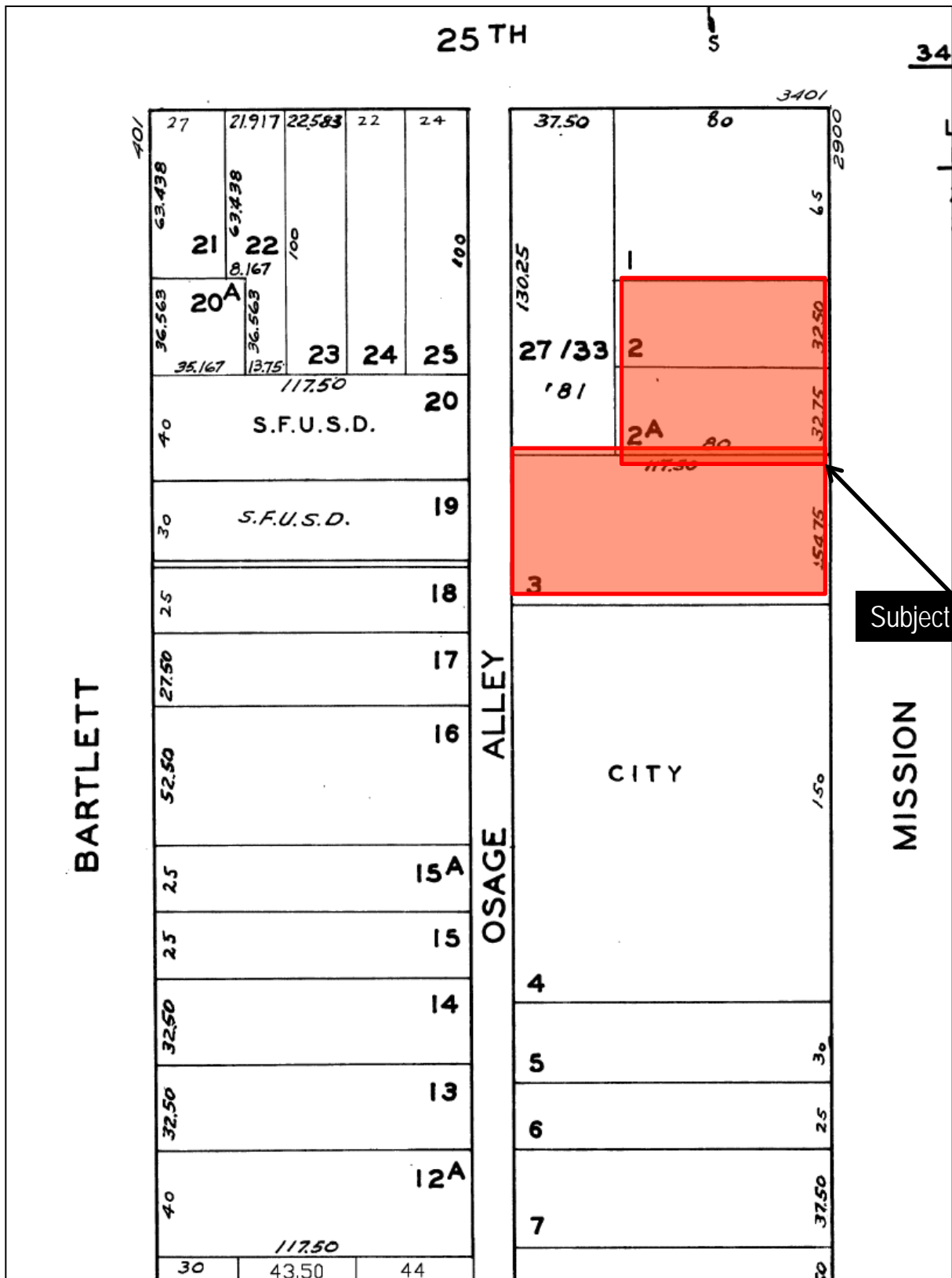
Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Lot Area	11,653	11,653	0
Residential	0	59,826	59,826
Commercial/Retail	5,200	6,724	1,524
Office	0	0	0
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>	0	0	0
Parking	6,433	0	0
Usable Open Space	0	7,923	7,923
Public Open Space	0	0	0
Other ( )			
TOTAL GSF	11,633	74,473	69,273
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Market Rate	0	67	67
Dwelling Units - Affordable	0	8	8
Hotel Rooms	0	0	0
Parking Spaces	20	0	0
Loading Spaces	0	0	0
Car Share Spaces	0	0	0
Bicycle Spaces	0	64	64
Number of Buildings	1	1	1
Number of Stories	1	8	8
Height of Building(s)	15	84'-8"	84'-8"
Other ( )			

# Block Book Map

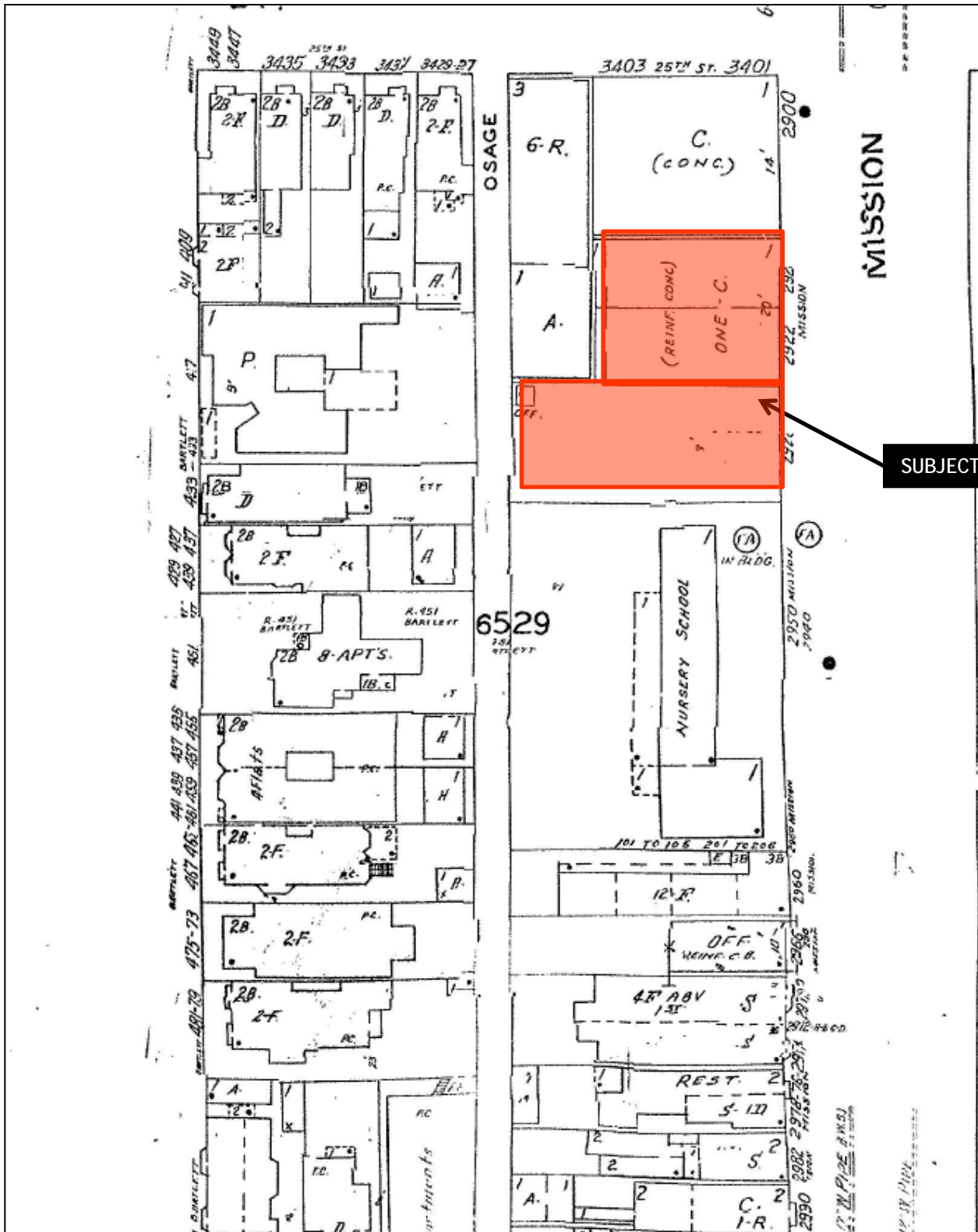


Subject Property

Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street



# Sanborn Map\*



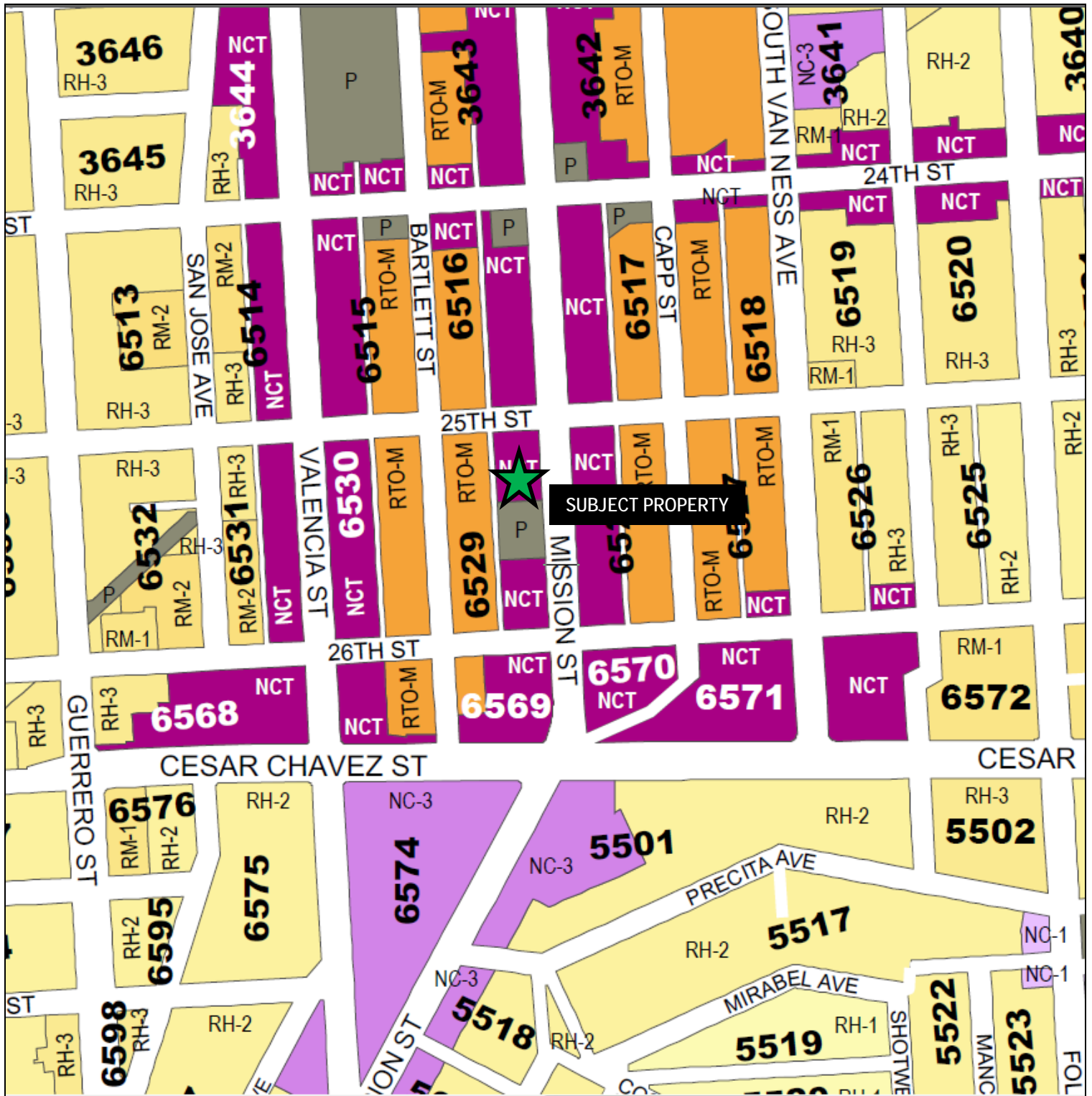
SUBJECT PROPERTY

ons.

Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street



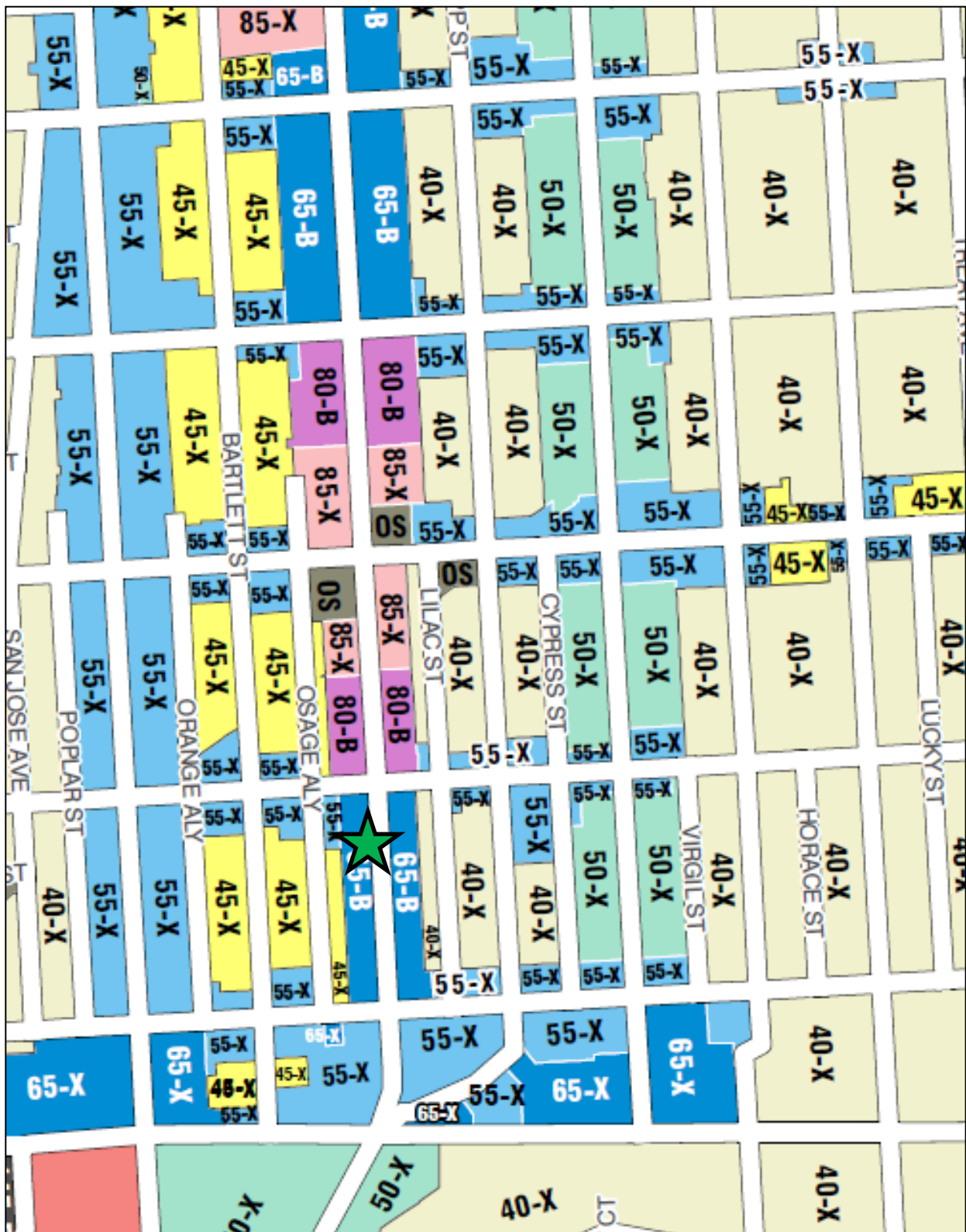
# Zoning Map



Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street



# Height and Bulk Map



Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street



# Aerial Photo



# Aerial Photo





# Context Photos

## SUBJECT PROPERTY ON MISSION STREET



SUBJECT PROPERTY

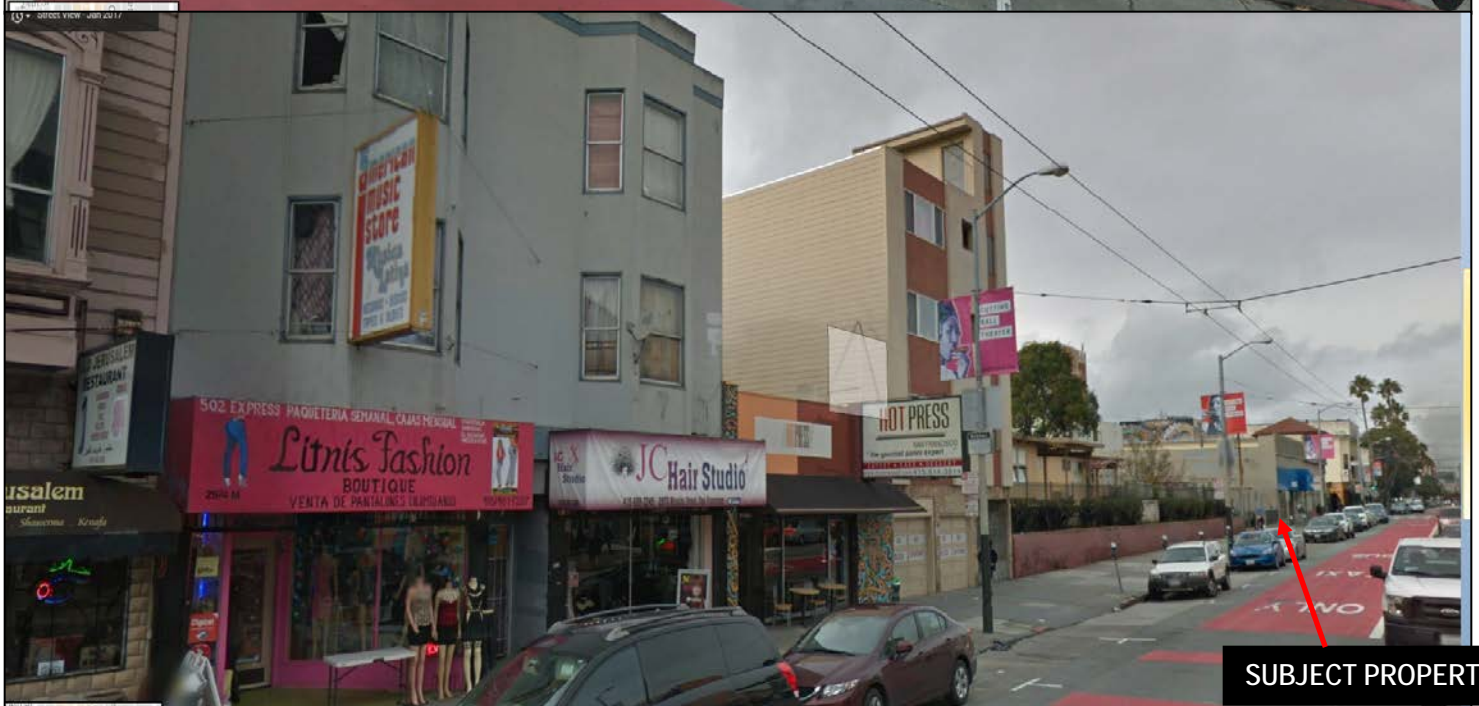
Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street

# Site Photo

## PORTION OF SUBJECT BLOCK ON MISSION STREET



SUBJECT PROPERTY



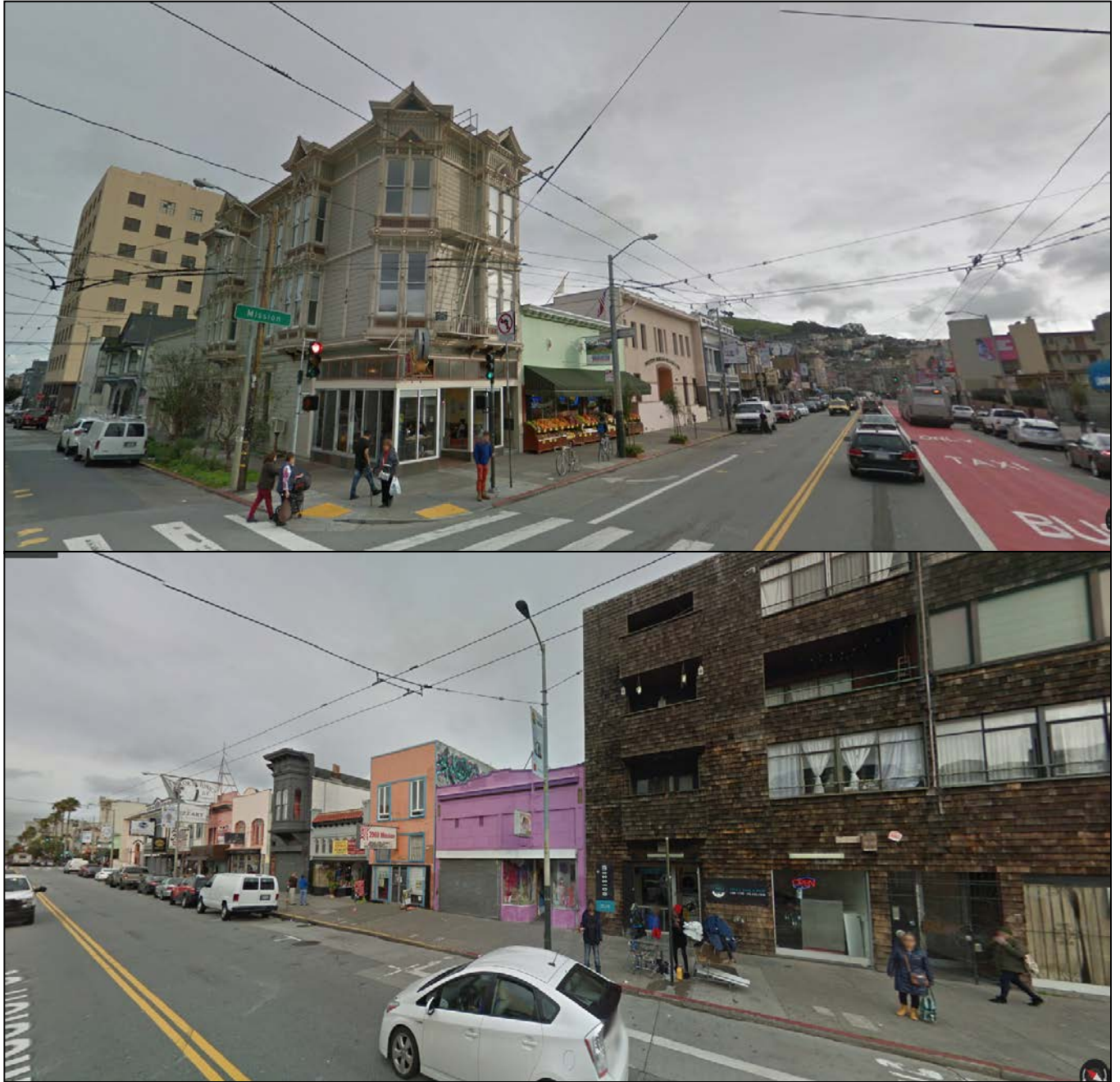
SUBJECT PROPERTY

Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street



# Site Photo

## PORTION OF OPPOSITE BLOCK ON MISSION STREET



Conditional Use Authorization  
Case Number 2014-0376CUA  
2918 Mission Street

# REUBEN, JUNIUS & ROSE, LLP

August 25, 2017

**Delivered Via Email** (Linda.Ajellohoagland@sfgov.org)

President Rich Hillis  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103  
Attn: Linda Ajello-Hoagland, Planning Department

**Re: 2918 Mission Street  
Planning Department File No. 2014.0376CUA**

Dear President Hillis and Commissioners:

This office represents RRTI, Inc. and its principal Robert Tillman (“RRTI” or “Sponsor”), the sponsor of a project at 2918 Mission Street (the “Property”). The Project is an 8-story building featuring 75 affordable-by-design units with approximately 7,000 square feet of ground floor commercial use in a transit-rich infill location currently occupied by a surface parking lot and coin-operated laundromat owned by the Sponsor (the “Project”). The Project features a range of unit types: 18 studios (24%), 27 one-bedrooms (36%), and 30 two-bedrooms (40%). It is a zero-parking project with 75 protected bicycle parking spaces, one for each unit. The Project will provide affordable units on-site, the majority of which will be offered at 50% AMI levels—below San Francisco’s minimum affordability levels—and is entitled to a density bonus pursuant to state law. We look forward to presenting the Project to you on September 14.

## **A. The Project Offers Significant Public Benefits**

The Project’s public benefits program is significant. Among its contributions to the neighborhood and the city at large are the following:

- **Impact Fees.** The Project will pay into a number of impact fee programs supporting child care services, public schools, transportation, and infrastructure improvements. Specifically, the Project will be subject to these fees: Child Care, Eastern Neighborhoods Infrastructure, Schools, and the Transportation Sustainability Fee.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup>  
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight  
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millslagle | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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- **On-Site Affordable Housing.** Although the Project was conceived and proposed when the on-site affordability level was 12%, the city's local affordability percentage for the Project increased to 14.5%.<sup>1</sup> The Project is complying with the inclusionary program by providing on-site units. 11% of the Project's base units will be set aside for households earning no more than 50% AMI (\$51,900 for a family of three). An additional 3.5% of the base units will be affordable to either households earning 55% AMI if rental (\$57,050 for a family of three) or 90% if for-sale (\$93,400 for a family of three).<sup>2</sup>
- **Affordable by Design Rental Project.** In addition to providing on-site units to low income individuals and families, the Project's market rate units will be "affordable by design." The Project offers a range of unit types, with studios averaging 360 square feet, one bedrooms averaging 613 square feet, and two bedrooms averaging 833 square feet. In total, average unit size across types is 640 feet. These units will be more compact than typical new residential units—particularly the two-bedrooms—and will consequently rent or sell for less, passing on savings to occupants. It's a goal of the Sponsor for the Project's occupants to be people living and working in San Francisco.
- **Transit-Oriented.** The Project furthers San Francisco's transit goals in a number of different ways. First, it proposes zero parking spaces even though it is permitted to have up to 38 (a ratio of one space for every two units). The Sponsor eliminated off-street parking at the request of a nearby preschool, which had safety concerns about cars traveling on Osage Alley—which the preschoolers cross to get to and from a play area. Instead of car parking, the Project provides one protected and secure bike parking space for every unit. Eliminating the current parking lot to make way for the Project should reduce traffic on Mission. The Property is one block away from the 24<sup>th</sup> Street Mission BART station, providing convenient and affordable transit for its residents throughout San Francisco and the larger Bay Area. It has a 99 Walk and Bike Score.

## **B. The Project Complies with the State Density Bonus Law and San Francisco's Local Inclusionary Ordinance**

RRTI first proposed a density bonus project in April of 2016—over a year ago and well before San Francisco's ordinance implementing the State Density Bonus Law or its own density bonus program, HOME-SF, became effective in mid-July 2017.<sup>3</sup> Without a local implementing

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<sup>1</sup> RRTI reserves all rights to challenge the imposition of the 14.5% requirement on the Project.

<sup>2</sup> See San Francisco Mayor's Office of Housing 2017 Maximum Income by Household Size, available at: [http://sfmohcd.org/sites/default/files/Documents/MOH/Asset%20Management/2017%20AMI-IncomeLimits-HMFA\\_04-21-17.pdf](http://sfmohcd.org/sites/default/files/Documents/MOH/Asset%20Management/2017%20AMI-IncomeLimits-HMFA_04-21-17.pdf)

<sup>3</sup> California Government Code § 65915 *et seq.*; Planning Code § 206.

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ordinance, the Project could only be processed by the Planning Department pursuant to state law. In any event, the Project cannot qualify for HOME-SF because its underlying zoning (Mission NCT) does not have a numerical density limit—a requirement for HOME-SF eligibility.

Under state law, a project that designates 11% or more of its units as “very low income” (i.e., 50% AMI) is entitled to a 35% density bonus, measured by units. Planning Department staff determined that a code-compliant development at the Property without any variances or exceptions (i.e., the base project), consists of 55 dwelling units. Its density bonus equals 20 units, for a total Project size of 75 units.<sup>4</sup> Eleven percent of the base project units will be provided at no more than 50% AMI.<sup>5</sup>

Under San Francisco’s local inclusionary program, the Project will provide an additional 3.5% affordability on its base project at the levels specified in the local inclusionary program for partially grandfathered projects, i.e., to households earning 55% AMI if rented. In total, the Project will provide 8 affordable units, with the units equal to the overall project mix and spread evenly throughout the building. San Francisco’s inclusionary housing fee requirement for density bonus units does not apply to developments proposed before 2016 like the Project.

As part of the density bonus law, and as an incentive to provide affordable units at a low AMI level, development standards that would physically preclude construction at the permitted density bonus are waived.<sup>6</sup> In addition, projects that offer at least ten percent very low income units are entitled to two “concessions or incentives” of the Sponsor’s choosing.<sup>7</sup> RRTI is not requesting any concessions. Instead, the Project requires waivers from the following development standards that preclude its construction with the density bonus: (1) rear yard depth, (2) unit exposure, (3) bulk, and (4) height:

- **Rear yard.** A rear yard equal to 25% lot depth is required at the lowest level containing a dwelling unit and above. In order to achieve the permitted density bonus, the Project proposes a single rear yard setback of varying depth. Literal compliance with the code would require the rear facing units on the non-through lot portion of the Property to be significantly reduced in size or eliminated outright, preventing the Project from achieving its permitted density bonus. Literal application would eliminate 20 of the Project’s 75 units, or 35% of its units.

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<sup>4</sup> RRTI reserves all rights relating to the methodology used to calculate bonus density.

<sup>5</sup> RRTI reserves all rights relating to the San Francisco Planning Code’s requirement that applies San Francisco’s local inclusionary housing fee to density bonus units. See letter from David Blackwell to the Planning Commission dated April 24, 2017 for more information.

<sup>6</sup> Planning Code § 206.6(c)(4).

<sup>7</sup> Planning Code § 206.6(c)(2).

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- **Unit exposure.** The hypothetical base project met the unit exposure requirement because all of the rear-facing units looked out onto a code-compliant rear yard. As discussed above, the Project cannot include a code-compliant rear yard and still achieve the 35% density bonus. So the 20 units that would be eliminated due to the rear yard requirement would similarly be eliminated if the unit exposure requirement applied. Additionally, a bank of four south facing units does not look out onto open space consistent with Section 140. So the Project would lose a total of 24 units as a result of the exposure requirement, equal to 32% of the Project's units.
- **Bulk.** A portion of the Property is located in the 65-B height and bulk district. Above 50 feet, a 110' maximum length and 125' maximum diagonal dimension apply. The Project's maximum length is 116'-6" and maximum diagonal dimension is 129'-6"—both relatively minor deviations from the bulk limits. Strict application of bulk controls would eliminate 8 total units, or 10.7% of the Project's housing units.
- **Height.** Height is among the principal factors limiting density at the site. The Base Project would result in a four-to-six story building. The Property is located in three height and bulk districts: the first 60 feet of lot depth extending from Mission Street is in a 65-foot height limit, and the rear portion of the site is split between a 45-foot and 55-foot height district. In order to achieve a 35% density bonus, the Project proposes a building reaching a maximum height of approximately 85 feet. Without this waiver, 24 units would be eliminated, equal to 32% of the Project.

The Project previously requested an exception from the open space requirement, but the Sponsor has since redesigned the project to include a common roof deck that will provide more open space than required under the Code.

### C. Community Engagement and Support

Robert Tillman, Principal of RRTI, has engaged in extensive community outreach on an unprecedented scale. He has met on many occasions with Mission activists who often oppose mixed-income housing projects, community groups and neighbors, and anyone that wishes to discuss the Project. He has uploaded his entire project file onto a public Dropbox account for anyone to review or download. He has also sent out multiple Project updates to the almost 23,000 Nextdoor participants in the Mission.

The Project is expected to garner significant support from a wide range of constituencies and interest groups. As of August 24, the Project planner had received 101 emails in support of

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the Project. More support letters and emails are expected. The Project is going before the SF Housing Action Coalition on August 30, and the Sponsor is hopeful to receive its support.

The Project does not displace any existing housing or PDR space. Mr. Tillman owns the Property and the coin-operated laundromat on it. The laundromat does not have any employees working on the site; various independent contractors clean the laundry, collect coins, repair machines, sell soap and incidentals, and lock and unlock the building. There are a number of other laundromats nearby, including three within 300 feet of the Property.

#### **D. Contextual Project**

The neighborhood surrounding the Property is a mix of residential, retail commercial, and institutional uses. Although buildings along the same block face are between two to four stories in height, a number of larger buildings are located within a few blocks of it. An 8-story office building is located two blocks from the Property along 25<sup>th</sup> Street, between Capp and Cypress. A 7-story apartment building is located one half block from the Property on 25<sup>th</sup> Street, past Osage. The Planning Commission recently approved a six-story, 180,000 square foot project with approximately 157 units a few blocks east of the Property at 1515 South Van Ness. And CPMC's St. Luke's Campus is currently being redeveloped with a seven-story, approximately 215,000 square foot hospital.

Although the Project is taller than most surrounding buildings, it is on a significantly larger development site, making it a more appropriate location for a taller building. The Project continues the neighborhood trend of a few medium rise buildings interspersed throughout a predominately low-rise, 2 to 4 story urban form. In addition, the Project's design has undergone a number of revisions at the request of the Planning Department to make it more contextual with the character of the Mission.

The primarily residential use of the Project is consistent with the goals and objectives of the Mission area plan. Its units are somewhat smaller in size than units in comparable new developments, making the units "affordable by design." The sponsor intends to offer the project as rental units targeted towards people living and working in San Francisco. The ground floor retail spaces will activate the pedestrian level and provide services and amenities to existing and future residents in the neighborhood. And finally, given the Property's proximity to major roadways and transit corridors, its unit density is desirable to further San Francisco's transit first policy.

**E. Conclusion**

The Project will add much-needed affordable by design market rate housing along with a sizable number of affordable units available to individuals and families making roughly half of San Francisco's median income. It is consistent with applicable development standards and goals of the Mission, including providing on-site affordable housing. As confirmed by its Community Plan Exemption, it will not cause significant impacts to public health or safety, and is a density bonus project and a project proposed pursuant to the Housing Accountability Act—which offer protections to residential projects in order to alleviate the shortage of housing. We urge you to approve the Project.

Sincerely,

**REUBEN, JUNIUS & ROSE, LLP**



Mark Loper

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, Suite 205, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

**REUBEN, JUNIUS & ROSE, LLP**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



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

Date: August 16, 2016

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

From: San Francisco Planning Department

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

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

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

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

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

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

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

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



The Project contains: 75 total (55 base, 20 density bonus) NITS	The zoning of the property is: Mission Street NCT	Complete EEA was submitted on: 6/30/2015
--	--	---

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

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

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

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

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

AFFIDAVIT

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



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

7/19/17  
Date

Robert Tillman

I, \_\_\_\_\_,  
do hereby declare as follows:

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

☐ Yes \_\_\_\_\_ ☒ No  
( If yes, please indicate Affordable Housing Tier )

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

2918 Mission Street

Address

6529/002, 002A, 003

Block / Lot

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

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

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

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

2014.0376

Planning Case Number

n/a

Building Permit Number

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

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

This project requires the following approval:

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

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

Linda Ajello Hoagland

Planner Name



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

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

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

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

**F** Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:
8*	14.5%	Varies.**
No. of Affordable Units:	% Affordable Units:	AMI Level:

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

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

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

Executed on this day in:

Sausalito, CA

Location

7/19/17

Date

Sign Here

Robert R. Tillman

Signature

Robert R. Tillman, President & CEO

Name (Print), Title

415-332-9242

Contact Phone Number

cc: Mayor's Office of Housing and  
Community Development

Planning Department Case Docket

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

\* 8 units represents 14.5% of the 55-unit base project. The project is proposed pursuant to Cal. Gov. Code Section 65915, and it is entitled to a 35% density bonus (20 units) because it is providing over 11% of the base project's units as very low income affordable units.

\*\* Project sponsor will comply with the affordability level of Section 65915 for 11% of the units and San Francisco's local inclusionary housing program's levels for the remaining 3.5%.

## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
55*		15	17	23	

55 units in base project. The Project is proposed pursuant to Cal. Gov. Code Section 65915, and is entitled to a 35% density bonus because it provides at least 11% of the base project's units as affordable to very low income households.

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

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

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

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
8		2*	4*	2*	

\* Estimated. Sponsor will work with city staff to determine the exact unit mix consistent with the Affordable Housing Program.

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

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

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

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

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

1. Fee  % of affordable housing requirement.

2. On-Site  % of affordable housing requirement.

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

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

3. Off-Site  % of affordable housing requirement.

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

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



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

RRTI, Inc.

Company Name

Robert Tillman

Name (Print) of Contact Person

14 Sunshine Avenue

Address

415-332-9242

Phone / Fax

Sausalito, CA 94965

City, State, Zip

rrti@pacbell.net

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:

Robert R. Tillman,  
President & CEO

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

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

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

**Sign Here**

Signature:

Name (Print), Title:



SAN FRANCISCO  
PLANNING  
DEPARTMENT

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

# SUPPLEMENTAL INFORMATION PACKET FOR Anti-Discriminatory Housing Policy

Pursuant to Administrative Code Section 1.61, certain housing projects must complete and submit a completed Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application that proposes an increase of ten (10) dwelling units or more.

Planning Department staff is available to advise you in the preparation of this application. Call (415)558-6377 for further information.

## WHEN IS THE SUPPLEMENTAL INFORMATION FORM NECESSARY?

Administrative Code Section 1.61 requires the Planning Department to collect an application/form with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.

## WHAT IF THE PROJECT SPONSOR OR PERMITTEE CHANGE PRIOR TO THE FIRST ISSUANCE OF CERTIFICATE OF OCCUPANCY?

If the permittee and/or sponsor should change, they shall notify the Planning Department and file a new supplemental information form with the updated information.

## HOW IS THIS INFORMATION USED?

The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is routed to the Human Rights Commission.

For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please call (415) 252-2500 or email [hrc.info@sfgov.org](mailto:hrc.info@sfgov.org).

All building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.

## WHAT PART OF THE POLICY IS BEING REVIEWED?

The Human Rights Commission will review the policy to verify whether it addresses discrimination based on sexual orientation and gender identity. The policy will be considered incomplete if it lacks such protections.

## WILL THE ANSWERS TO THE QUESTIONS EFFECT THE REVIEW OF MY PROJECT?

The Planning Department's and Planning Commission's processing of and recommendations or determinations regarding an application shall be unaffected by the applicant's answers to the questions.

## INSTRUCTIONS:

The attached supplemental information form is to be submitted as part of the required entitlement application and/or Building Permit Application. This application does not require an additional fee.

Answer all questions fully and type or print in ink. Attach additional pages if necessary.

Please see the primary entitlement application or Building Permit Application instructions for a list of necessary materials required.

**THIS PAGE INTENTIONALLY LEFT BLANK.**



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

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

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

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

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

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



# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: RRTI, Inc.	
PROPERTY OWNER'S ADDRESS: 14 Sunshine Avenue Sausalito, CA 94965	TELEPHONE: ( 415 ) 332-9242 EMAIL: rrti@pacbell.net

APPLICANT'S NAME: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: (   ) EMAIL:

CONTACT FOR PROJECT INFORMATION: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
ADDRESS:	TELEPHONE: (   ) EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
ADDRESS:	TELEPHONE: (   ) EMAIL:

## 2. Location and Project Description

STREET ADDRESS OF PROJECT: 2918-2924 Mission Street		ZIP CODE: 94110
CROSS STREETS: 25th and 26th Streets		
ASSESSORS BLOCK/LOT: 6529/002, 002A, 003	ZONING DISTRICT: Mission Street NCT	HEIGHT/BULK DISTRICT: 65-B/55-X; 65-B/45-X

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	0	75	75

# Compliance with the Anti-Discriminatory Housing Policy

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

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

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

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

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

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

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: Robert R. Tillman

Date: 7/19/17

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

Robert R. Tillman, President & CEO  
Owner / Authorized Agent (circle one) RRTI, Inc.

## PLANNING DEPARTMENT USE ONLY

### PLANNING DEPARTMENT VERIFICATION:

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

Notification of Incomplete Information made:

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

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
Signature: _____ Date: _____	
Printed Name: _____ Phone: _____	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

## Administrative Code

### Chapter 83

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

#### Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
2918-2924 Mission Street		6529/002, 002A, 003	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
N/A	2014.0376CUA	N/A	
PROJECT SPONSOR	MAIN CONTACT	PHONE	
RRTI, Inc.	Robert Tillman	415-332-9242	
ADDRESS			
14 Sunshine, Sausalito, CA 94965			
CITY, STATE, ZIP		EMAIL	
		rrti@pacbell.net	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
75	6,954 gsf	84'-8" / 8 Stories	\$15 Million
ANTICIPATED START DATE			
Second or Third Quarter 2018			

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

##### CHECK ALL BOXES APPLICABLE TO THIS PROJECT

- ☐ Project is wholly Residential
- ☐ Project is wholly Commercial
- ☒ Project is Mixed Use
- ☒ A: The project consists of ten (10) or more residential units;
- ☐ B: The project consists of 25,000 square feet or more gross commercial floor area.
- ☐ C: Neither 1A nor 1B apply.

##### NOTES:

- If you checked **C**, this project is **NOT** subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked **A** or **B**, your project **IS** subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org) or (415) 701-4848. For more information about the First Source Hiring Program visit [www.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org)
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

Continued...



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

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

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


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

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	33.45	1	3	Laborer	49.29	2	8
Boilermaker	N/A			Operating Engineer	66.88	1	2
Bricklayer	N/A			Painter	61.88	1	4
Carpenter	68.07	2	6	Pile Driver	68.04	0	0
Cement Mason	53.68	1	2	Plasterer	62.59	1	5
Drywall/Latherer	68.95	2	6	Plumber and Pipefitter	108.44	2	6
Electrician	83.94	1	4	Roofer/Water proofer	51.42	2	4
Elevator Constructor	92.69	1	2	Sheet Metal Worker	84.96	1	5
Floor Coverer	38.99	1	3	Sprinkler Fitter	82.19	1	5
Glazier	68.55	1	5	Taper	68.95	2	8
Heat & Frost Insulator	N/A			Tile Layer/ Finisher	56.06	1	5
Ironworker	62.29	1	5	Other:			
<b>TOTAL:</b>			<b>47</b>	<b>TOTAL:</b>			<b>66</b>

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?
2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?
3. Will hiring and retention goals for apprentices be established?
4. What is the estimated number of local residents to be hired?

YES NO  
☒ ☐  
☒ ☐  
☒ ☐  
 tbc

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

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)	7/21/17 (DATE)	

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

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



**From:** [REDACTED]  
**To:** [Ajello Hoagland, Linda \(CPC\); Secretary, Commissions \(CPC\)](#)  
**Subject:** Opposed to 2918 Mission St. Project  
**Date:** Monday, September 10, 2018 10:00:14 AM

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RE: 2918 Mission St. Project

Dear Linda Ajello Hoagland, City Senior Planner,

I am writing to express my strong opposition to the project proposed to transform the laundromat at 2918 Mission St. into an eight-story, 75-unit tower by Robert Tillman. My apartment is less than half a block away at 3440 25th Street. I have lived there for 10 years and have been a resident of the Mission District for over 25 years.

I oppose this project because it will greatly negatively impact our neighborhood in multiple ways. In one of the most vulnerable and weakened neighborhoods, this development would continue the pressures of displacement and advanced gentrification, pushing the existing residents to exclusion. Excessively tall buildings like this proposed project block views, cast cold shadows, create wind tunnels, offend the surrounding neighborhood aesthetic, and increase already exacerbated parking problems. They also take longer to build creating more air and noise pollution in their construction which would greatly affect the neighborhood.

Furthermore, this project would have a significant negative impact on the adjacent SFUSC public school due to congestion and the casting of shadows and wind tunnels over the school's playground. I stand with the many local community leaders who oppose this project due to its unaffordability, negative impact and massive size.

As you know, the Mission District is facing a dire crisis of community and cultural displacement. I urge you to recognize the urgent crisis facing the neighborhood and reject this project outright.

I strongly urge you to fulfil your sacred duty as city planners and use your significant power to reject this unaffordable, community-harming beast of a condo complex and instead advocate for an affordable, six story or less project that would better serve our beloved community.

Best Regards,

Robert Perin

3440 25<sup>th</sup> St. Apt. 606

San Francisco, CA 94110

[REDACTED]

**From:** J P  
**To:** [Ajello Hoagland, Linda \(CPC\)](#); [Secretary, Commissions \(CPC\)](#)  
**Cc:** [Ronen, Hillary](#)  
**Subject:** Regarding 2918-2924 Mission (September 27 meeting).  
**Date:** Friday, September 07, 2018 1:43:18 PM

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Regarding the proposed building at 2918–2924 Mission Street to be discussed yet again before the Planning Commission on September 27.

I'm a local resident. I live less than a block away from this proposed building. I've lived here ten years.

This project is a bad idea. It's too tall. Most surrounding buildings are two or three stories. I could see going four stories, maybe five. But eight is extreme for this neighborhood. Please build such skyscraping towers in Mission Bay or other more-open areas. Please build normal-sized housing in the Mission District.

Thank you.



**EXHIBIT**  
**M**

2918 MISSION ST

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goulddevans













LOOKING NORTH FROM SITE ON MISSION ST



LOOKING SOUTHEAST FROM SITE ON MISSION ST



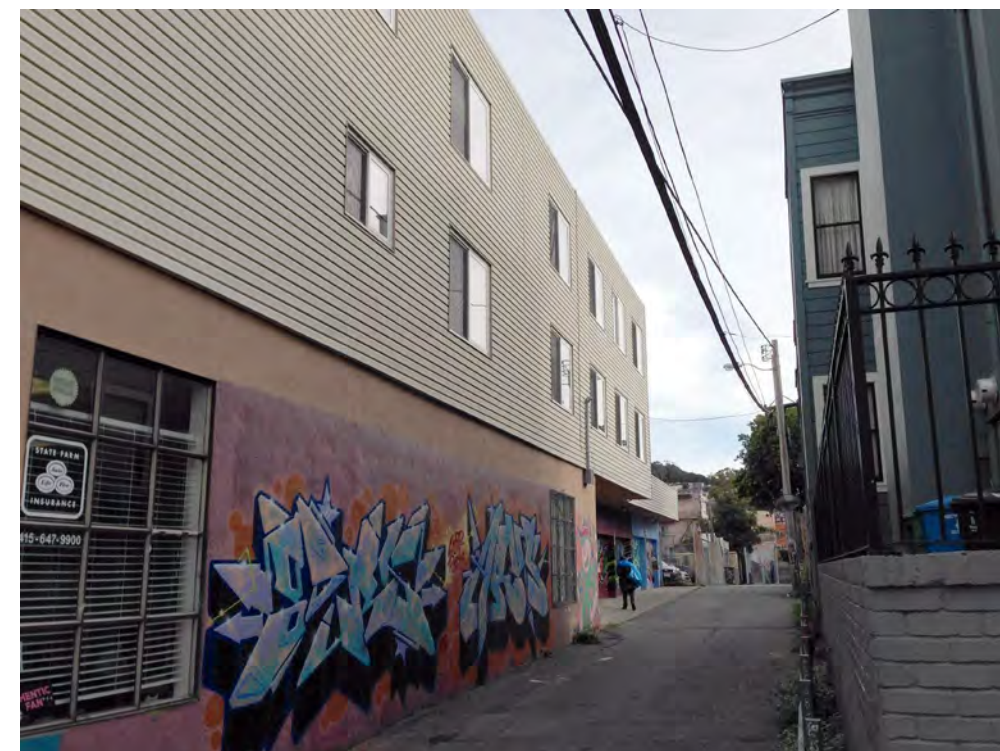
LOOKING SOUTH FROM SITE ON MISSION ST



LOOKING WEST ON SITE PARKING LOT



LOOKING EAST ON SITE PARKING LOT



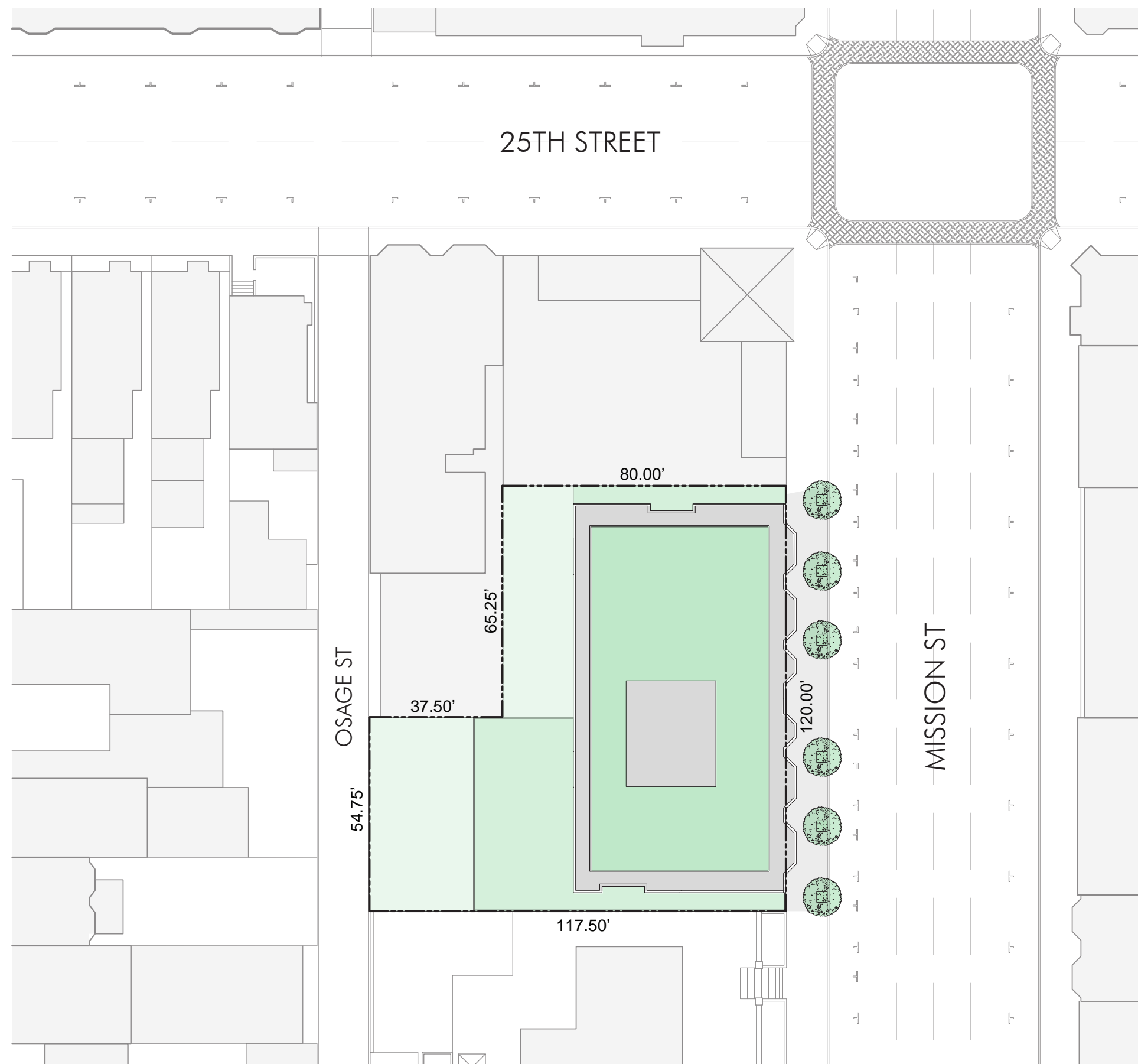
LOOKING SOUTH TOWARDS SITE ON OSAGE STREET

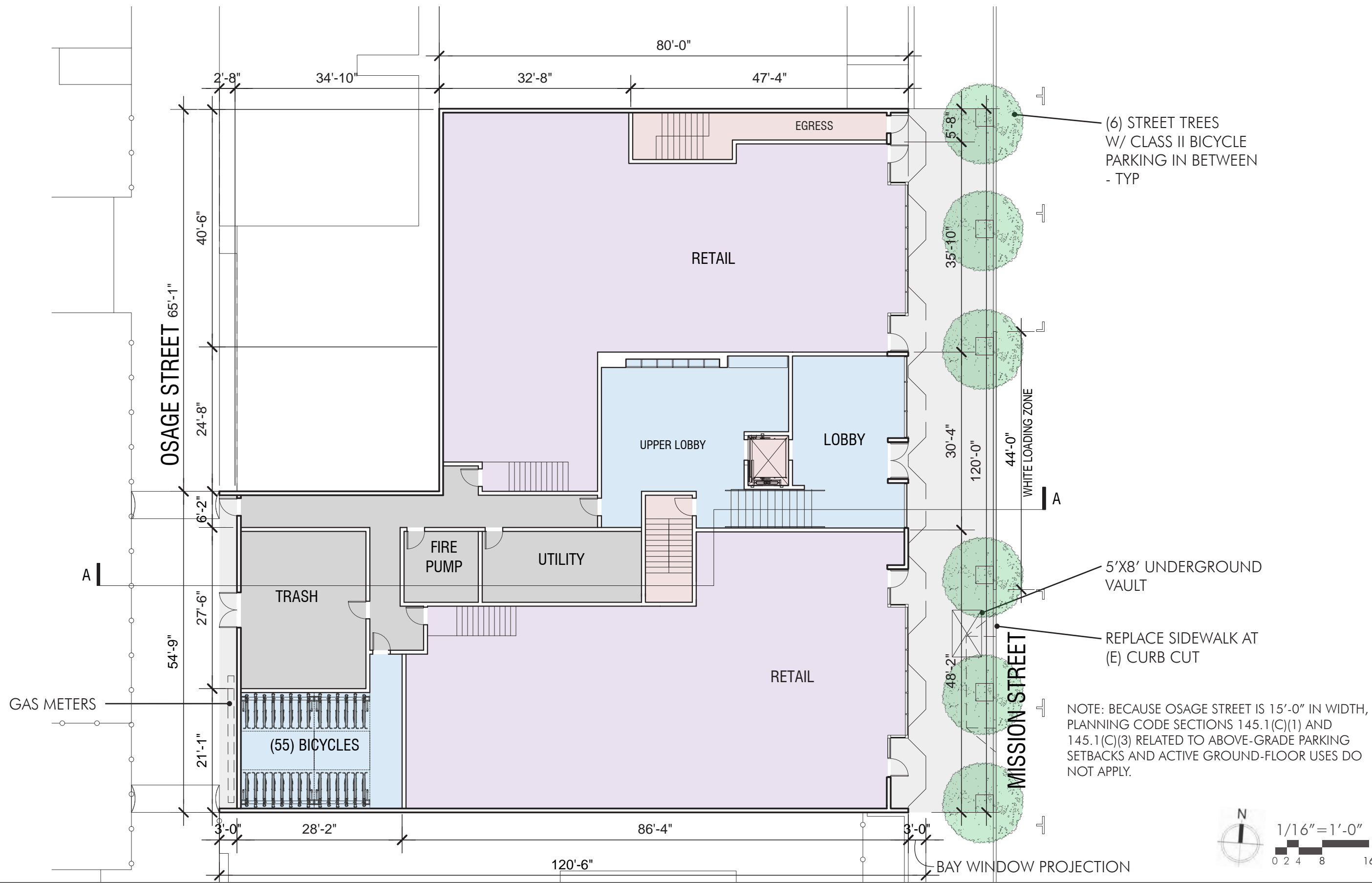


# COMPLIANT SCHEME

2918 MISSION STREET PROJECT INFORMATION  
4/21/2017

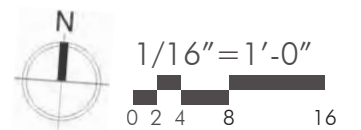
<u>BLOCK/LOT</u>	<u>ZONING</u>	<u>HEIGHT/BULK</u>	<u>AREA</u>
6529/002	MISSION ST NCT	65-B / 55-X	2,600 SF
6529/002A	MISSION ST NCT	65-B / 55-X	2,620 SF
6529/003	MISSION ST NCT	65-B / 45-X	<u>6,433 SF</u>
SITE AREA = 11,653 SF			
<u>PROJECT AREA</u>			
RESIDENTIAL NSF		35,195 SF	
RESIDENTIAL GSF		43,072 SF	
RETAIL GSF		7,026 SF	
PROJECT TOTAL GSF		51,237 SF	
<u>RESIDENTIAL UNITS</u>			
STUDIO UNITS		15	AVG = 397 SF
1-BEDROOM UNITS		17	AVG = 581 SF
<u>2-BEDROOM UNITS</u>		<u>23</u>	<u>AVG = 842 SF</u>
TOTAL UNITS		55	AVG UNIT = 640 SF
<u>ZONING</u>	MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT		
<u>LOT COVERAGE</u>	25% REAR YARD REQUIRED AT RESIDENTIAL LEVELS		
<u>STREET FRONTAGE</u>	REQUIRED GROUND FLOOR COMMERCIAL ALONG MISSION STREET		
<u>B' BULK LIMITS</u>	ABOVE 50' = MAX LENGTH OF 115', MAX DIAGONAL OF 125'		
<u>DWELLING UNIT MIX</u>	AT LEAST 40% 2-BEDROOM UNITS OR 30% 3-BEDROOM UNITS		
<u>RESIDENTIAL OPEN SPACE</u>	80 SF/UNIT IF PRIVATE OPEN SPACE	8 UNITS	640 SF REQUIRED
	100 SF/UNIT IF COMMON OPEN SPACE	47 UNITS	4,700 SF REQUIRED
<u>BICYCLE PARKING</u>	< 100 UNITS = 1.0/UNIT	55 UNITS	55 CLASS I SPACES

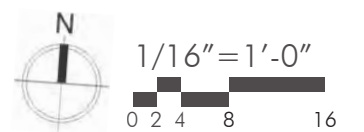


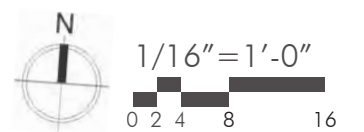


1,305 SF OPEN SPACE  
SPLIT BETWEEN 3 UNITS

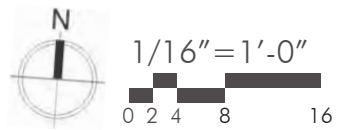
1,609 SF OPEN SPACE  
SPLIT BETWEEN 3 UNITS

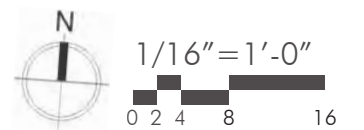
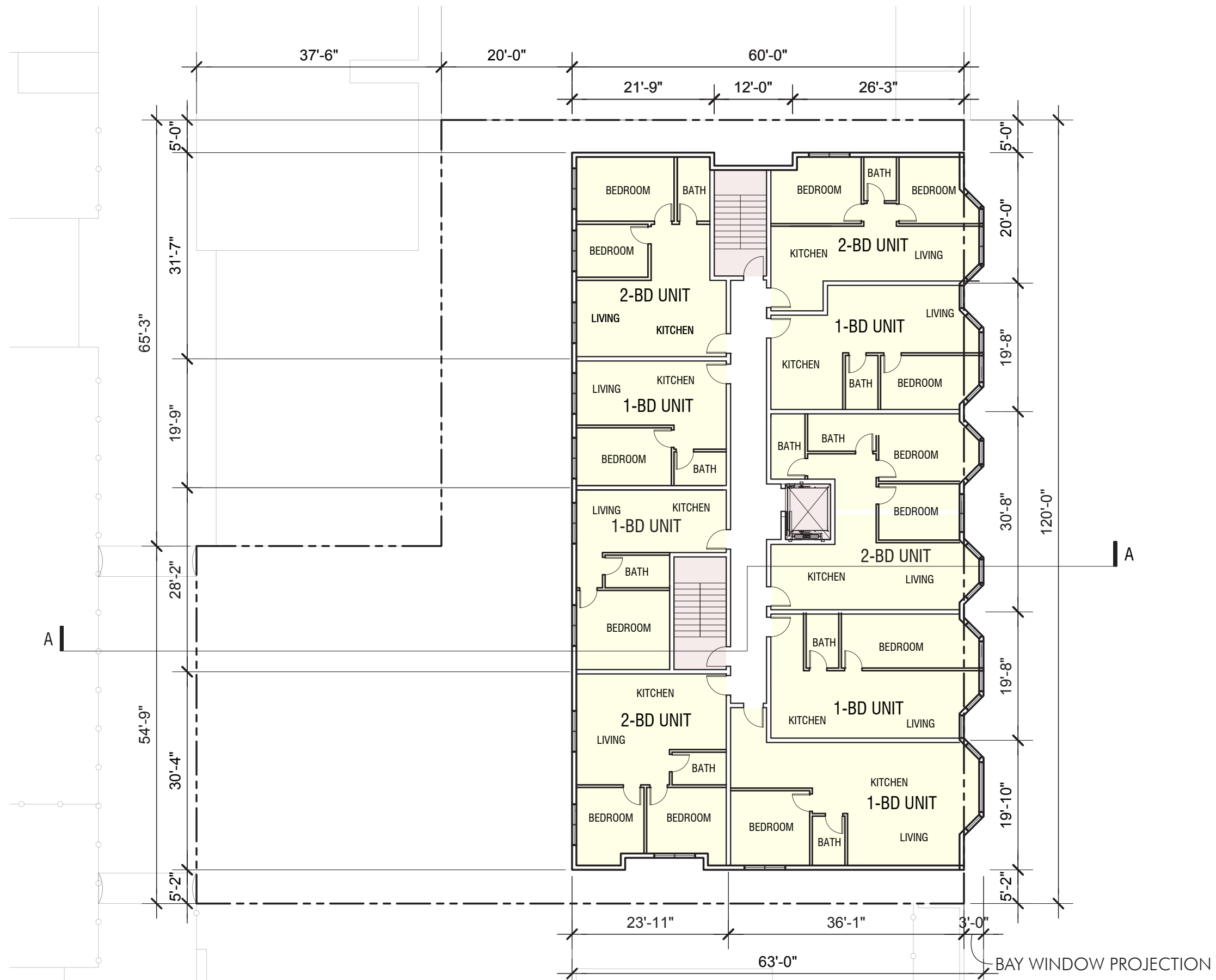


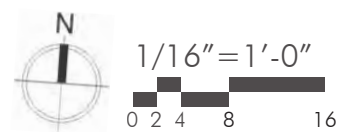
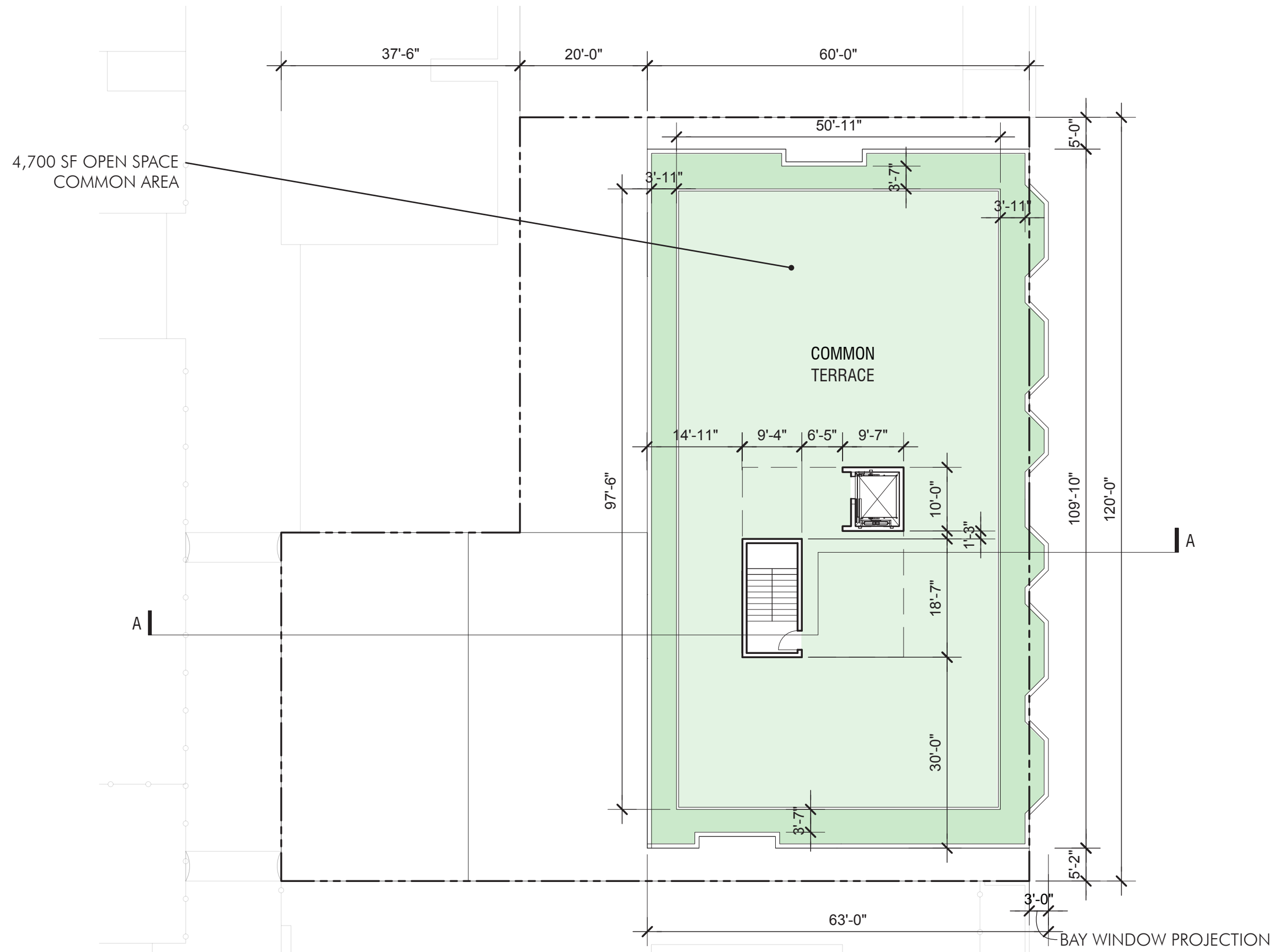


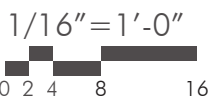
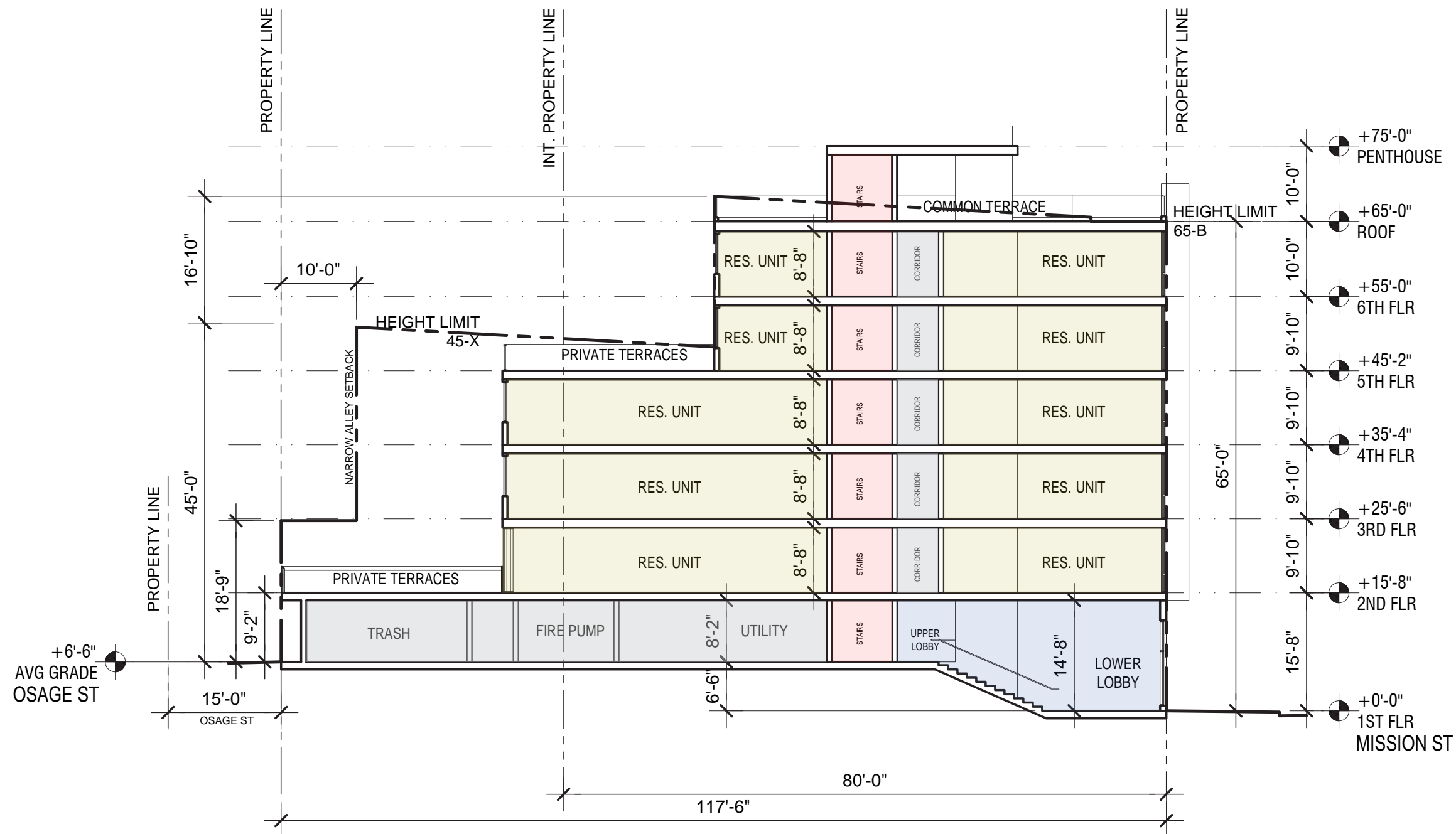




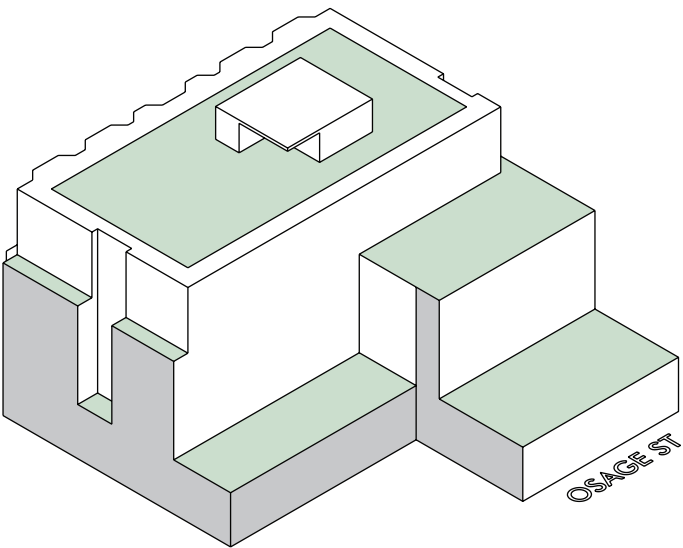
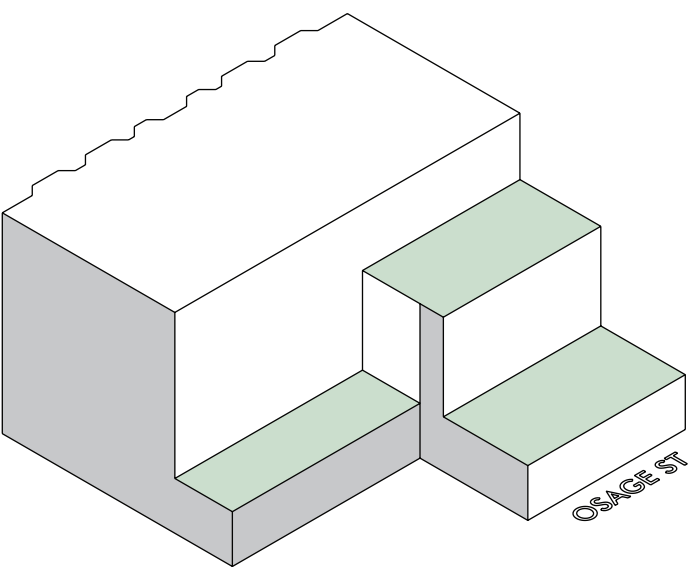
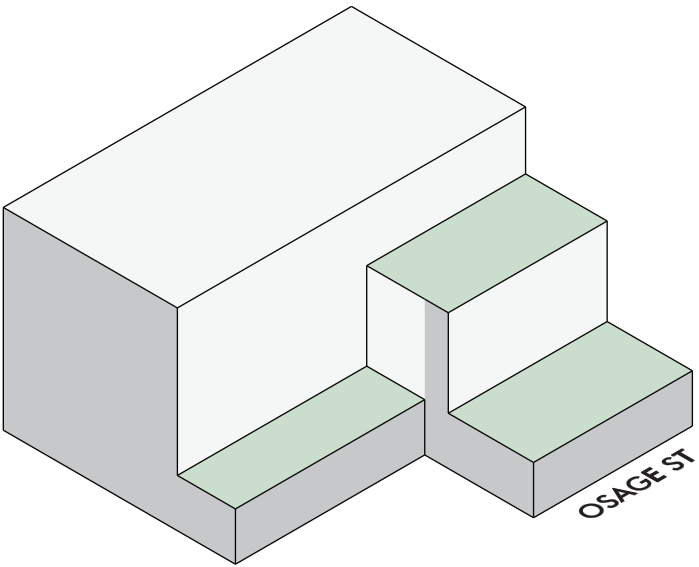
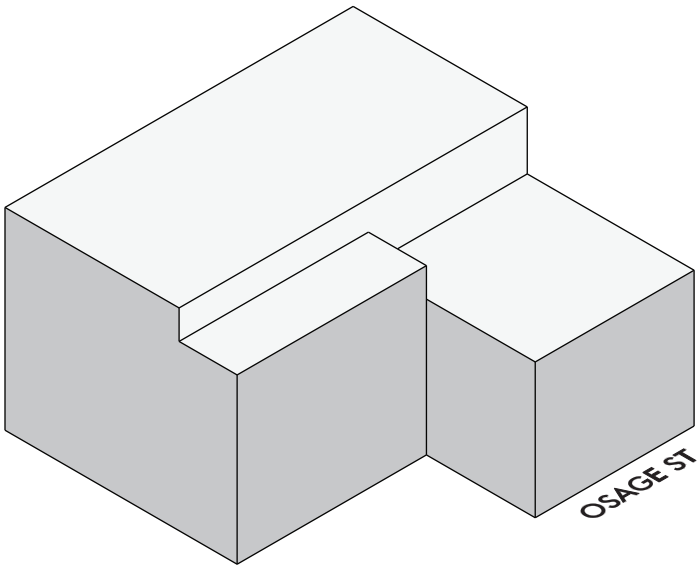








NORTHWEST  
AXONOMETRIC



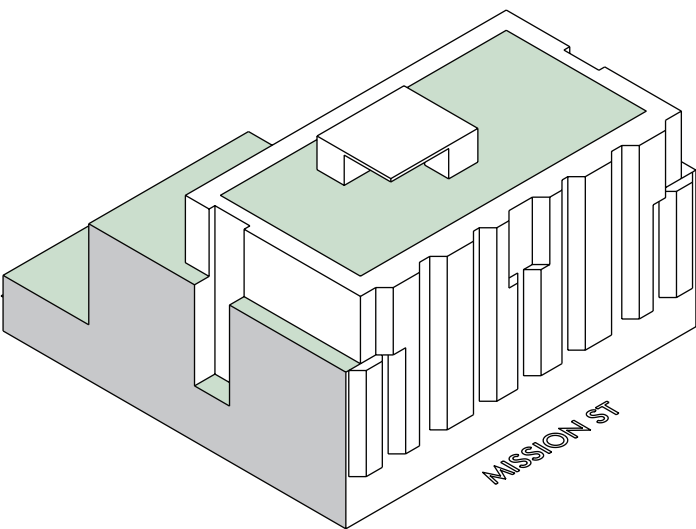
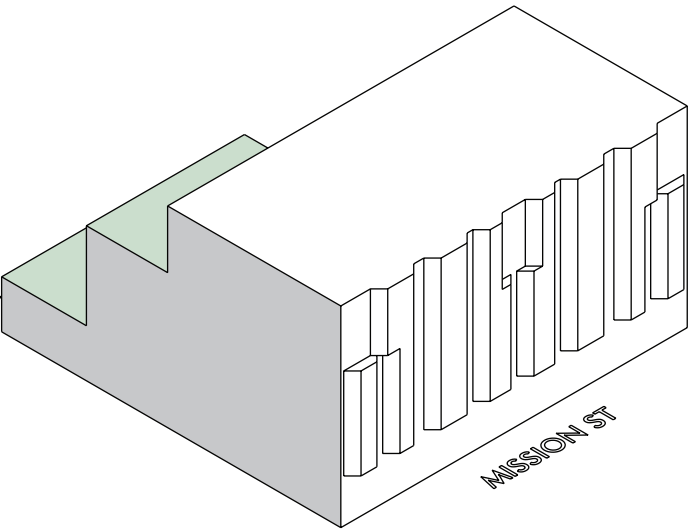
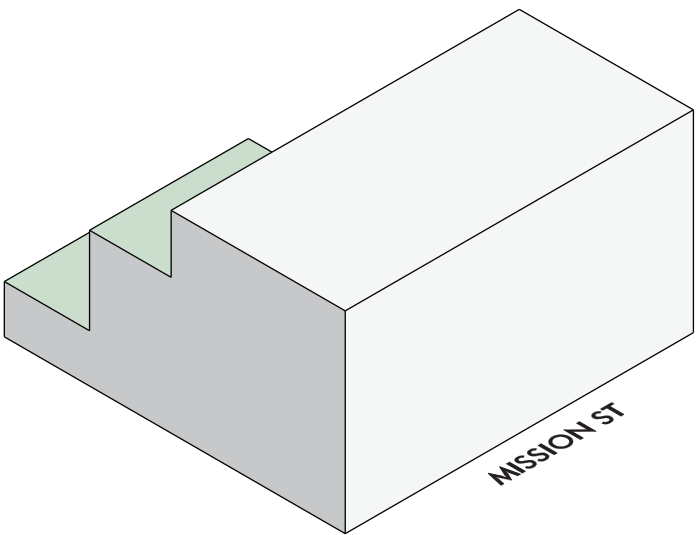
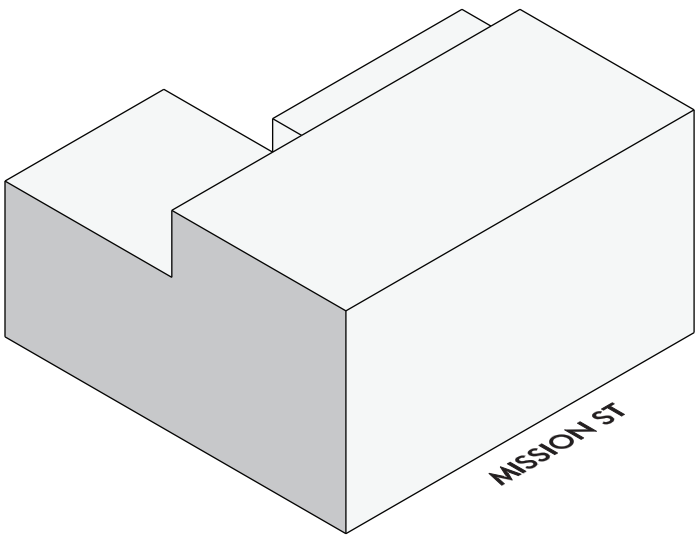
EXTRUDE SITE TO HEIGHT LIMITS

APPLY 25% REAR YARD

ADD ALLOWABLE BAY WINDOWS

REDUCE BULK ABOVE 50'  
UNIT EXPOSURE

SOUTHEAST  
AXONOMETRIC



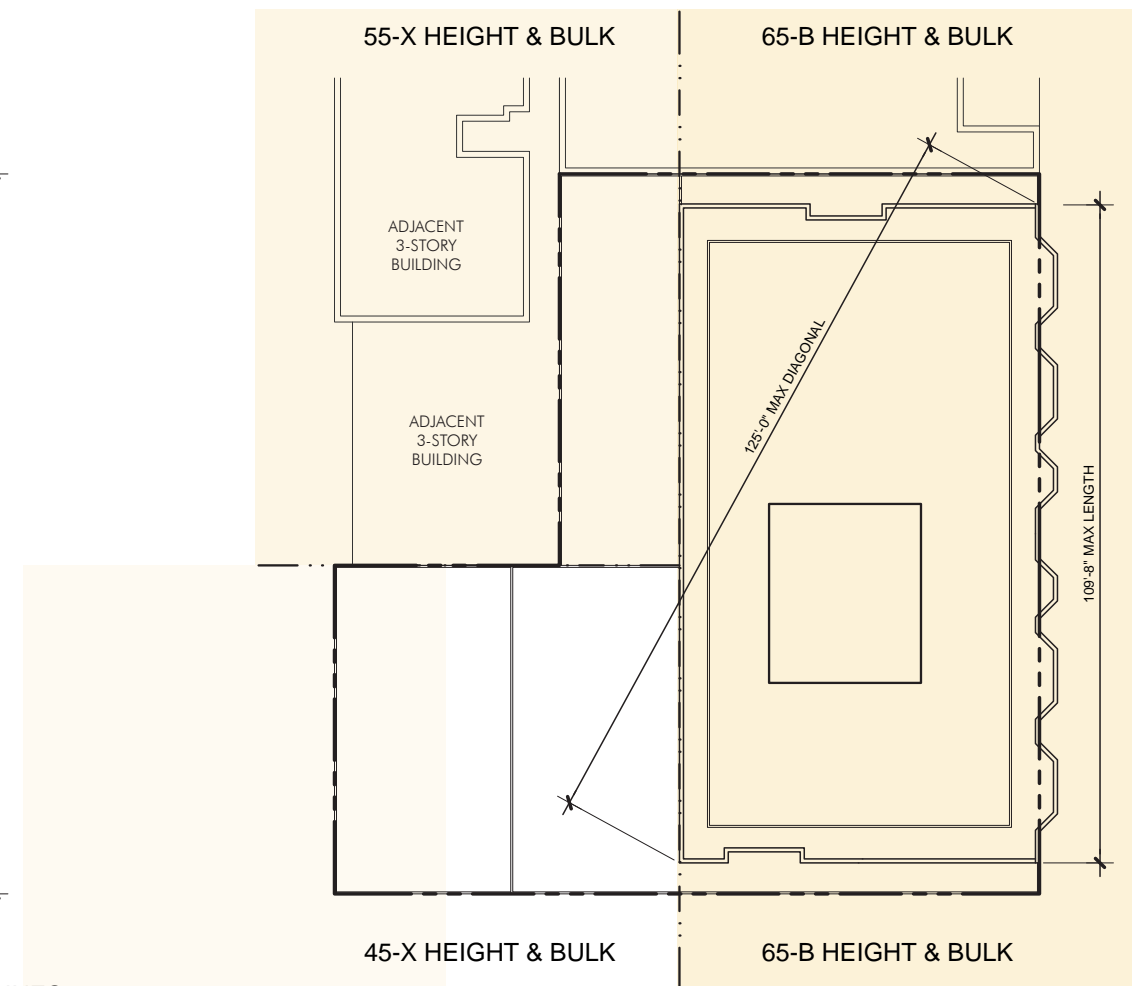
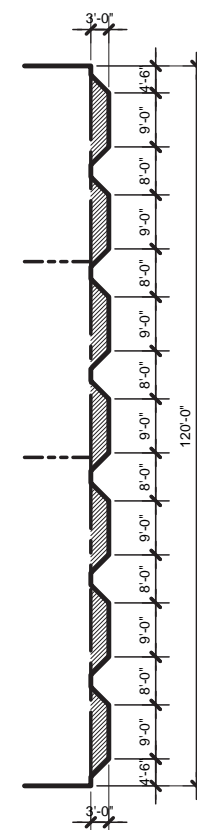
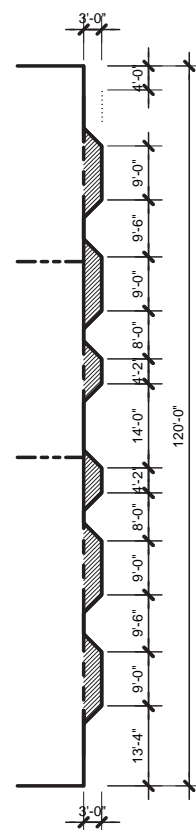
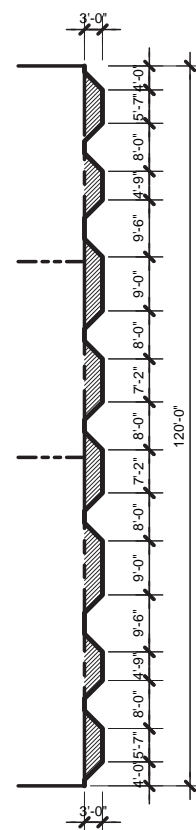
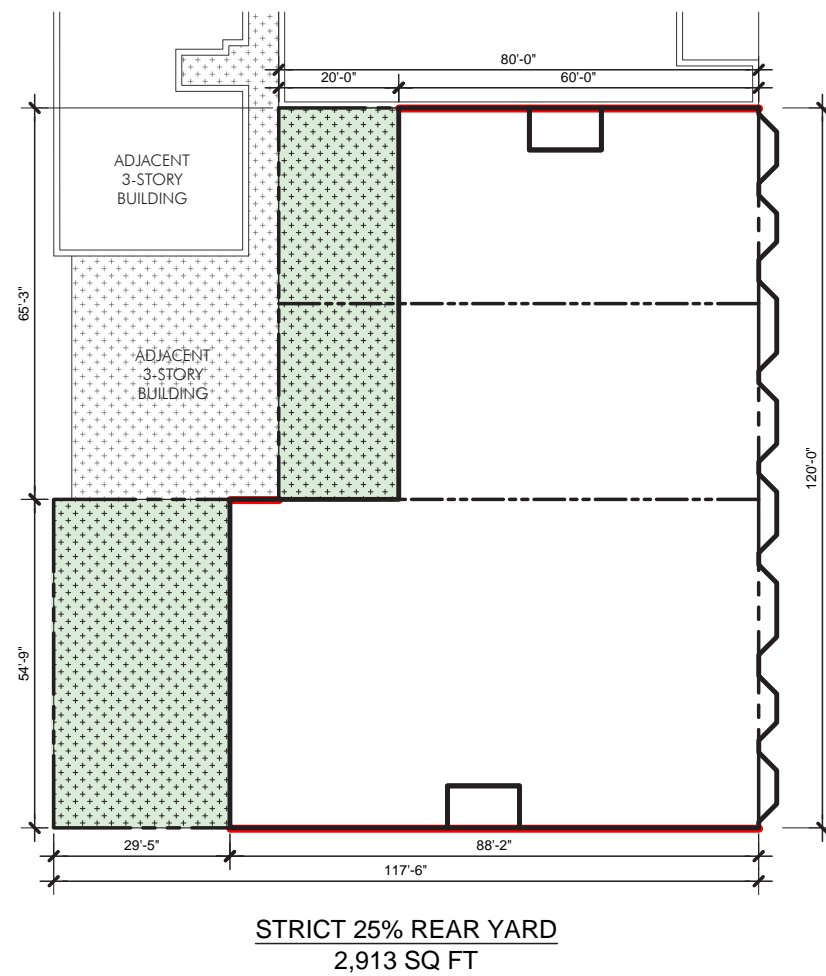
- Property-line wall, blank, no openings allowed



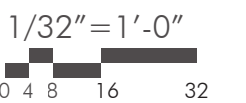
- Exterior wall with windows / doors

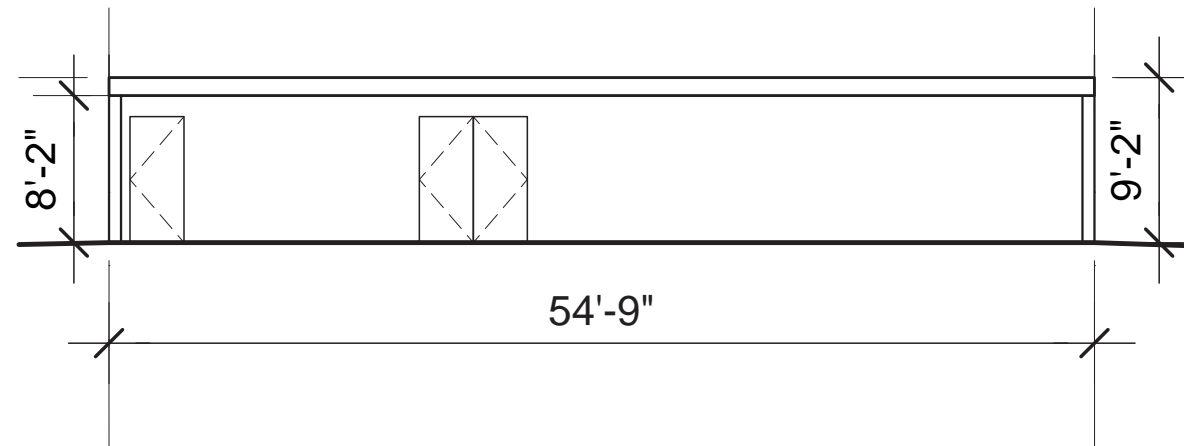


- Open space with landscaping



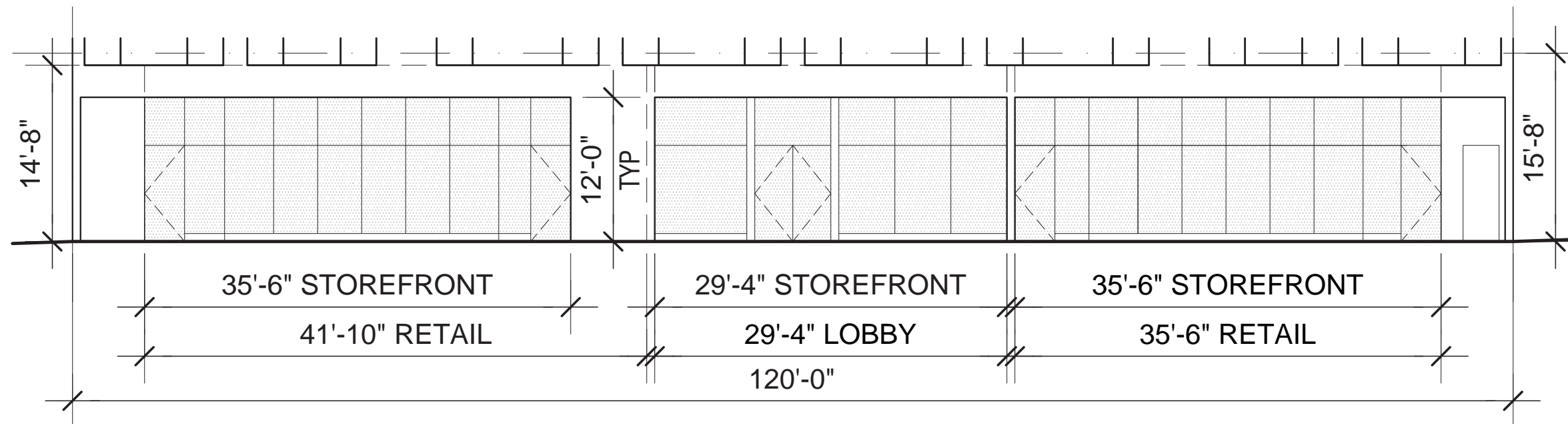
### BAY WINDOW PROJECTIONS





NOTE: BECAUSE OSAGE STREET IS 15'-0" IN WIDTH, PLANNING CODE SECTIONS 145.1(C)(1) AND 145.1(C)(3) RELATED TO ABOVE-GRADE PARKING SETBACKS AND ACTIVE GROUND-FLOOR USES DO NOT APPLY.

OSAGE STREET FRONTAGE



TRANSPARENCY CALCULATION

TOTAL STREET FRONTAGE: 1,880 SF  
(15'-8" x 120'-0" = 1880 SF)

TRANSPARENCY REQUIRED (60%): 1,128 SF  
(1,880 SF x 0.6 = 1,128 SF)

TRANSPARENCY PROVIDED: 1,204 SF  
(12'-0" x 35'-6") + (12'-0" x 29'-4")  
+ (12'-0" x 35'-6") = 1,128 SF

MISSION STREET FRONTAGE



2918 MISSION STREET - COMPLIANT PROJECT AREA MATRIX

SPACE		QTY	NSF	GSF	UNIT SUMMARY				
					% MIX	TYPE	QTY	AREA	AVG
<u>FLOOR 1</u>					27%	STU	15	5,950	397
	Lobby		1,507		31%	1BD	17	9,883	581
	Retail		7,026		42%	2BD	23	19,362	842
	Bicycle Storage		633		100%	TOTAL	55	35,195	640
	Utility/Fire Pump/ Trash		1,139						
	SUBTOTAL		10,305	11,366					
<u>FLOOR 2</u>					<u>1 floors</u>				
	Private Terraces		2,914						
	Fitness/Amenity		416						
	STU	4	1,575		4		1,575		
	1BD	3	1,697		3		1,697		
	2BD	5	4,213		5		4,213		
	SUBTOTAL	12	7,485	8,803	12		7,485		
<u>FLOOR 3-4</u>					<u>2 floors</u>				
	STU	4	1,625		8		3,250		
	1BD	3	1,697		6		3,394		
	2BD	5	4,622		10		9,244		
	SUBTOTAL	12	7,944	8,803	24		15,888		
<u>FLOOR 5</u>					<u>1 floors</u>				
	Private Terraces		1,540						
	STU	3	1,125		3		1,125		
	1BD	3	1,787		3		1,787		
	2BD	4	2,942		4		2,942		
	SUBTOTAL	10	5,854	6,731	10		5,854		
<u>FLOOR 6</u>					<u>1 floors</u>				
	1BD	5	3,005		5		3,005		
	2BD	4	2,963		4		2,963		
	SUBTOTAL	9	5,968	6,731	9		5,968		
<u>ROOF</u>					<u>1 floors</u>				
	Common Terrace		4,700						
<u>BUILDING SUMMARY</u>									
	TOTAL UNITS	=	55	UNITS					
	RESIDENTIAL GSF	=	43,072	SF					
	RES. GSF PER UNIT	=	783	SF					
	PRIVATE OPEN SPACE	=	4,454	SF					
	COMMON OPEN SPACE	=	4,700	SF					
	RETAIL GSF	=	7,026	SF					
	TOTAL PROJECT GSF	=	51,237	SF					
					UNIT AREA = TOTAL UNIT AREA WITHOUT CIRCULATION RESIDENTIAL GSF = BUILDING GROSS AREA EXCLUDING PROJECT GSF = BUILDING GROSS AREA				

UNIT AREA = TOTAL UNIT AREA WITHOUT CIRCULATION  
RESIDENTIAL GSF = BUILDING GROSS AREA EXCLUDING RETAIL, UTILITY, FIRE PUMP, AND TRASH  
PROJECT GSF = BUILDING GROSS AREA

DENSITY BONUS

SCHEME:

ALTERNATIVE MASSING

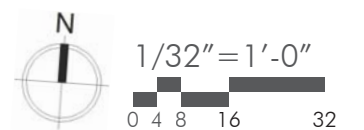
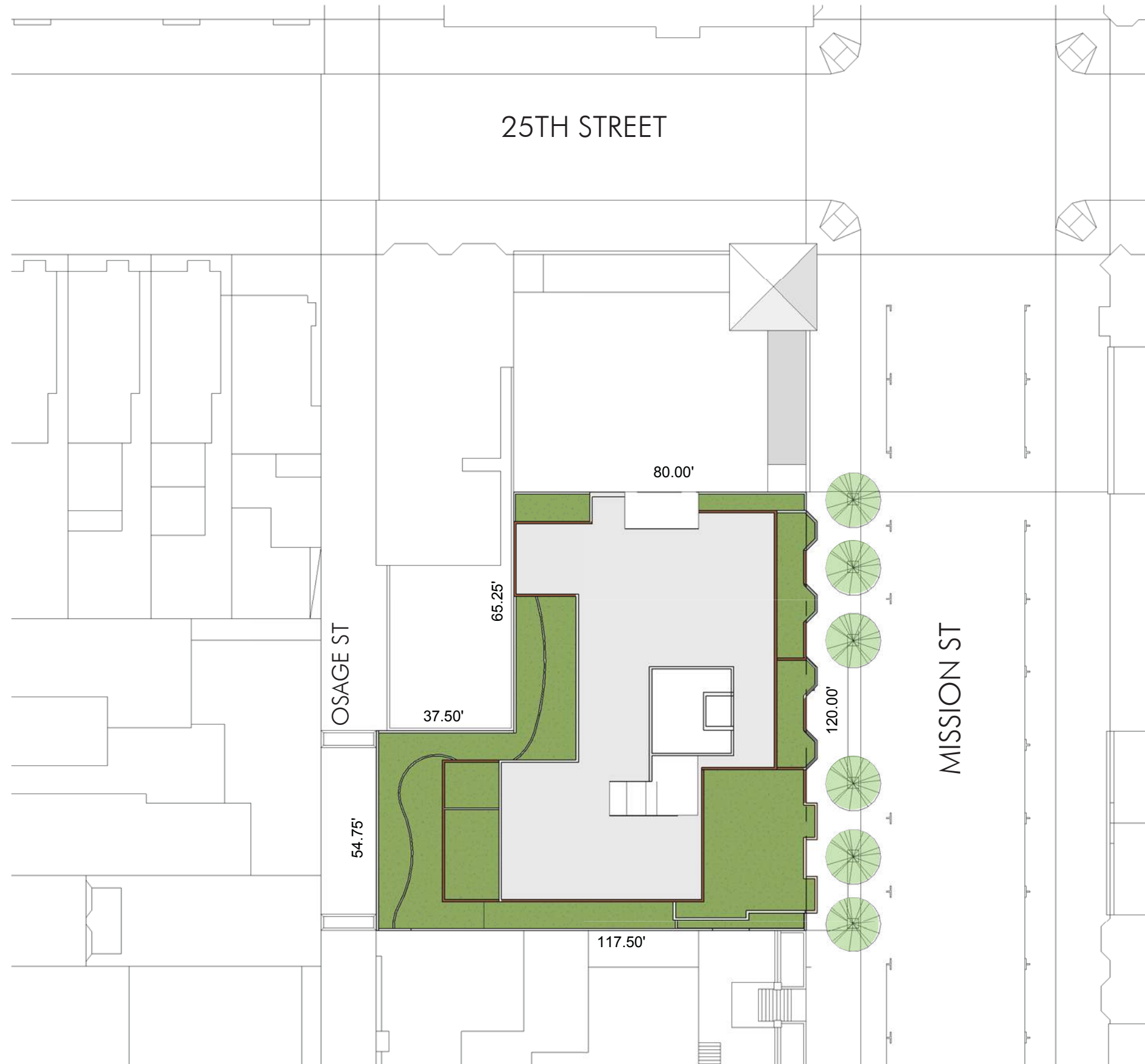
2918 MISSION STREET PROJECT INFORMATION  
11/29/2017

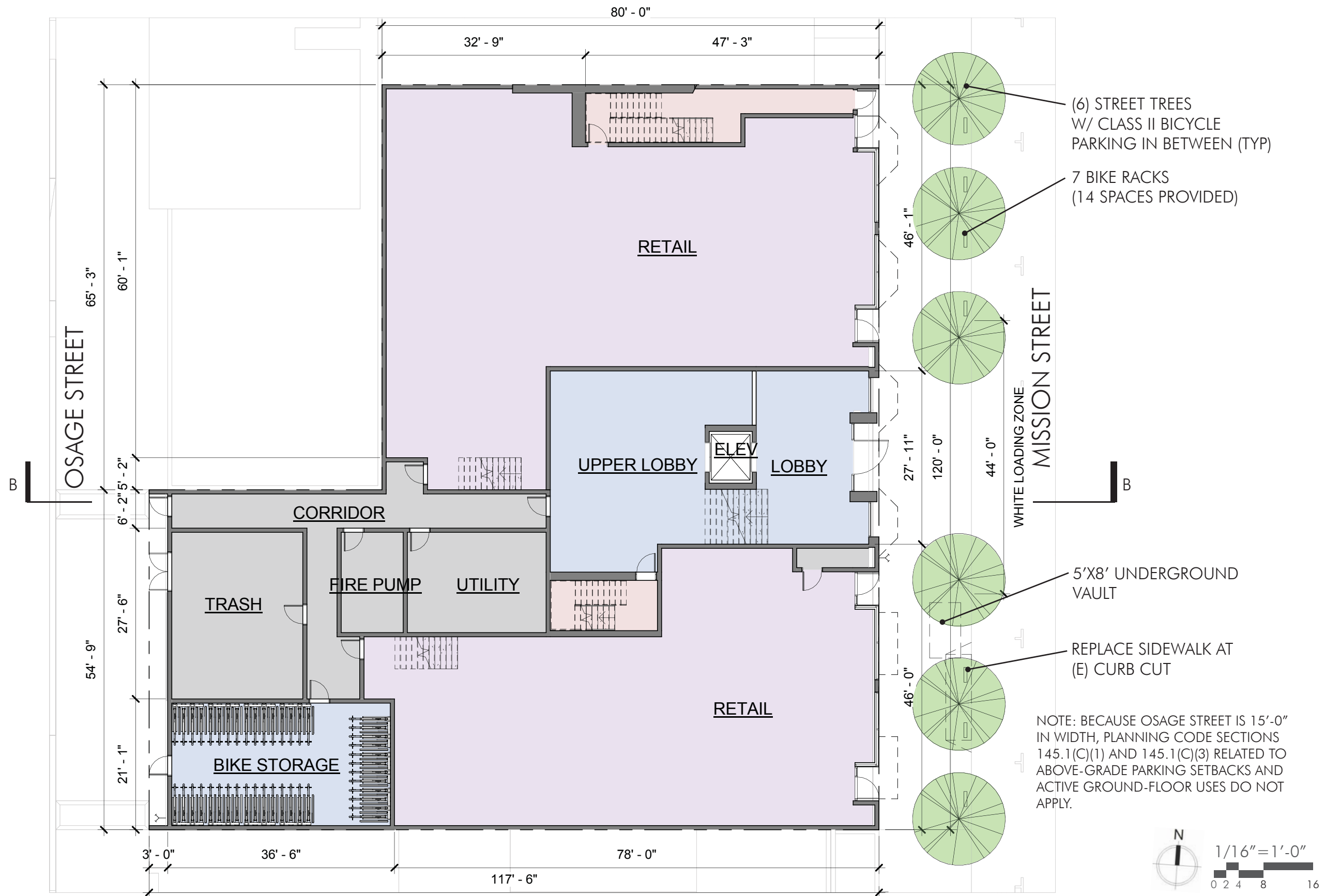
<u>BLOCK/LOT</u>	<u>ZONING</u>	<u>HEIGHT/BULK</u>	<u>AREA</u>
6529/002	MISSION ST NCT	65-B / 55-X	2,600 SF
6529/002A	MISSION ST NCT	65-B / 55-X	2,620 SF
6529/003	MISSION ST NCT	65-B / 45-X	<u>6,433 SF</u>
			SITE AREA = 11,653 SF

<u>PROJECT AREA</u>	
RESIDENTIAL NSF	48,104 SF
RESIDENTIAL GSF	60,006 SF
RETAIL GSF	6,724 SF
PROJECT TOTAL GSF	67,314 SF

<u>RESIDENTIAL UNITS</u>		
STUDIO UNITS	18	AVG = 402 SF
1-BEDROOM UNITS	27	AVG = 563 SF
<u>2-BEDROOM UNITS</u>	<u>30</u>	<u>AVG = 818 SF</u>
TOTAL UNITS	75	AVG UNIT = 627 SF

ZONING	MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT		
LOT COVERAGE	25% REAR YARD REQUIRED AT RESIDENTIAL LEVELS		
STREET FRONTAGE	REQUIRED GROUND FLOOR COMMERCIAL ALONG MISSION STREET		
B' BULK LIMITS	ABOVE 50' = MAX LENGTH OF 110', MAX DIAGONAL OF 125'		
DWELLING UNIT MIX	AT LEAST 40% 2-BEDROOM UNITS OR 30% 3-BEDROOM UNITS		
RESIDENTIAL OPEN SPACE	80 SF/UNIT IF PRIVATE OPEN SPACE	7 UNITS	560 SF REQUIRED
	100 SF/UNIT IF COMMON OPEN SPACE	68 UNITS	6,800 SF REQUIRED
BICYCLE PARKING (CLASS I)	RESIDENTIAL: < 100 UNITS = 1.0/UNIT	75 UNITS	76 CLASS I SPACES PROVIDED
	RETAIL: 1	1 REQUIRED	
BICYCLE PARKING (CLASS II)	4 FOR RESIDENTIAL + 9 FOR RETAIL	13 REQUIRED	14 CLASS II SPACES PROVIDED

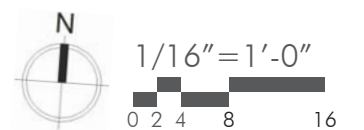
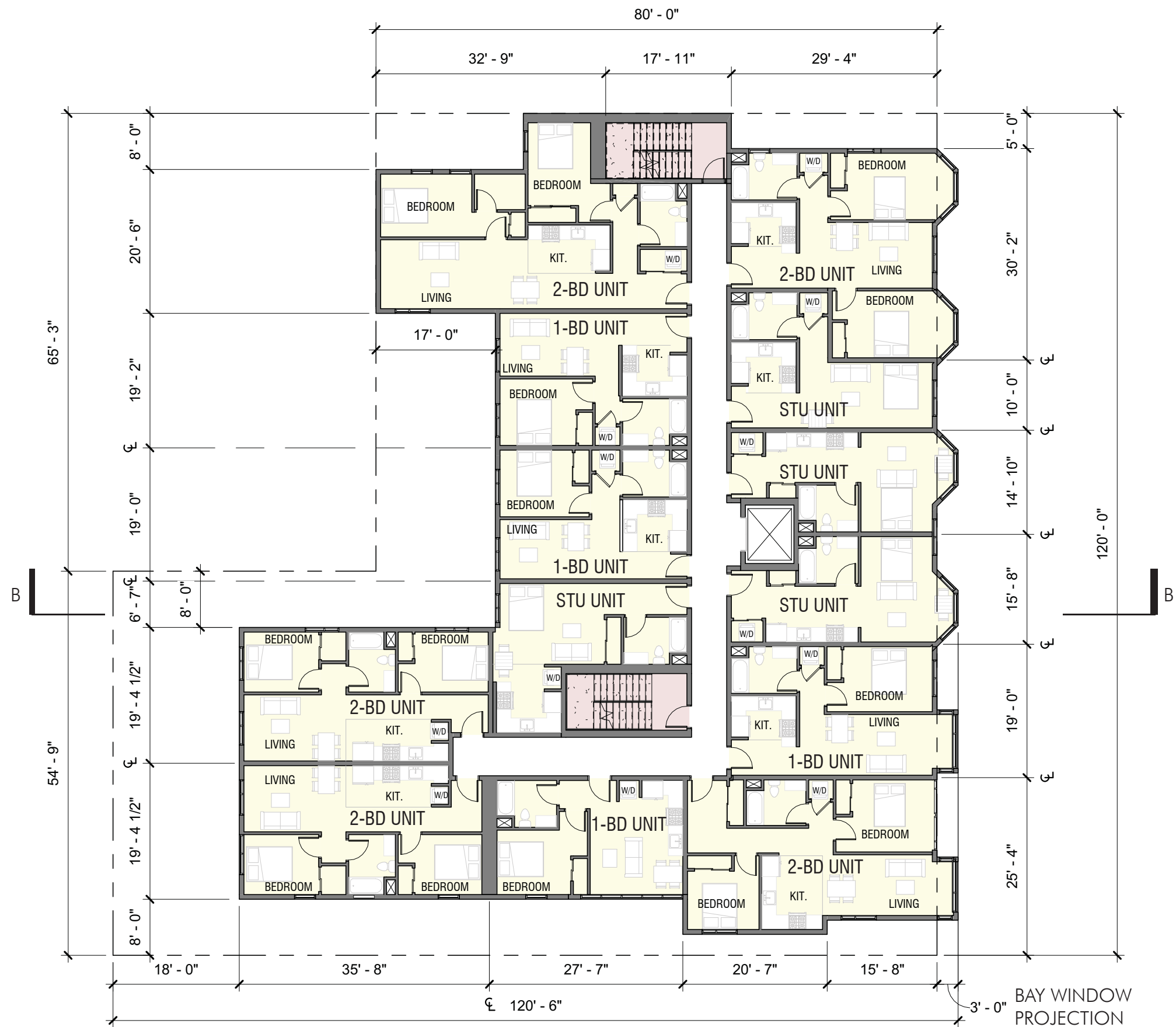




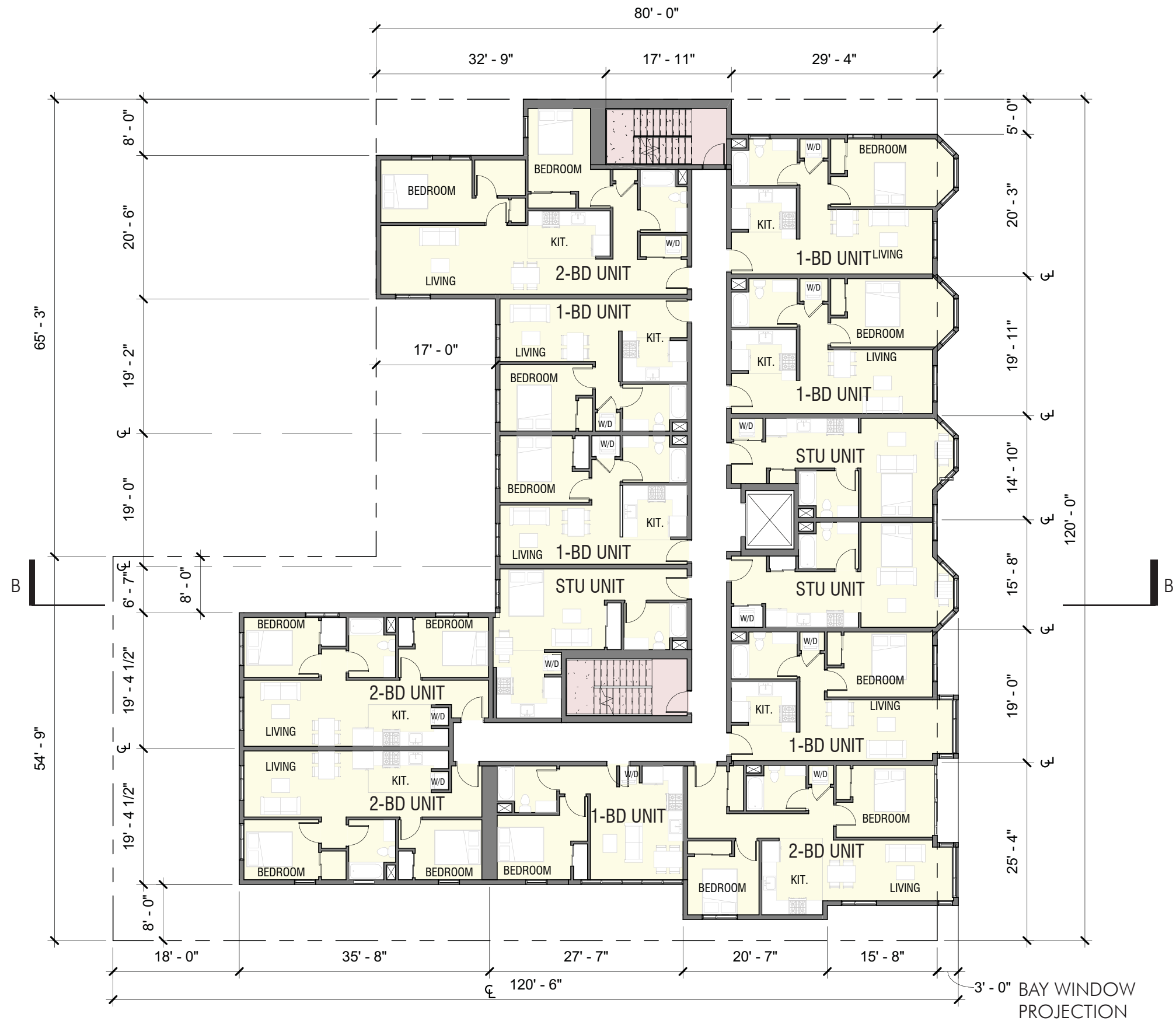
NOTE:  
 \*PRIVATE TERRACE AND \*PRIVATE  
 BALCONY ARE NOT CONSIDERED CODE  
 COMPLIANT PRIVATE OPEN SPACE.

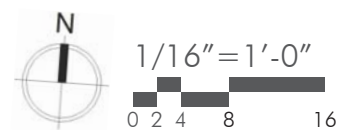
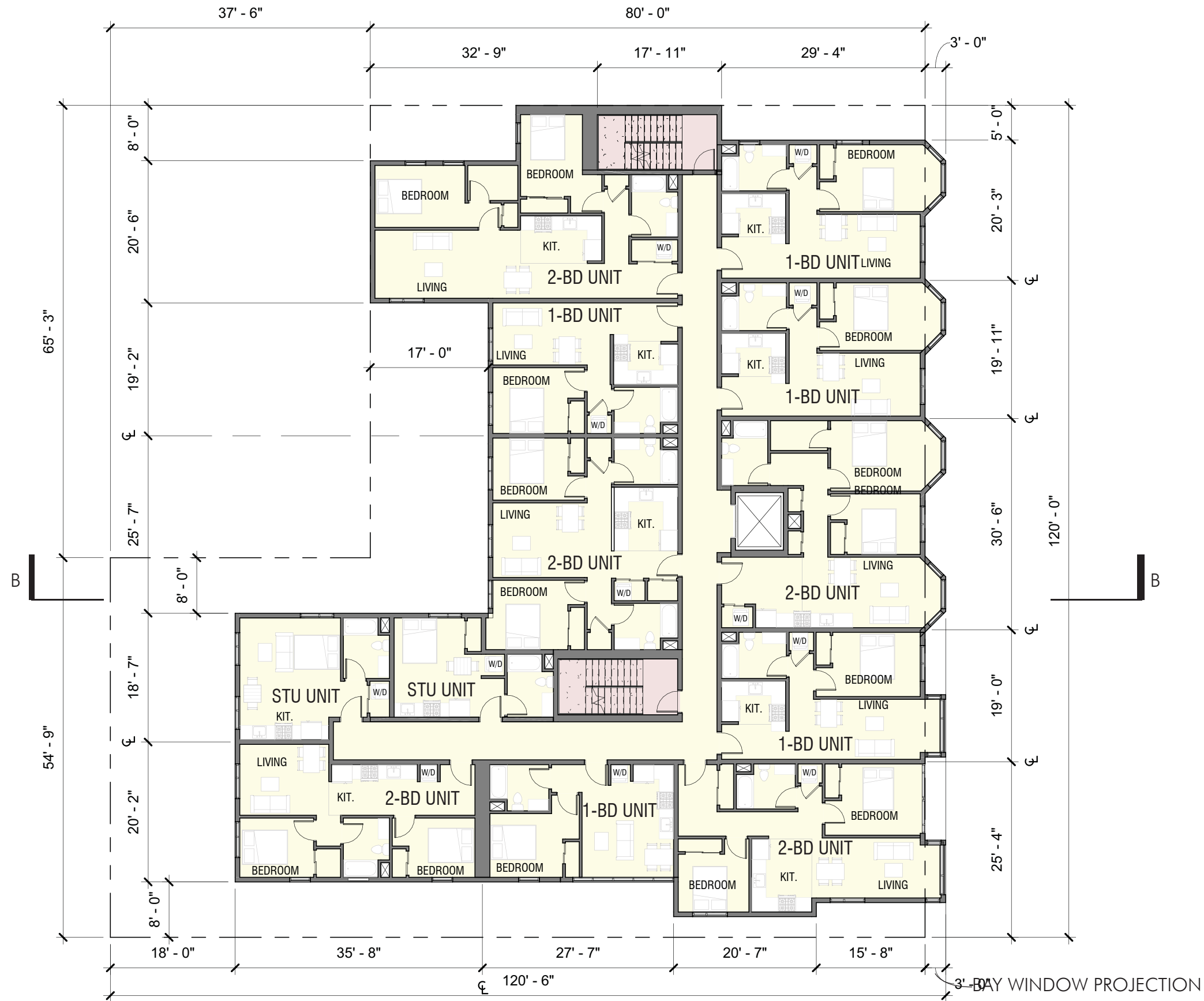
\*COMMON OPEN SPACE ARE NOT  
 CONSIDERED CODE COMPLIANT  
 COMMON OPEN SPACE.

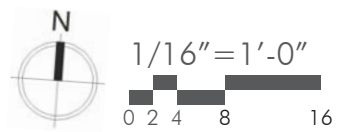
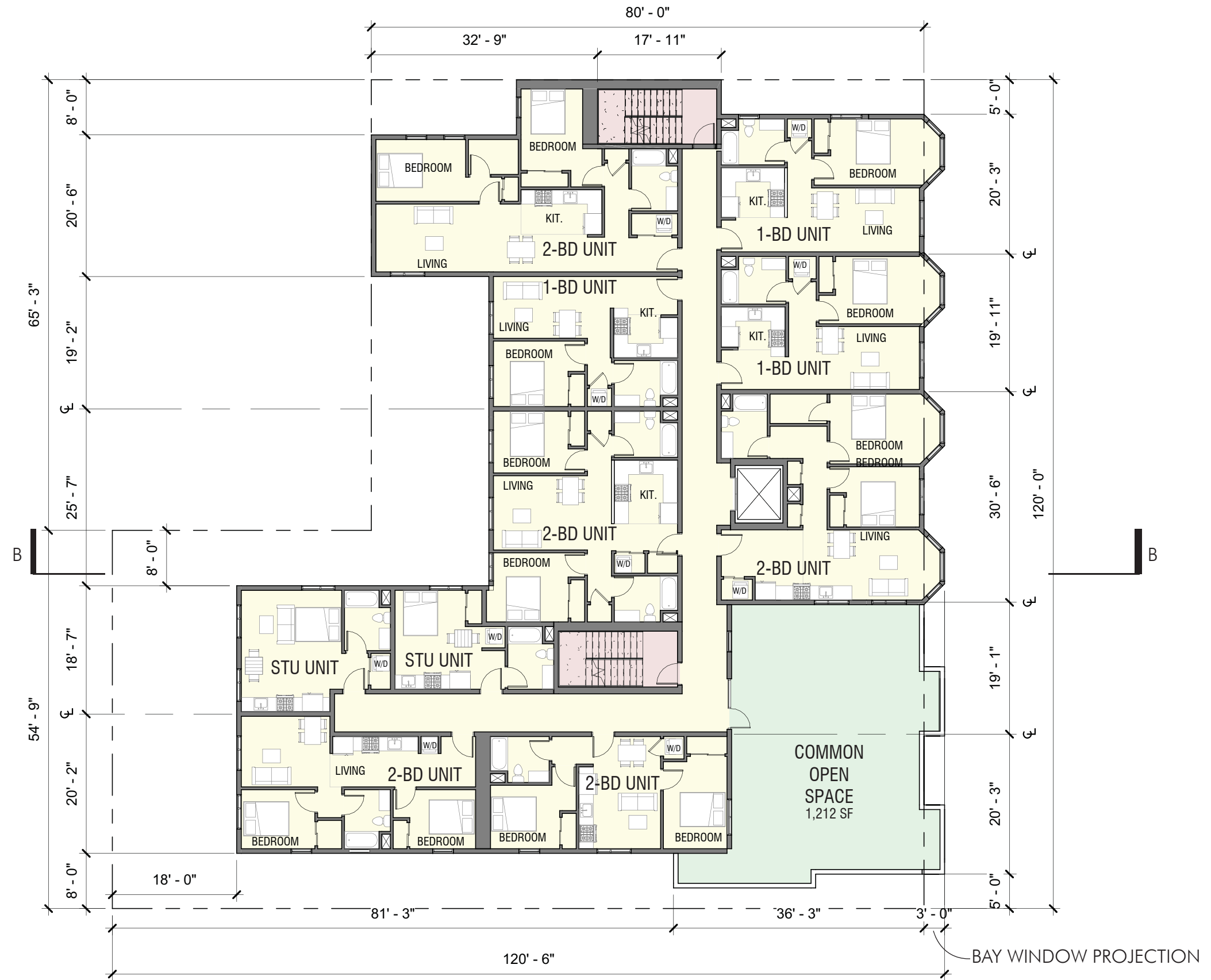


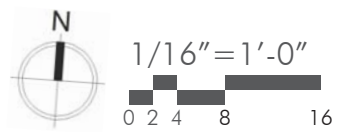
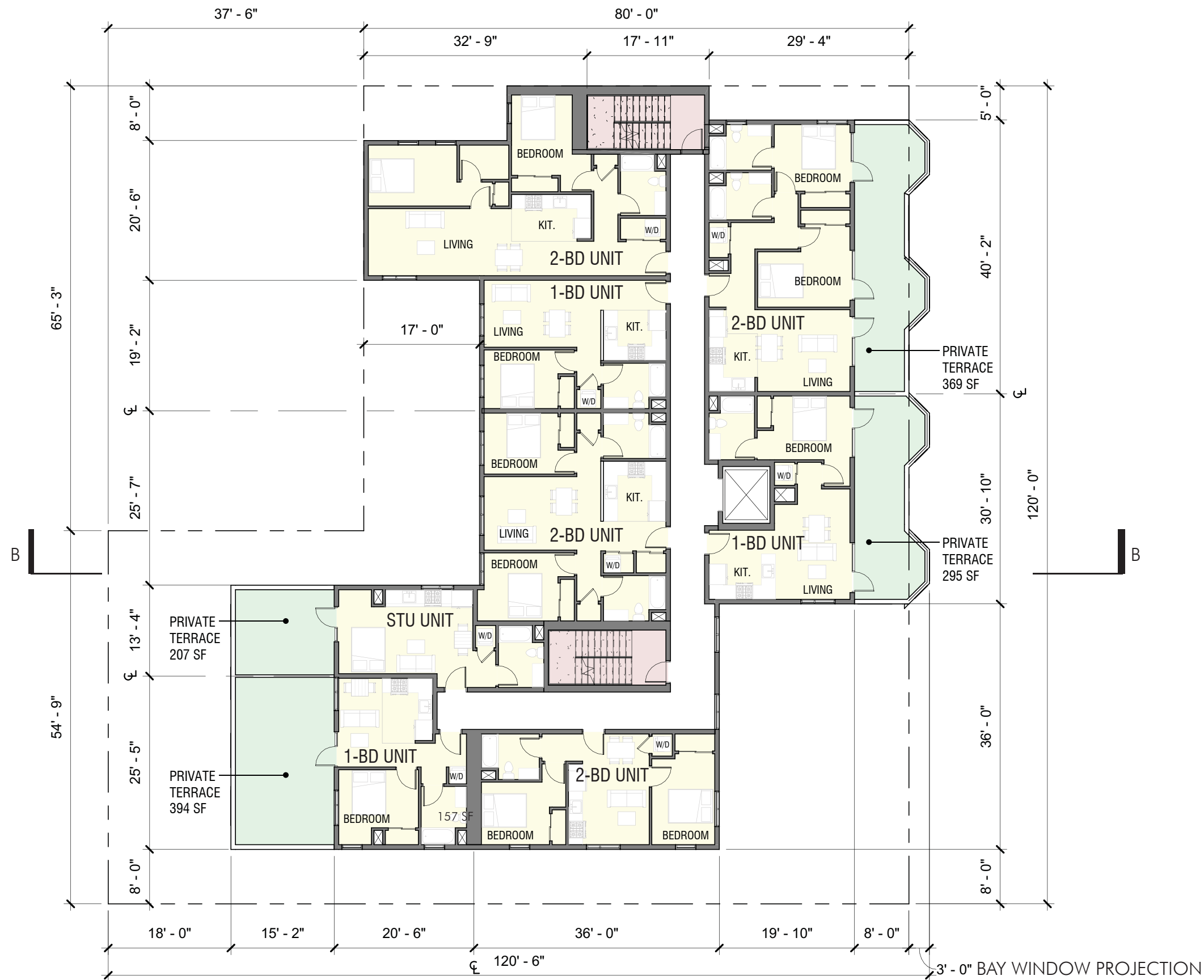


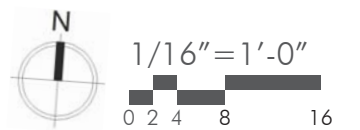
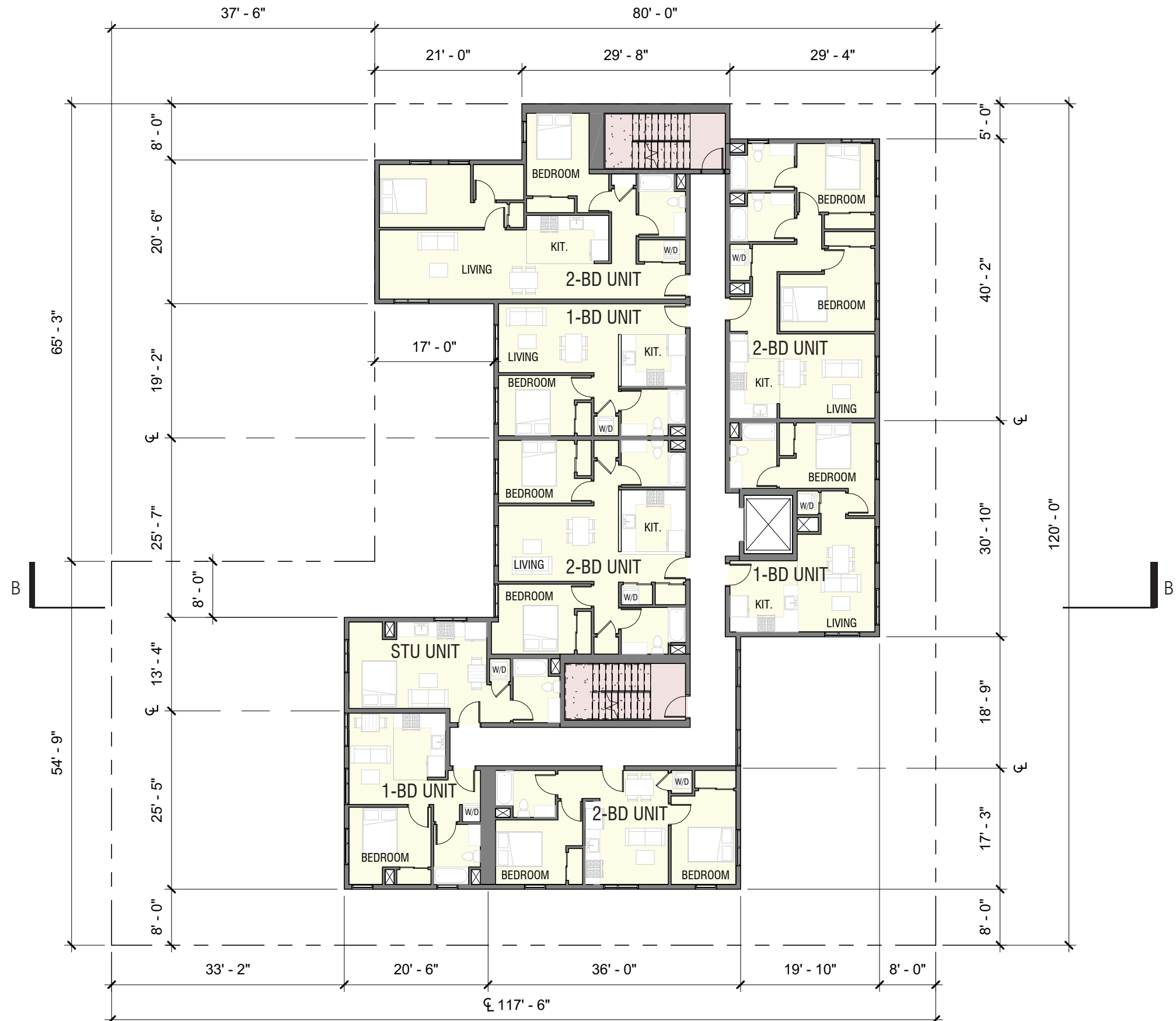


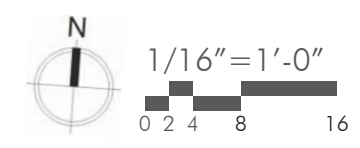
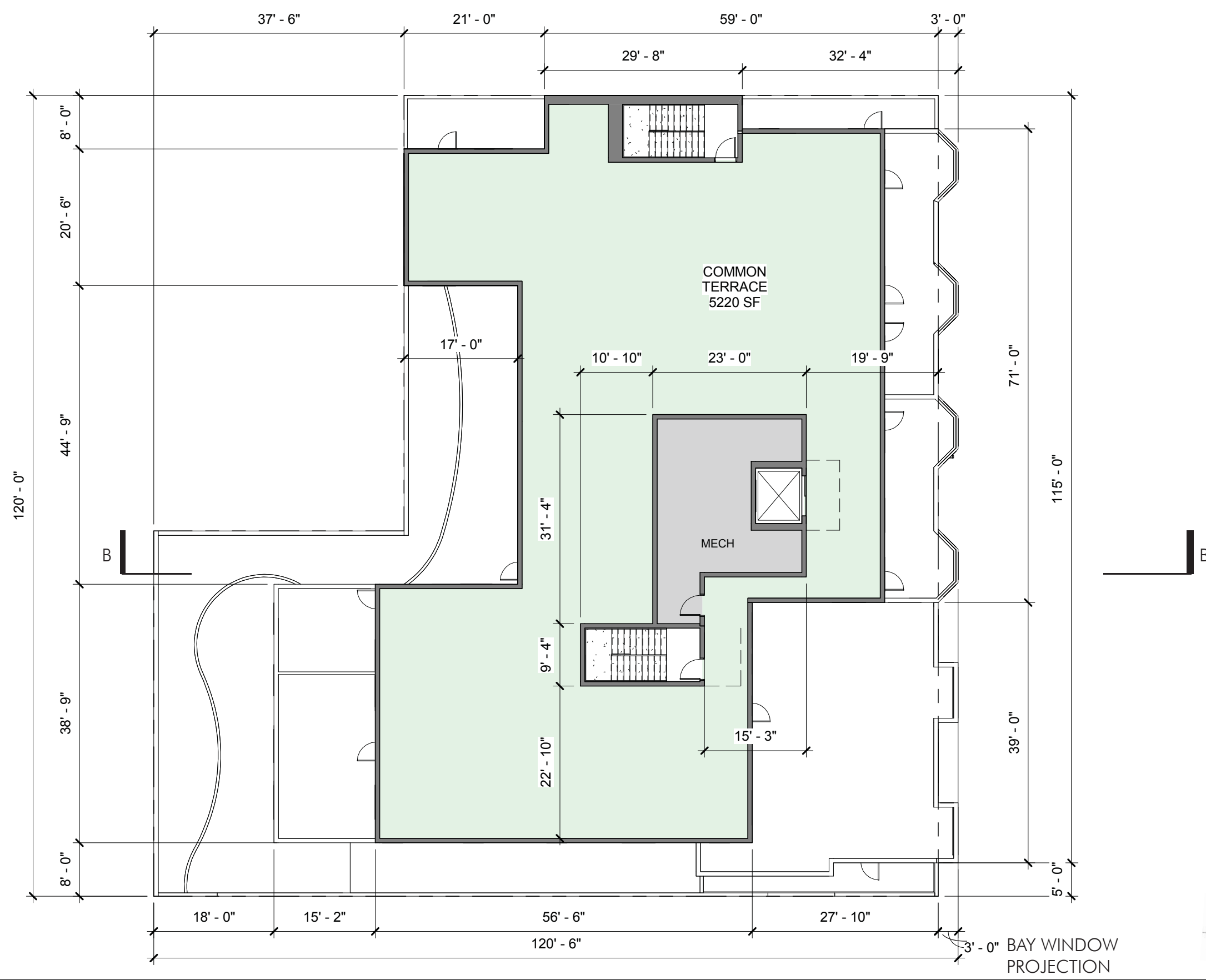


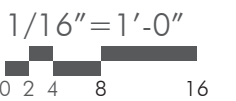
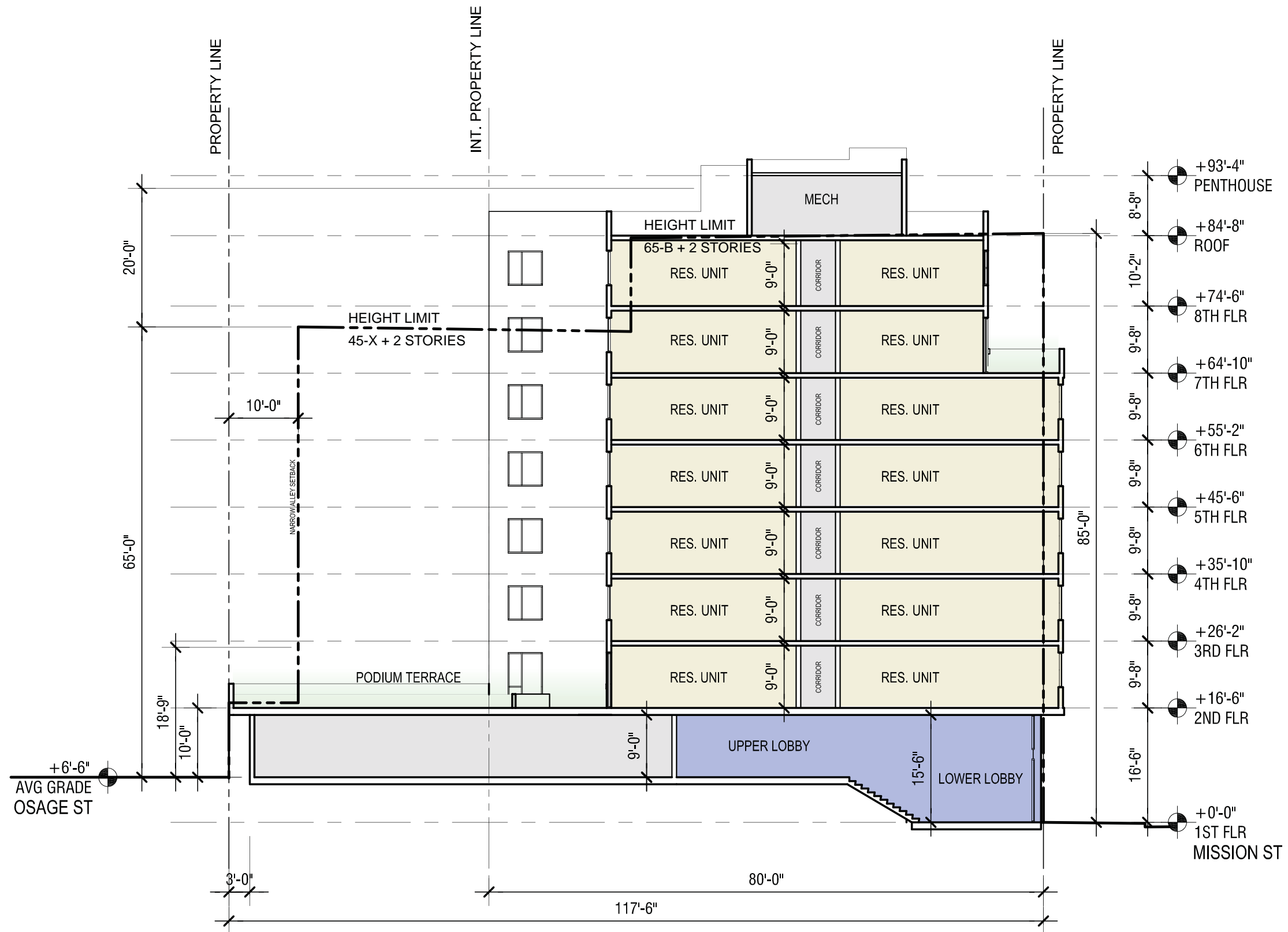




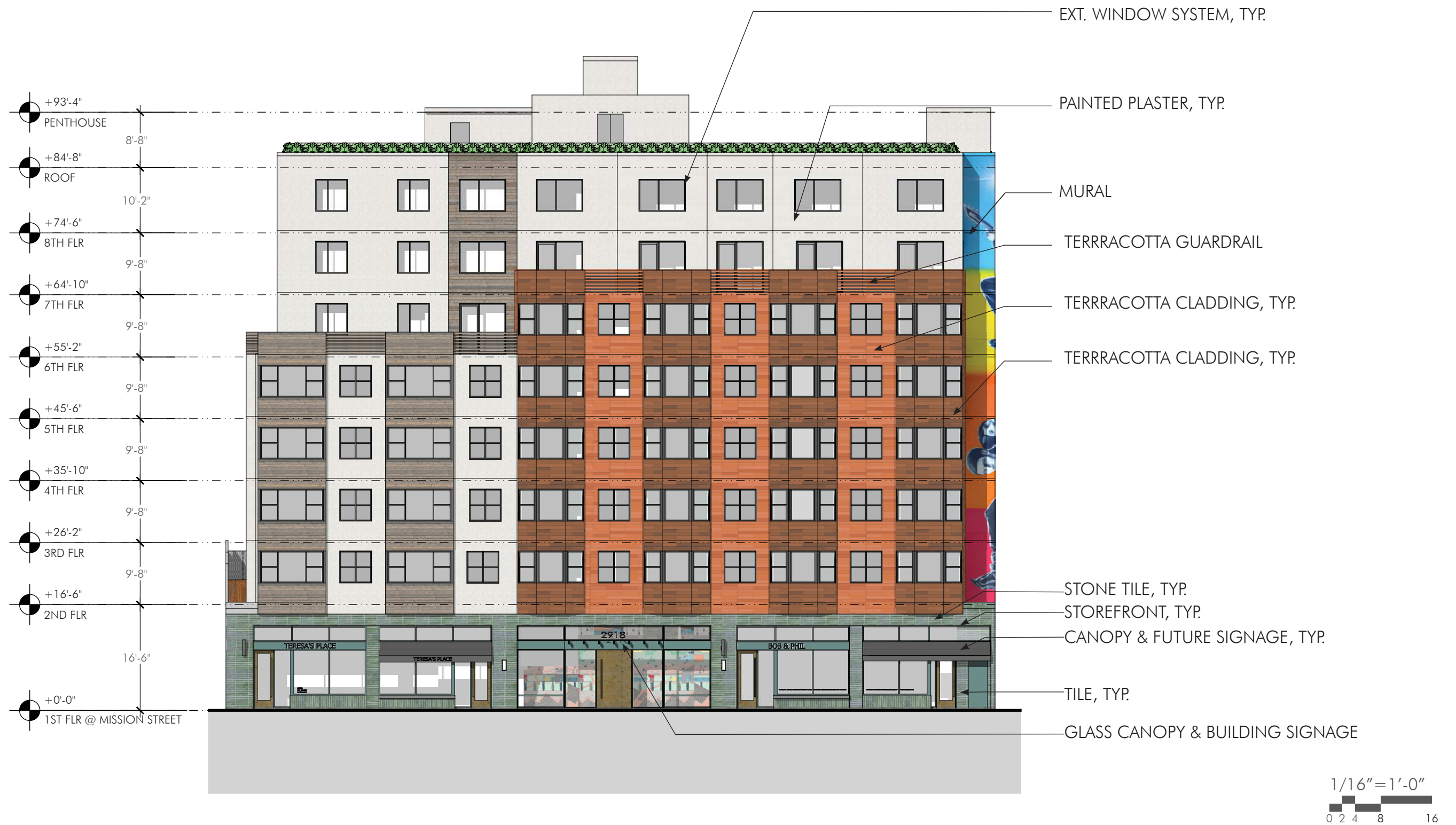


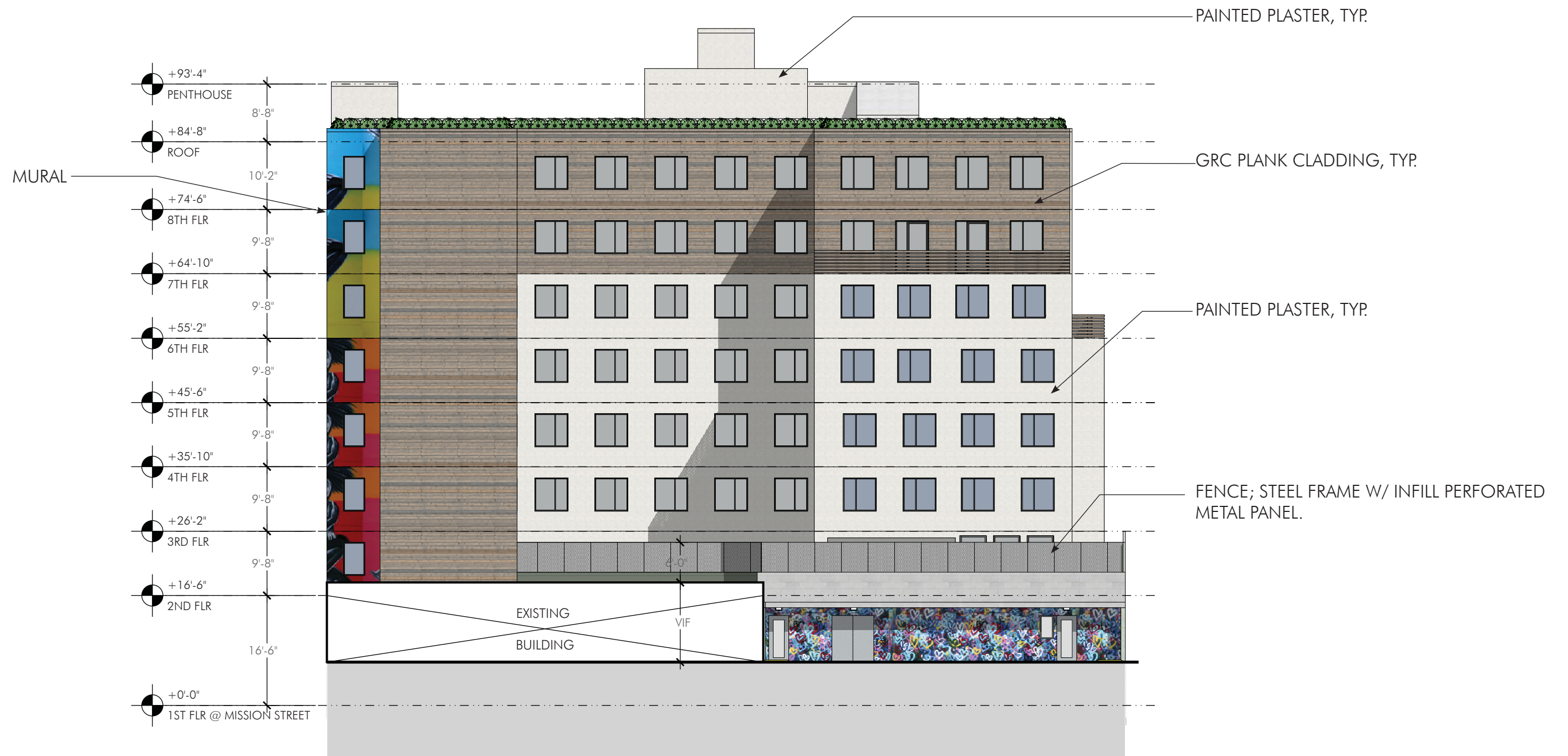




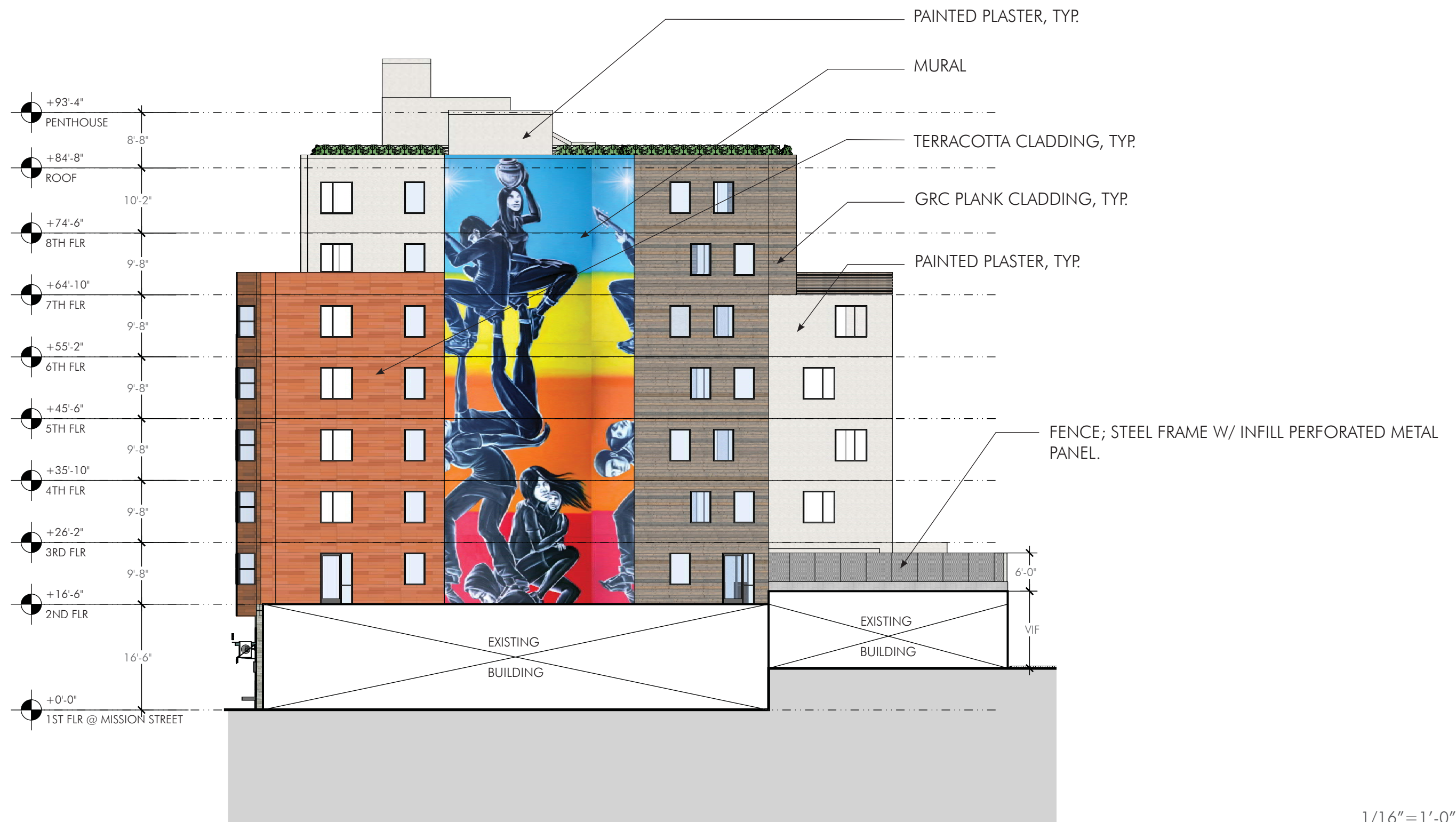






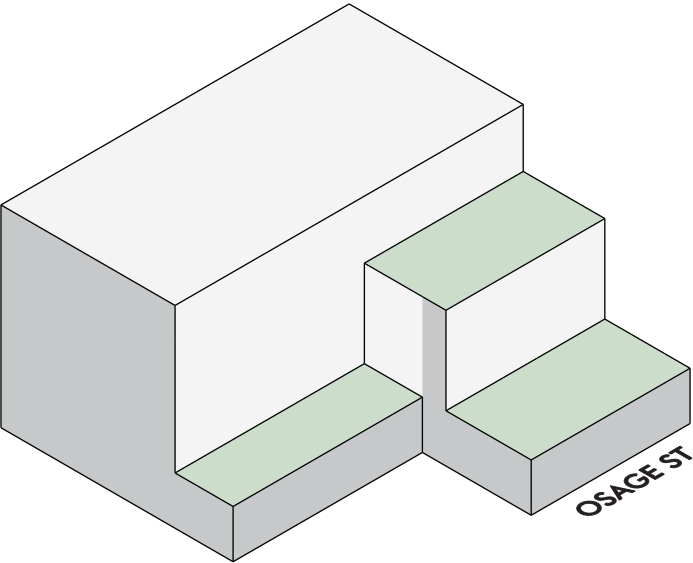




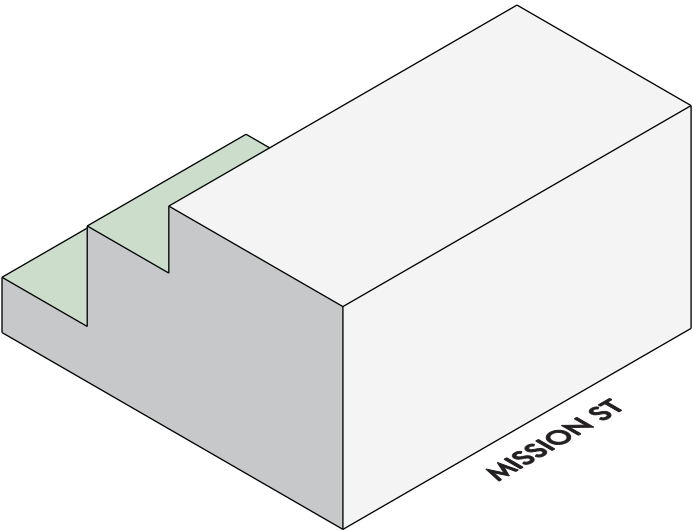




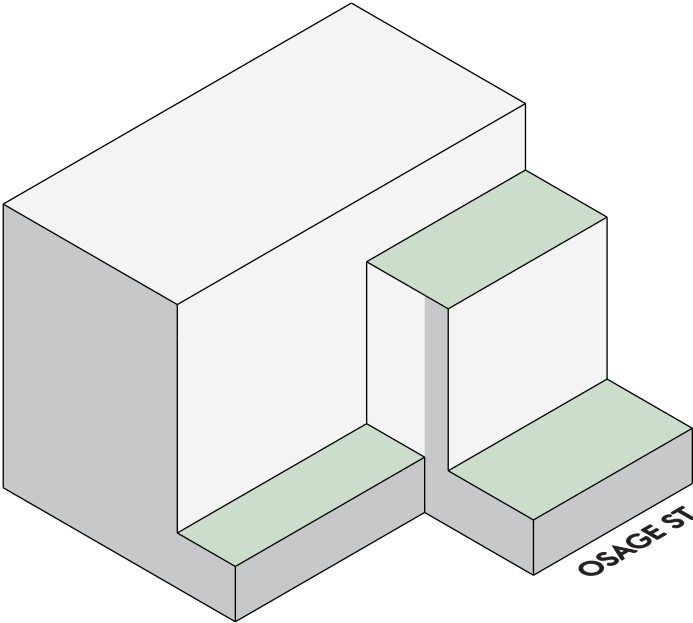
NORTHWEST  
AXONOMETRIC



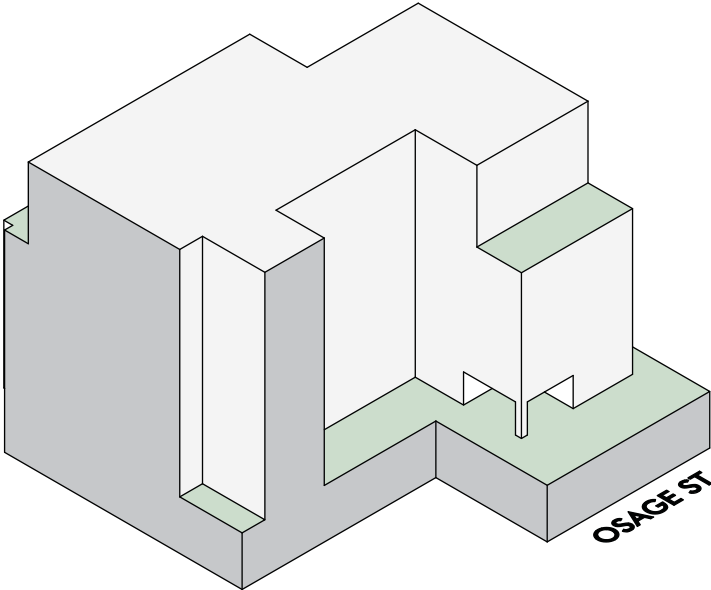
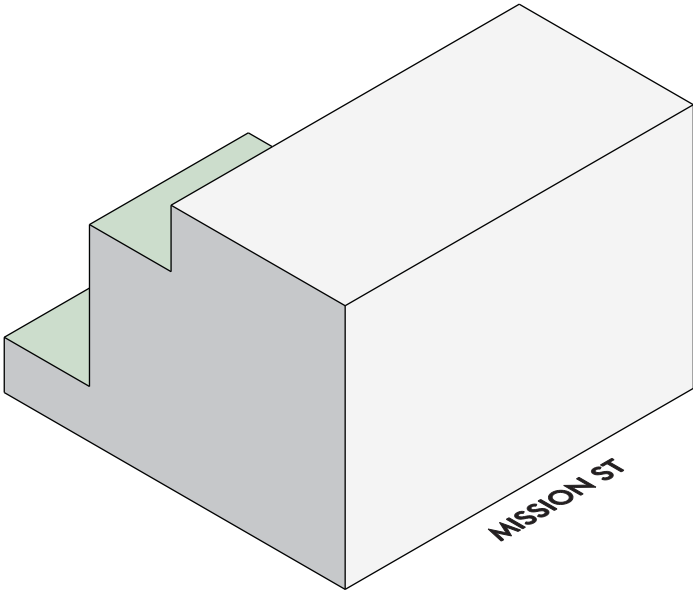
EXTRUDE SITE TO HEIGHT LIMITS



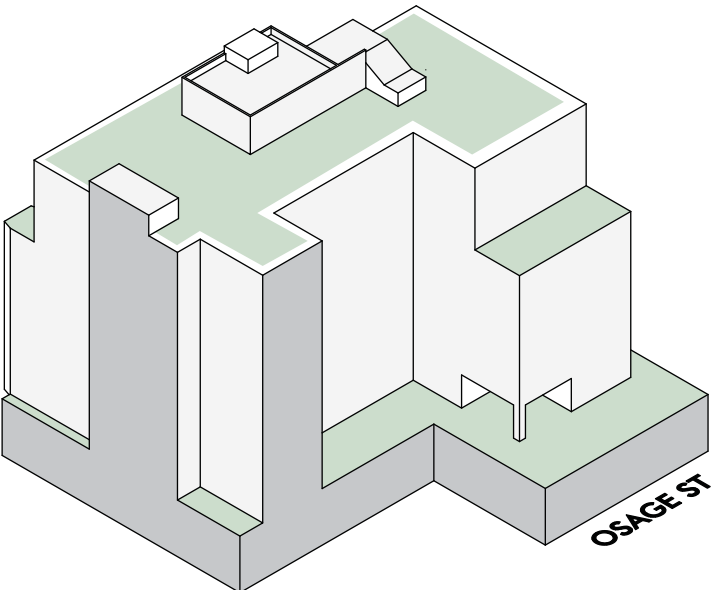
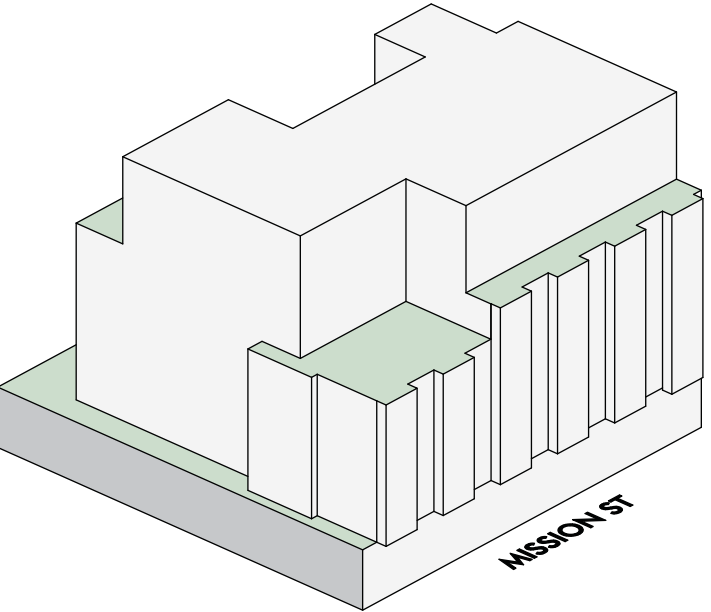
SOUTHEAST  
AXONOMETRIC



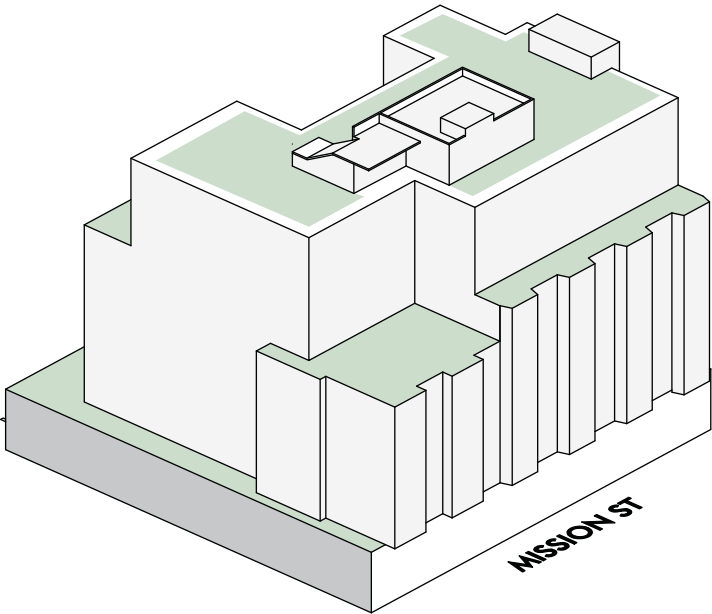
ADDITIONAL TWO STORIES FOR  
STATE DENSITY BONUS



ADD ALLOWABLE BAY WINDOWS  
& MODIFY REAR YARD TO BETTER  
MATCH EXISTING BLOCK PATTERN



ADDITIONAL SCULPTING TO  
REDUCE PROPERTY LINE BLIND  
WALLS, UNIT EXPOSURE, DECREASE  
SHADOWS, AND REDUCE VISUAL  
BULK



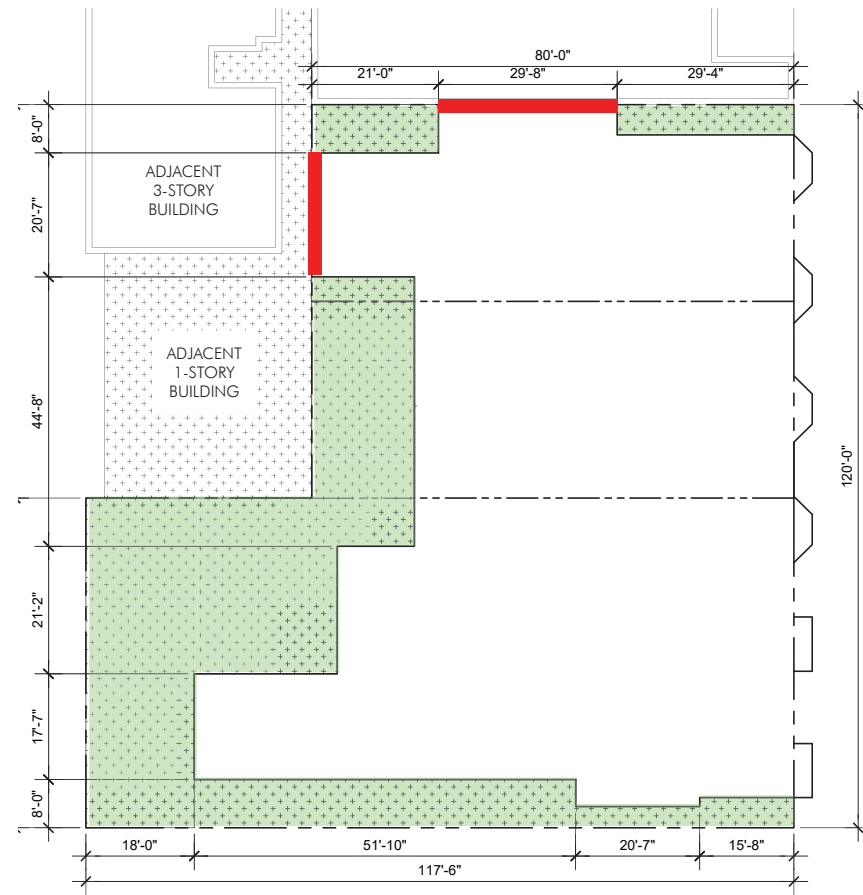
- Property-line wall, blank, no openings allowed



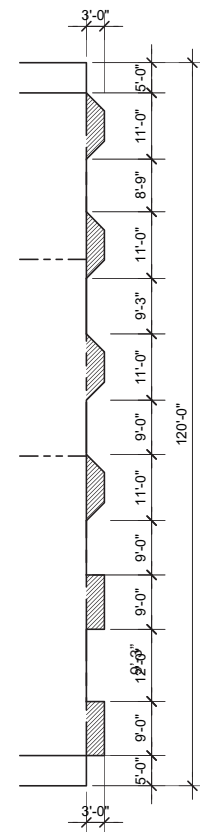
- Exterior wall with windows / doors



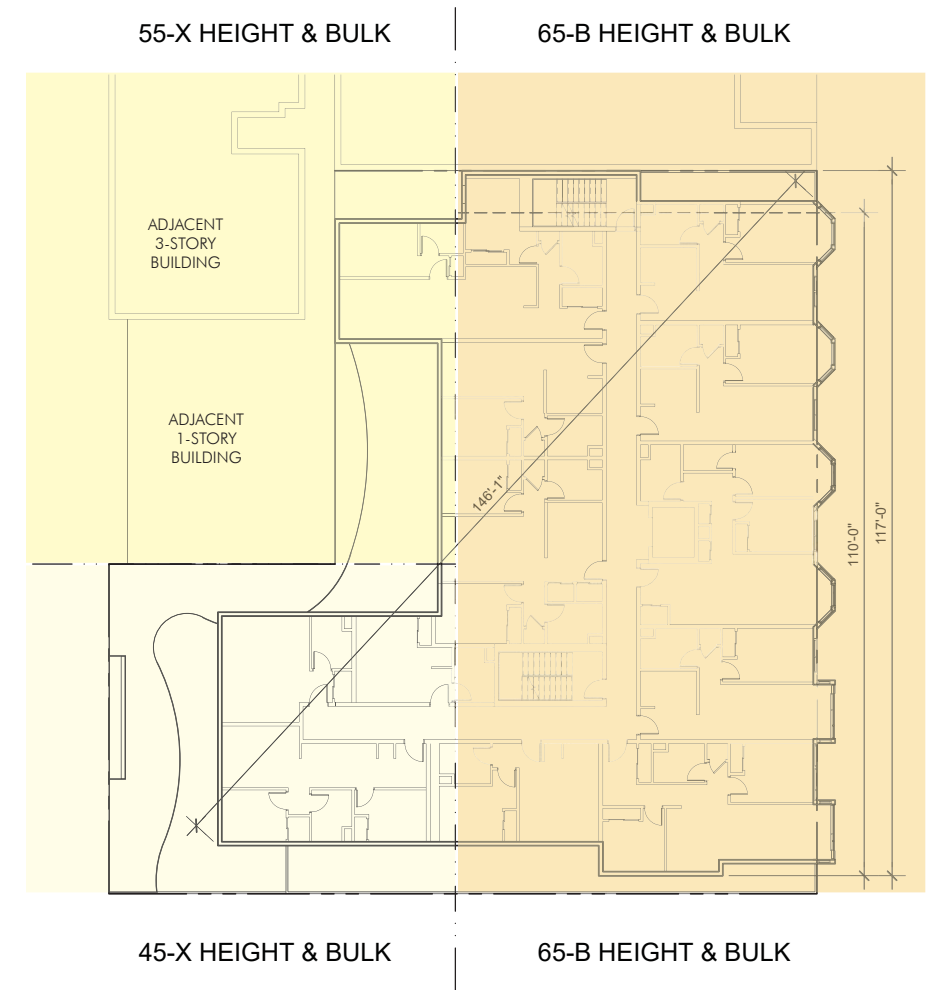
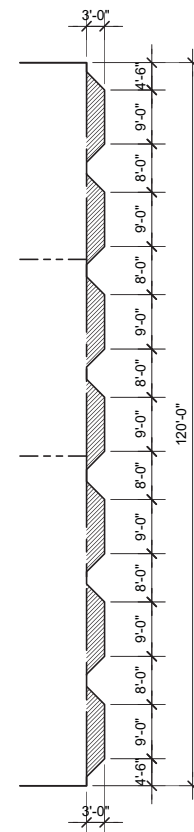
- Open space with landscaping



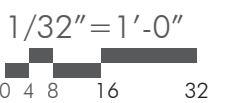
**MODIFIED REAR YARD + VOLUNTARY SETBACKS**  
3,379 SQ FT



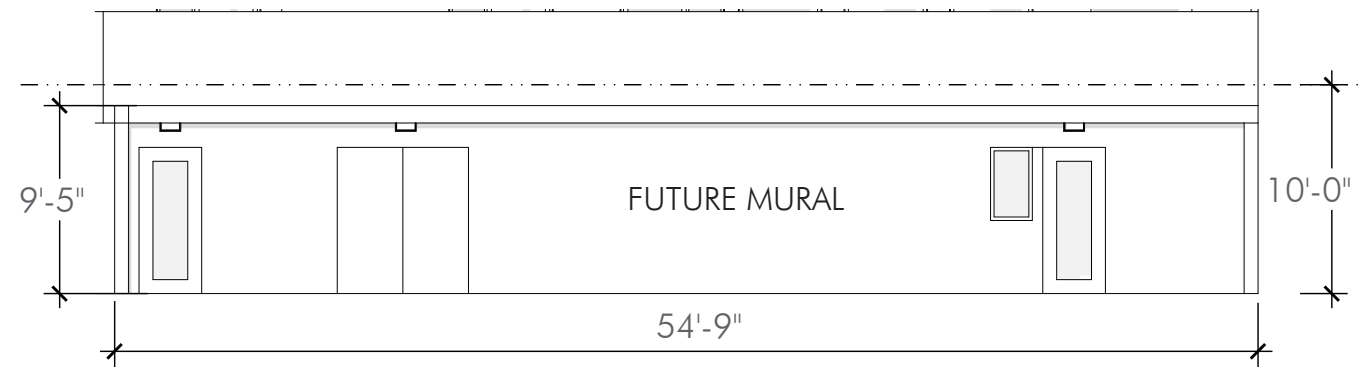
**BAY WINDOW PROJECTIONS**  
PROPOSED 150 SQ FT  
PER CITY GUIDELINES 252 SQ FT



**TYPICAL LEVEL OVER 50' HEIGHT**

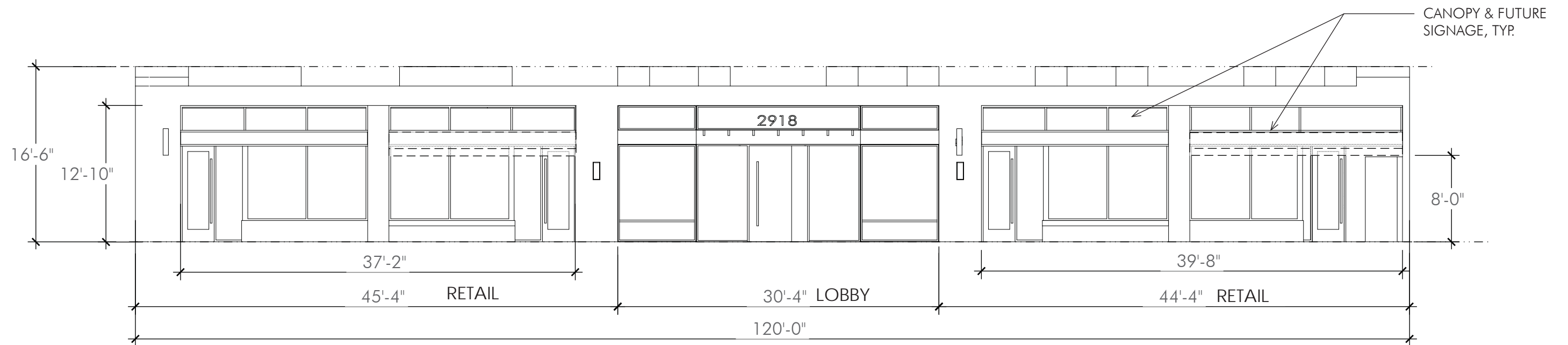






OSAGE STREET FRONTAGE

NOTE: BECAUSE OSAGE STREET IS 15'-0" IN WIDTH, PLANNING CODE SECTIONS 145.1(C)(1) AND 145.1(C)(3) RELATED TO ABOVE-GRADE PARKING SETBACKS AND ACTIVE GROUND-FLOOR USES DO NOT APPLY.



MISSION STREET FRONTAGE



2918 MISSION STREET - BONUS PROJECT AREA MATRIX

11/29/2017

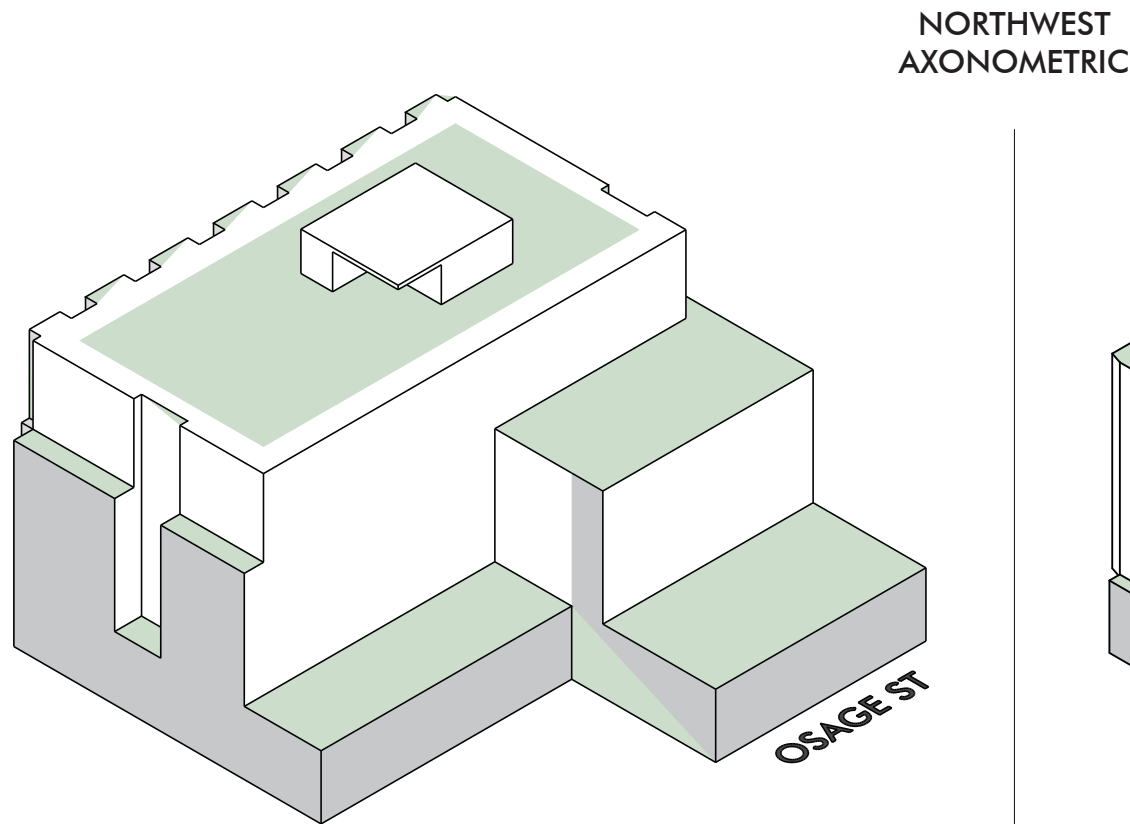
SPACE	QTY	NSF	GSF	x QTY	x NSF
FLOOR 1					
Lobby		1,462			
Retail		6,724			
Bicycles		752			
Utility / Fire Pump		584			
Trash		642			
SUBTOTAL		10,164	11,345		
FLOOR 2					
				1 floors	
Common Terrace		569			
Private Terrace		780			
Amenity		627			
Fitness		482			
STU	5	1,955		5	1,955
1BD	3	1,672		3	1,672
2BD	3	2,580		3	2,580
SUBTOTAL	11	8,665	8,441	11	6,207
FLOOR 3					
				1 floors	
STU	4	1,770		4	1,770
1BD	4	2,181		4	2,181
2BD	5	3,918		5	3,918
SUBTOTAL	13	7,869	8,942	13	7,869
FLOOR 4					
				1 floors	
STU	3	1,323		3	1,323
1BD	6	3,433		6	3,433
2BD	4	3,112		4	3,112
SUBTOTAL	13	7,868	8,942	13	7,868
FLOOR 5					
				1 floors	
STU	2	708		2	708
1BD	5	2,890		5	2,890
2BD	5	4,181		5	4,181
SUBTOTAL	12	7,779	8,942	12	7,779
FLOOR 6					
				1 floors	
Common Terrace		1,212			
STU	2	708		2	708
1BD	3	1,798		3	1,798
2BD	5	4,028		5	4,028
SUBTOTAL	10	7,746	7,736	10	6,534
FLOOR 7					
				1 floors	
Private Terrace		1,265			
STU	1	394		1	394
1BD	3	1,613		3	1,613
2BD	4	3,363		4	3,363
SUBTOTAL	8	6,635	6,483	8	5,370
FLOOR 8					
				1 floors	
STU	1	394		1	394
1BD	3	1,613		3	1,613
2BD	4	3,361		4	3,361
SUBTOTAL	8	3,361	6,483	8	5,368
ROOF					
Common Terrace		5,220			
BUILDING SUMMARY					
TOTAL UNITS	=	75	UNITS		
RESIDENTIAL GSF	=	60,006	SF		
AVERAGE UNIT AREA	=	627	SF		
PRIVATE OPEN SPACE	=	2,045	SF		
COMMON OPEN SPACE	=	7,001	SF		
RETAIL GSF	=	6,724	SF		
TOTAL PROJECT GSF	=	67,314	SF		

UNIT SUMMARY				
% MIX	TYPE	QTY	AREA	AVG
24%	STU	18	7,252	403
36%	1BD	27	15,200	563
40%	2BD	30	24,543	818
100%	TOTAL	75	46,995	627

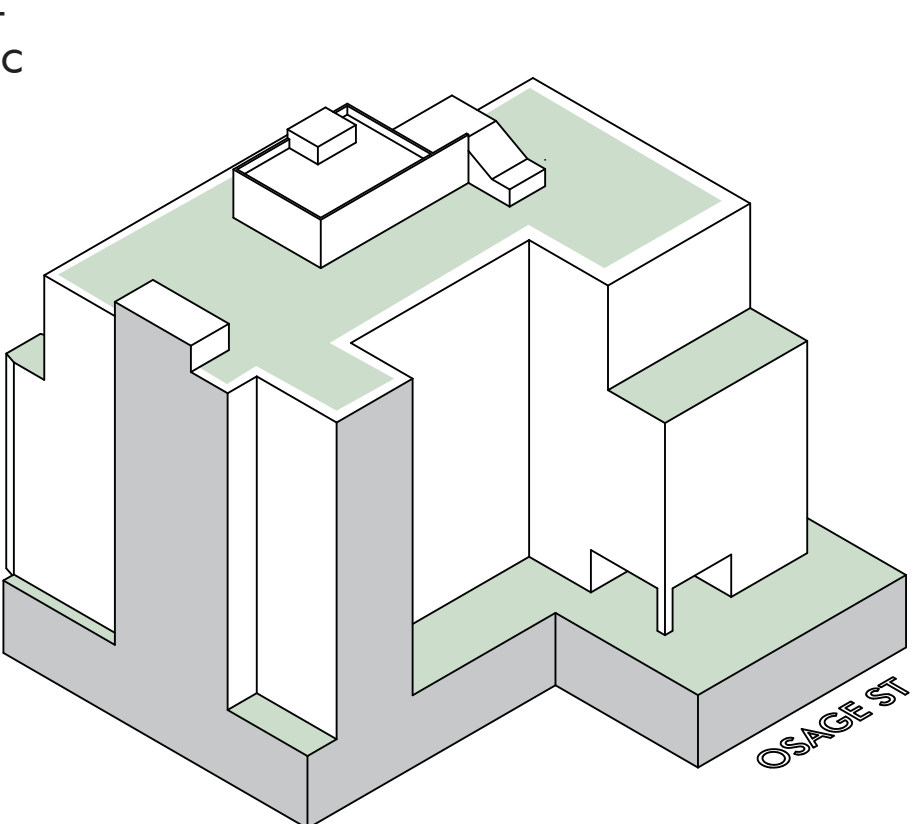
OPEN SPACE REQUIREMENT		
LEVEL	COMMON	PRIVATE
2ND LEVEL	569 SF	5 UNITS
6TH LEVEL	1,212 SF	
7TH LEVEL		5 UNITS
ROOF LEVEL	5,220 SF	
TOTAL	*7,001 SF	10 UNITS

\*7001 SF COMMON OPEN SPACE IS PROVIDED MORE THAN WHAT, IS REQUIRED, WHICH IS 6500 SF (65 UNIT X 100 SF).  
\*\*75 UNITS= 65 UNITS (COMMON) + 10 UNITS (PRIVATE)

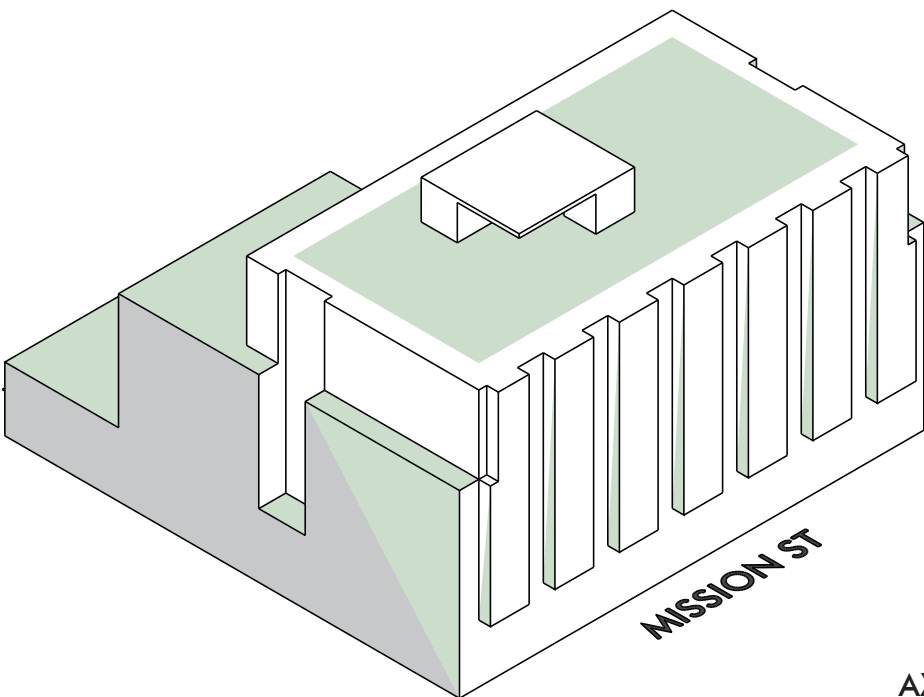
UNIT AREA = TOTAL UNIT AREA WITHOUT CIRCULATION  
RESIDENTIAL GSF = BUILDING GROSS AREA EXCLUDING RETAIL, UTILITY, FIRE PUMP  
PROJECT GSF = BUILDING GROSS AREA



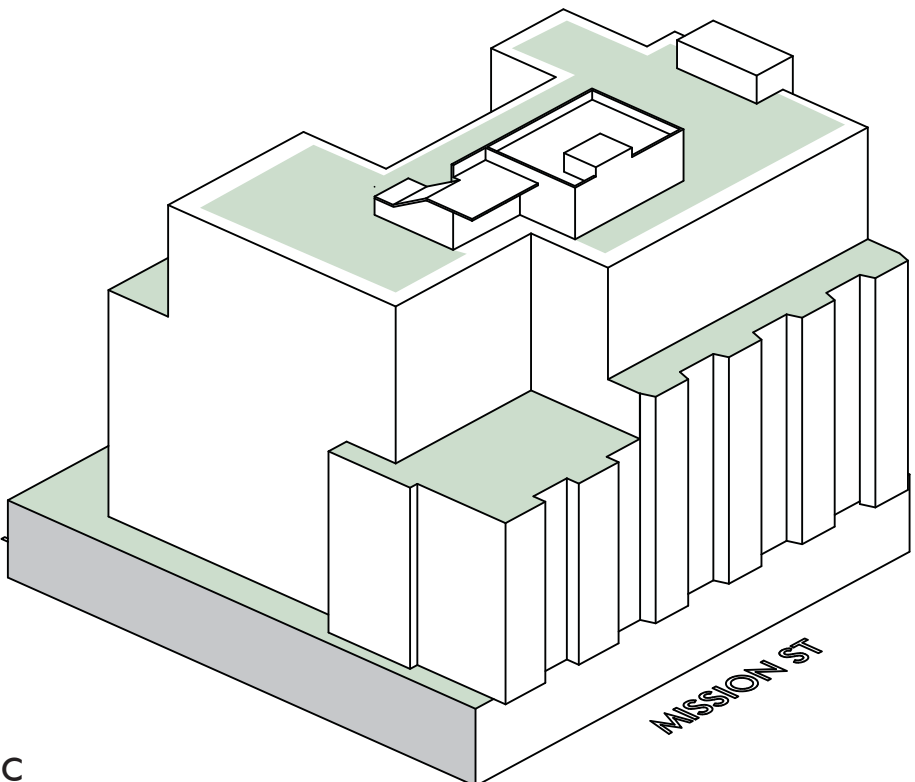
COMPLIANT MASSING



DENSITY BONUS MASSING



SOUTHEAST  
AXONOMETRIC



## DENSITY BONUS CALCULATIONS

### STEP 1. Define the hypothetical base project

Base Project Residential Gross Floor Area		
1st Floor	4,578 GSF	
2nd Floor	8,803 GSF	12 units
3rd Floor	8,803 GSF	12 units
4th Floor	8,803 GSF	12 units
5th Floor	6,731 GSF	10 units
6th Floor	6,731 GSF	9 units
Totals =	44,449 GSF	55 units

### STEP 2. Define the density bonus project

Percentage of affordable units = 12% Very Low Income (7 units)

Allowable bonus density = 35% per Residential GSF  
 $44,449 \text{ SF} \times 35\% = 15,557 \text{ SF}$




Total allowable density =  $44,449 \text{ SF} + 15,557 \text{ SF} = 60,006 \text{ SF}$

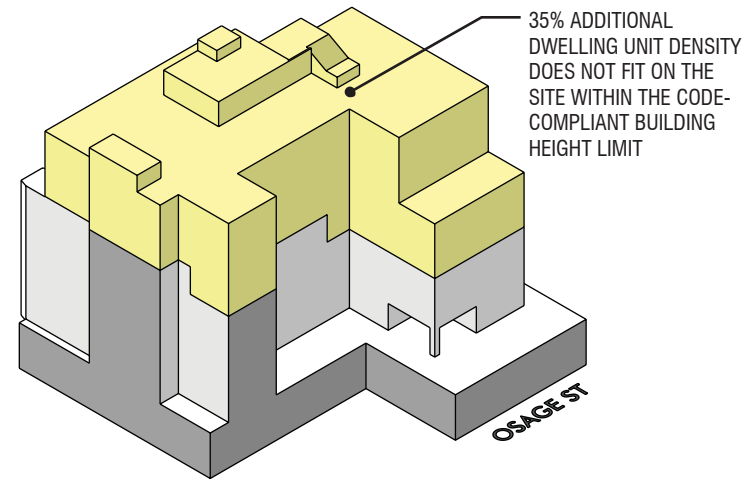
### STEP 3. Zoning Waivers and Concessions

Waivers Required:

- Height
- Bulk
- Rear Yard
- Unit Exposure

Additional Concessions Allowed: 2

-  - Property-line wall, blank, no openings allowed
-  - Exterior wall with windows / doors
-  - Open space with landscaping

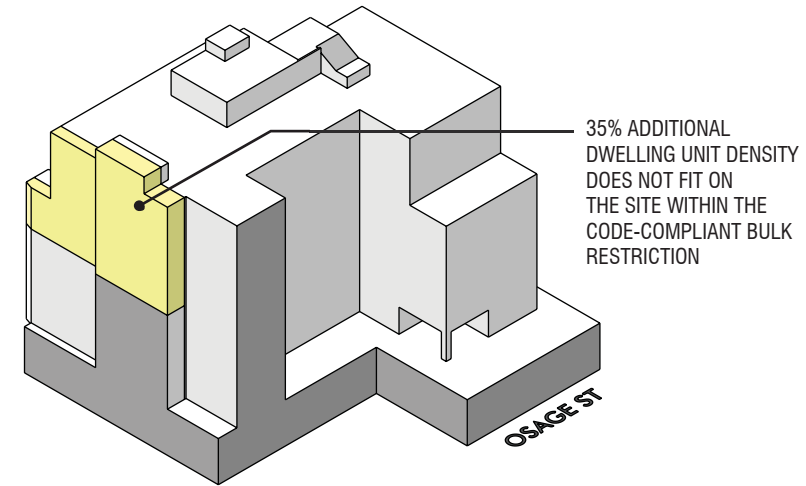


WAIVER #1

WAIVE BUILDING HEIGHT REQUIREMENT FROM 65-B/45-X & 65-B/55-X TO APPROXIMATELY 84'-8" BECAUSE A CODE-COMPLIANT BUILDING HEIGHT WOULD PRECLUDE THE DEVELOPMENT OF A 35% INCREASE IN RESIDENTIAL GROSS AREA

THE BUILDING HEIGHT REQUIREMENT WOULD ELIMINATE 30 UNITS TOTAL

### WAIVER #1: BUILDING HEIGHT

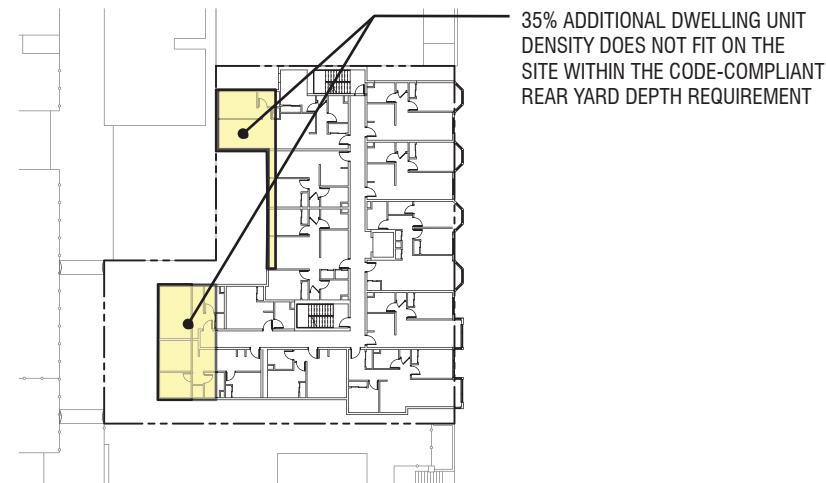


WAIVER #2

WAIVE BULK RESTRICTION BECAUSE CODE-COMPLIANT BULK REQUIREMENT WOULD PRECLUDE THE DEVELOPMENT OF A 35% INCREASE IN RESIDENTIAL GROSS AREA

THE BULK RESTRICTION WOULD ELIMINATE 17 UNITS TOTAL

### WAIVER #2: BULK

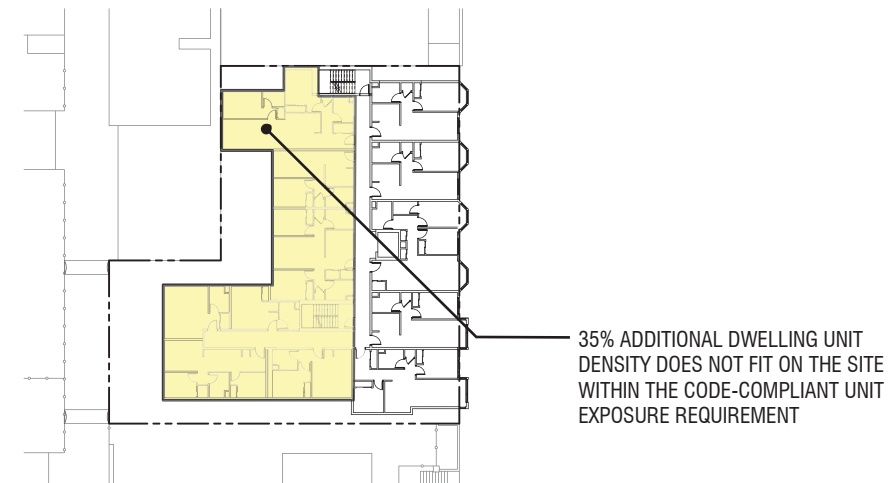


WAIVER #3

WAIVE REAR YARD REQUIREMENT PER SEC. 134(A)(1) BECAUSE CODE-COMPLIANT REAR YARD WOULD PRECLUDE THE DEVELOPMENT OF A 35% INCREASE IN RESIDENTIAL GROSS AREA

THE REAR YARD DEPTH REQUIREMENT WOULD ELIMINATE 29 UNITS TOTAL

### WAIVER #3: REAR YARD DEPTH



WAIVER #4

WAIVE DWELLING UNIT EXPOSURE REQUIREMENT & RESTRICTIONS PER SEC. 140 BECAUSE PROVIDING CODE-COMPLIANT DWELLING UNIT EXPOSURE WOULD PRECLUDE THE DEVELOPMENT OF A 35% INCREASE IN RESIDENTIAL GROSS AREA

THE UNIT EXPOSURE REQUIREMENT WOULD ELIMINATE 42 UNITS TOTAL

### WAIVER #4: UNIT EXPOSURE

Storefront Facade Case Study















BLIND-WALL MURAL  
TO BE DETERMINED BY  
LOCAL COMMUNITY



















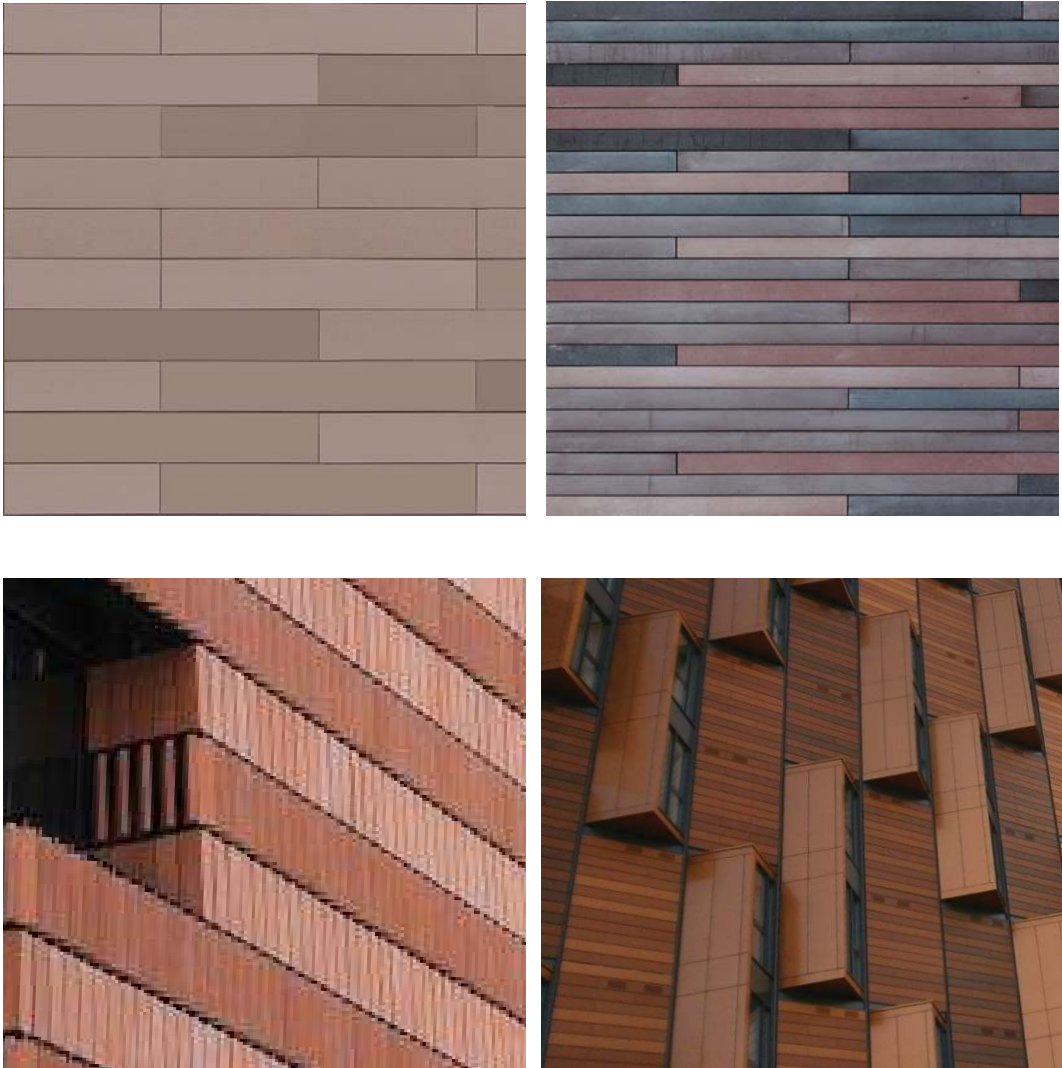








UPPER FACADE  
FIELD



UPPER FACADE  
ACCENT



STOREFRONT/PODIUM

