



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: 10/04/2018
CONTINUED FROM: 7/26/2018

Record No.: **2017-001270CUA**
Project Address: **3140-3150 16th Street**
Zoning: Valencia Street NCT (Neighborhood Commercial Transit) Zoning District
55-X Height and Bulk District
Mission Alcoholic Beverage Special Use District
Fringe Financial Service Restricted Use District
Block/Lot: 3555/018
Applicant: Jody Knight
Reuben, Junius and Rose LLP
One Bush Street, Suite 600, San Francisco, Ca 94014
Staff Contact: Doug Vu – (415) 575-9120
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project includes the rehabilitation of a 20,400 square-feet, two-story historic building that was formerly an Automotive Repair Use, and change of use to a Restaurant Use including interior renovations, building façade repairs, installation of new storefront systems, and the construction of an Outdoor Activity Area that includes a 3,735 sq. ft. rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses that add an additional 400 sq. ft. of floor area. Hours of operation for the rooftop outdoor activity area will be limited to midnight daily. The tenant for the Project will be determined in the future.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 121.2, 145.2, 186.2, 303 and 762, to convert a former Retail Use to a Restaurant Use, to establish a non-residential use greater than 3,000 square feet, to establish a rooftop outdoor activity area, and to reuse the upper-story within a pre-existing structure in a Neighborhood Commercial Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Eating and Drinking Uses.** The Commerce and Industry Element of the General Plan contains guidelines that discourage the overconcentration of eating and drinking establishments within neighborhood commercial districts. The proposed Project would increase the concentration of

restaurants and bars in the Valencia Street NCT Zoning District and within a 300 feet radius from 53 percent to 62 percent, exceeding the 25 percent threshold established under Planning Code Section 3030(o).

- **Outdoor Activity Area.** The rooftop outdoor activity area is located at least 30 feet from the adjacent residential properties to the north on Albion Street. As recommended by the September 24, 2018 “Noise Mitigation Measure Analysis,” the deck will include glazed parapet walls that are 7-ft. high at the north perimeter, 6-ft. 6-in. high at the west perimeter, and 3-ft. 6-in. at the south perimeter. The exit path west of the elevator will include a solid gasketed door, and loudspeakers will not be placed more than 3 feet above the deck surface to further minimize noise disturbances. Use of the rooftop outdoor activity area will be in conjunction with the restaurant and will not operate independently, or past midnight daily.
- **Entertainment Use.** Use of the restaurant for entertainment purposes will require either a separate Conditional Use Authorization for a General Entertainment or Nighttime Entertainment use under Planning Code Section 762, or a Limited Live Performance Permit as set forth in Police Code Section 1060 that is granted by the Entertainment Commission.
- **Variances.** The Project seeks from the Zoning Administrator a rear yard variance, pursuant to Planning Code Section 134 to construct a stair and elevator penthouse, and a loading variance, pursuant to Planning Code Section 152 to establish a curbside loading zone in lieu of an off-street loading space.
- **Public Comment & Outreach.** The Department has received one voice communication regarding the proposed use and the desirability of a new restaurant. The Sponsor has conducted additional community outreach that most recently included hosting a public meeting on February 23, 2018, which was attended by approximately twenty people including residents, business owners, and neighborhood organizations. The primary topics discussed include the concentration of restaurants in the neighborhood, and noise impacts from the rooftop outdoor activity area.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and Mission Area Plan. Although the Project results in an increase of the concentration of eating and drinking uses in the Valencia Street NCT Zoning District, the Project will not displace an existing neighborhood-serving retail use, impede transit service, or overburden neighborhood parking, but will establish an active use along a continuous ground floor retail frontage, provide future employment opportunities to local residents, and preserve the mixed use character and cultural identity of the neighborhood through the rehabilitation and adaptive-reuse of a historic structure. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A – Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data

Executive Summary
Hearing Date: 10/04/2018

CASE NO. 2017-001270CUA
3140-3150 16th Street

Exhibit E – Maps and Context Photos
Exhibit F – Eating & Drinking Uses Location Map
Exhibit G – Project Sponsor Brief



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: OCTOBER 4, 2018

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ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 145.2, 186.2, 303, AND 762 FOR THE CONVERSION OF AN EXISTING GROUND FLOOR RETAIL USE TO RESTAURANT USE, TO ESTABLISH A NON-RESIDENTIAL USE GREATER THAN 3,000 SQUARE FEET, TO ESTABLISH A ROOFTOP OUTDOOR ACTIVITY AREA, AND THE REUSE OF AN UPPER-STORY WITHIN A PRE-EXISTING STRUCTURE IN A NEIGHBORHOOD COMMERCIAL DISTRICT, FOR THE REHABILITATION AND ADAPTIVE RE-USE OF A FORMER 20,400 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY AND A CHANGE OF USE TO A NEW RESTAURANT, INCLUDING INTERIOR RENOVATIONS, REPAIR OF THE BUILDING EXTERIOR, ADDITION OF NEW STOREFRONT SYSTEMS, AND CONSTRUCTION OF A 3,735 SQUARE FEET ROOFTOP DECK, EXIT STAIRS, RESTROOMS, STORAGE ROOM, AND TWO ELEVATOR PENTHOUSES FOR A NEW OUTDOOR ACTIVITY AREA AT 3140-3150 16TH STREET, LOT 018 IN ASSESSOR'S BLOCK 3555, WITHIN THE VALENCIA STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, A 55-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 31 2017, John Kevlin of Reuben, Junius and Rose LLP (hereinafter "Project Sponsor"), filed Application No. 2017-001270CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to rehabilitate a former 20,400 sq. ft. two-story automotive repair facility and change of use to a new restaurant that includes interior renovations, installation of new storefront systems, and construction of a 3,735 sq. ft. rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses for a new Outdoor Activity Area (hereinafter "Project") at 3140-3150 16th Street, Block 3555 and Lot 018 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2017-001270CUA at 1650 Mission Street, Suite 400, San Francisco, California.

On July 26, 2018, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2017-001270CUA and continued the project to the public hearing on October 4, 2018.

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 27, 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 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 as requested in Application No. 2017-001270CUA, 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. **Project Description.** The Project includes the rehabilitation of a 20,400 square-foot, two-story historic building that was formerly an automotive repair facility, and a change of use to a new restaurant, including interior renovations, building façade repairs, installation of new storefront systems, and the construction of a 3,735 sq. ft. rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses that add an additional 400 sq. ft. for a new rooftop outdoor activity area. The use of this outdoor activity area will be in conjunction with the restaurant and will not operate independently, or past midnight daily. The tenant for the Project will be determined in the future.
3. **Site Description and Present Use.** The Project is located at the northeast corner of 16th and Albion Streets within the Valencia Street NCT (Neighborhood Commercial Transit) District and the Mission Alcoholic Beverage Restricted Use District. The Project Site has an area of 10,200 sq. ft., includes 102 feet of frontage along 16th Street and 100 feet along Albion Street, and is developed with a 20,400 sq. ft., two-story Beaux Arts style building that was constructed in 1920 and currently vacant. The building was most recently used as an automotive repair shop (d.b.a. Superior Auto Body) until April 2014.
4. **Surrounding Properties and Neighborhood.** The Project is located in the northern half of the Valencia Street NCT District between 15th and 16th Streets and within the boundaries of the Mission Area Plan. This NCT District primarily includes all parcels along Valencia Street between 14th and Cesar Chavez Streets, and is also connected to the Mission Street NCT and NCT-3 (Modern Scale Neighborhood Commercial Transit) Zoning Districts. Along 16th Street, the Valencia Street NCT District extends west towards Dolores Street and is characterized by a continuous retail frontage at the ground story with dwellings at the upper stories. The properties surrounding this NCT District are primarily in the RTO (Residential, Transit Oriented) and UMU (Urban Mixed Use)

Districts. The properties adjacent to the Project Site include a restaurant to the east (d.b.a. Ushio Ramen), a bar to the west (d.b.a. Kilowatt), an additional restaurant and bar (d.b.a. Delerium and The Monk's Kettle, respectively) with upper story dwellings to the south across 16th Street, and multi-family dwellings to the north on Albion Street.

5. **Public Outreach and Comment.** The Department has received one voice communication regarding the Project's proposed use and the desirability of a new restaurant. The Project Sponsor has conducted additional community outreach, including a public meeting on February 23, 2018 that was attended by approximately twenty people, including residents, business owners and neighborhood organizations. The primary topics that were discussed include the concentration of restaurants in the neighborhood and noise impacts from the rooftop outdoor activity area.
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. **Use Size.** In order to protect and maintain a scale of development appropriate to each district, Planning Code Sections 121.2 and 762 require a Conditional Use Authorization for a non-residential use greater than 3,000 sq. ft. in area.

The Project includes the change of use to an existing building, proposes a new 20,800 sq. ft. restaurant and outdoor activity area, and the Sponsor requests a Conditional Use Authorization. See below for the associated findings under Planning Code Section 121.2 for the outdoor activity.

- B. **Floor Area Ratio.** Planning Code Section 124 permits a maximum floor area ratio of 2.5 to 1 for properties within the Valencia Street district. The Property has an area of 10,200 sq. ft. that permits a maximum development of 25,500 sq. ft.

The Project proposes a 20,800 sq. ft. restaurant, including the approximately 400 sq. ft. of new rooftop structures, and complies with the maximum floor area ratio for the property.

- C. **Rear Yard.** Planning Code Section 134(a)(1) requires a minimum rear yard equal to 25% of the total depth of the lot at the second story and above. The subject property has a depth of 100 feet and requires a minimum rear yard of 25 feet.

The existing building contains two stories that cover the entire parcel and is deemed a noncomplying structure. The Project includes one 16-ft. tall elevator penthouse and 10-ft. tall stair penthouse that are both entirely located in the rear yard. The Project Sponsor requests the approval of a variance by the Zoning Administrator under Case No. 2017-001270VAR.

- D. **Street Frontages in Neighborhood Commercial Districts.** Planning Code Section 145.1(c)(4) requires a ground floor ceiling height of at least 14 feet for properties in NCT districts. The existing noncomplying building has a ground floor height of 13-feet 5-inches.

The Project proposes to maintain the existing 13-ft. 5-in. ground floor height to preserve the interior relationship of the second story floor relative to the location of its windows. Maintaining this existing

ground floor height does not intensify the building's nonconformity and is permitted under Planning Code Section 188 for the use of noncomplying structures.

- E. **Outdoor Activity Area.** Under Planning Code Section 145.2, an outdoor activity area in an NC district and operated by a commercial use that is not in front of the primary façade is required to obtain a Conditional Use Authorization.

The Project has requested Conditional Use Authorization to establish a new rooftop outdoor activity area. See below for the associated findings under Planning Code Section 145.2 to establish this new use characteristic.

- F. **Ground Floor Uses.** Planning Code Section 145.4 requires active commercial uses on 16th Street between Guerrero and Capp Streets that are permitted in the Valencia Street NCT District and required on the ground floor with a maximum frontage of 75 feet. The Project is located between Guerrero and Capp Streets, and is subject to this requirement.

The Project would occupy 100 linear ft. along 16th Street that exceeds the 75 ft. maximum under Planning Code Section 145.4 because the building was constructed in 1920 for use by a single tenant, but is now a noncomplying structure. Maintaining the existing frontage does not intensify the building's nonconformity and is permitted under Planning Code Section 188 for the use of noncomplying structures. A restaurant is defined as an active commercial use at the ground floor of the subject building, but requires a Conditional Use Authorization under Planning Code Section 762. Please see the findings described below.

- G. **Loading.** Planning Code Section 152 requires one off-street loading space for a retail use greater than 10,000 sq. ft. in an NC district. The Project includes a 20,400 sq. ft. retail use and required one loading space.

The Project includes the change of use to an existing building and in lieu of an off-street loading space, has received tentative approval for a curbside loading space on Albion Street. The Project Sponsor requests the approval of a variance by the Zoning Administrator under Case No. 2017-001270VAR.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space for every 7,500 sq. ft. of occupied floor area and one Class 2 space for every 750 sq. ft. of floor area. The Project includes 20,400 sq. ft. of floor area and is required to provide at least three Class 1 and 27 Class 2 bicycle parking spaces.

The Project includes three dedicated Class 1 spaces adjacent to the entry lobby and racks on the sidewalk in front of the building entrance for 27 Class 2 spaces to comply with Planning Code Section 155.2.

- I. **Nonconforming Uses in Pre-Existing Structures.** Planning Code Section 186.2 permits multi-story buildings that were originally constructed for single-tenant occupancy to change its use if permitted as a principal or conditional use at the first story and below, and to also occupy the upper stories of the building as a nonconforming use as provided in Section 186.1(b) if the use occupies all stories as a single tenant. The nonconforming use area in the upper stories

occupied by the single use shall be limited to the use approved by the conditional use authorization and shall not be transferable to any other party or parties except upon approval by the City Planning Commission as a new conditional use authorization.

The subject historic building was constructed in 1920 for single-tenant occupancy as an automobile garage until it was converted to an auto paint shop in 1958 (d.b.a. Spray-Craft Auto Painting), and was last used as an auto repair shop (d.b.a. Superior Auto Body) until April 2014. The Project proposes a restaurant that would occupy both floors, and the Sponsor requests a Conditional Use Authorization under Planning Code Sections 186.2 and 762.

- J. **Eating and Drinking Uses.** Planning Code Section 202.2 requires Eating and Drinking Uses to be subject to specific operating conditions including: 1) maintaining 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 Street and Sidewalk Maintenance Standards; 2) being adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance; 3) ensuring appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises; and 4) keeping garbage, recycling, and compost containers within the premises and hidden from public view, and placed outside only when being serviced by the disposal company.

The Project Sponsor has acknowledged and will comply with the operating conditions for the proposed Eating and Drinking Use.

- K. **Height Exemptions.** Planning Code Section 260(b) identifies features that are exempt from the height limits established by the applicable height and bulk district, in an amount up to but not exceeding that which is specified, including elevator penthouses limited to the top 16 feet and footprint of the elevator shaft, regardless of the height limit of the building.

Although the building has a height of only 39-ft. 1-in., the proposed elevator penthouses each have a height of 16-ft. that is measured from the top, which complies with Planning Code Section 260(b).

- L. **Transportation Sustainability Fee ("TSF").** Planning Code Section 411A applies to any change or replacement of use whereby the rate charged for the new use is higher than the rate charged for the existing use, regardless of whether the existing use previously paid the TSF or TIDF.

The Project includes the change of use for 20,400 sq. ft., from PDR to Non-Residential use that will be subject to the full TSF fee because the environmental review application was filed after July 22, 2015.

- M. **Uses.** Under Planning Code Section 762, the conversion of an existing ground floor retail use or of ground floor space occupied as a retail use at any point within a period of three years prior to submission of a building permit application for a restaurant requires Conditional Use Authorization.

The Project proposes a new restaurant on the ground and second floors, and the Project Sponsor requests a Conditional Use Authorization. Please see the findings described below.

- N. **Mission Alcoholic Beverage Special Use District.** Planning Code Section 249.60 prohibits new liquor stores, but permits alcohol-related uses including a restaurant that is operated as bona fide eating place to serve alcoholic beverages.

The proposed 20,800 sq. ft. restaurant will operate as a bona fide eating place that serves alcohol to comply with the Mission Alcoholic Beverage Special Use District.

- O. **Eastern Neighborhoods Impact Fee.** Planning Code Section 423 is applicable to any additional non-residential space more than 800 gross square feet in an existing structure.

The Project includes a change of use from PDR to Non-Residential for 20,400 sq. ft., and 400 sq. ft. of net new Non-Residential use that will both be subject to Tier 2 of the Eastern Neighborhoods Impact Fee.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

The Project includes the restoration and adaptive re-use of a historic 1920 building that has been vacant since April 2014 into a restaurant with a rooftop outdoor activity area, which is compatible with the neighborhood's commercial corridor containing an abundance of restaurants, bars, retail stores, and theaters. The proposed rooftop outdoor activity area has been placed towards the front of the building, will not operate past midnight daily, and designed to minimize disturbances to residential properties on Albion Street. The Project is necessary and desirable because it would rehabilitate a historic resource to preserve the character, improve the visual quality of the surrounding area, and activate a vacant building with a restaurant and outdoor activity area that will contribute to the vibrant atmosphere of the Valencia Street NCT District.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project is in a commercial corridor and would occupy an existing and historic two-story building without expanding its footprint. The exterior improvements to the building include a new roof deck, restrooms, storage rooms, and two elevator penthouses for the outdoor activity area.

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

The Project is located along 16th Street, which is a commercial thoroughway in a transit-oriented area that is served by six MUNI bus lines and contains seventeen MUNI stops within a one-quarter mile radius. 16th Street is also a designated “key walking street” under the City’s WalkFirst Program. No parking is proposed and the existing curb cuts will be removed to provide several new on-street parking spaces. A new curbside loading zone would be established on Albion Street to not disrupt accessibility and traffic patterns.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

Operation of the proposed restaurant is not expected to generate any noxious or offensive emissions, noise, glare, dust or odors, and the installation of a kitchen and/or other cooking equipment will comply with the San Francisco Building Code requirements. Use of the restaurant for entertainment purposes will require either a separate Conditional Use Authorization for a General Entertainment or Nighttime Entertainment use under Planning Code Section 762, or a Limited Live Performance Permit as set forth in Police Code Section 1060 that is granted by the Entertainment Commission.

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

The Project includes the planting of five street trees along 16th Street to improve the public right-of-way, and the rooftop outdoor activity area will include a perimeter wall that is between 3-feet 6-inches and 7-feet in height to screen this feature from public view.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Valencia Street NCT District provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights. Valencia Street also serves a broader population with its restaurant, retail and wholesale home furnishing, appliance outlet, and automobile-related businesses. The proposed restaurant complies with the intent of this district and will contribute to the 16th and Valencia Street mixed-use character and activity in the evening hours.

To conform with the purpose of the Valencia Street NCT District, the Project includes rehabilitation of the existing vacant building and change of use to a restaurant. The Project will not alter the physical

appearance of the building at the street, aside from repairing and repainting the façade, replacing or repairing windows, and installing a new glazed storefront system in place of the existing openings.

8. **Planning Code Section 121.2** outlines additional criteria for the Planning Commission to consider when evaluating proposals for Non-Residential Uses greater than 3,000 sq. ft. within the Valencia Street NCT Zoning District that require Conditional Use Authorization. The Commission finds the following:

- (1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The Project will occupy an existing building that has been vacant since 2014, and would not displace an existing business. The proposed restaurant is located in an area of the Valencia Street NCT Zoning District containing numerous bars and restaurants that offer a range in formats from fast-casual to fine dining, in addition to types of food, culturally. The addition of the Project would provide another dining option and attract more customers to the neighborhood. Additionally, the 20,800 sq. ft. area of this restaurant will be significantly larger than other nearby restaurants, and have the capacity to host events such as receptions and private dinners that other restaurants would not be able to accommodate. These different characteristics of the Project would likely not contribute to the foreclosure of existing nearby restaurants.

- (2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The Project will contain approximately 20,800 sq. ft. that is distributed throughout two full floors and a rooftop outdoor activity area to provide the capacity to host events such as receptions and private dinners, in addition to the restaurant use. This type of facility is not currently available in the immediate area and would serve the neighborhood, in addition to a wider customer population in San Francisco.

- (3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The Project will occupy an existing historic building that was constructed in 1920 and has long been a cultural and visual element of the Mission District. The development of this new restaurant will rehabilitate the building facades, include the installation of a storefront system, and include small structures above the roof with an area of approximately 400 sq. ft. to support the outdoor activity area. The existing building footprint will not be altered and the height will not increase to maintain the scale of development in the district.

9. **Planning Code Section 145.2** outlines additional criteria for the Planning Commission to consider when evaluating proposals for new outdoor activity areas within the NC District that require Conditional Use Authorization. The Commission finds the following:

- (1) The nature of the activity operated in the outdoor activity area is compatible with surrounding uses;

The Project's location in the Valencia Street NCT District is characterized by a continuous ground floor commercial corridor that includes eating and drinking establishments, which contribute to the street's mixed-use character and robust activity in the evening hours. The proposed restaurant is a compatible use for the historic building, and would operate during the same principally permitted hours as other surrounding restaurants and bars.

- (2) The operation and design of the outdoor activity area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

To minimize disturbance to the adjacent residences on Albion Street, the rooftop outdoor activity area has been placed as close to 16th Street as possible, and at least 30-ft. from the nearest residences at 81-85 Albion Street. The deck has been designed to nestle into the building's barrel roof, which would be retained in the areas surrounding the deck to provide additional separation and screening from the residences. As recommended by an a "Noise Mitigation Measure Analysis," the deck will include glazed parapet walls that are 7-ft. high at the north perimeter, 6-ft. 6-in. high at the west perimeter, and 3-ft. 6-in. at the south perimeter; the exit path west of the elevator will include a solid gasketed door, and loudspeakers will not be placed more than 3 feet above the deck surface to further minimize noise disturbances. Use of the restaurant for entertainment purposes will require either a separate Conditional Use Authorization for a General Entertainment or Nighttime Entertainment use under Planning Code Section 762, or a Limited Live Performance Permit as set forth in Police Code Section 1060 that is granted by the Entertainment Commission.

- (3) The hours of operation of the activity operated in the outdoor activity area are limited so that the activity does not disrupt the viability of surrounding uses.

The outdoor activity area would only be used in conjunction with the restaurant, and will not be used past midnight daily to minimize disruptions to surrounding uses. Any use of the restaurant for entertainment purposes will require either a separate Conditional Use Authorization for a General Entertainment or Nighttime Entertainment use under Planning Code Section 762, or a Limited Live Performance Permit as set forth in Police Code Section 1060 that is granted by the Entertainment Commission.

10. **Planning Code Section 303(g)** establishes criteria with regard to a Conditional Use Authorization application for a Restaurant, Limited-Restaurant and Bar use. The Planning Commission shall consider, in addition to the criteria set forth in Subsection 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site, defined as all properties located within 300' of the subject property and also located within the same zoning district.

Based on a land use survey of the area within 300-feet of the Project Site and also located in the Valencia Street NCT District that was completed by the Project Sponsor and reviewed by Department staff, the total

concentration of commercial frontage currently dedicated to eating and drinking establishments within this survey area is 53 percent. With the proposed change of use to a restaurant, the concentration of commercial frontage dedicated to eating and drinking establishments in this survey area would increase 9 percent, to a total 63 percent.

However, the new restaurant could potentially attract a different segment of customers because of the large floor area, which could accommodate more diners than other surrounding restaurants, and have the capacity to host parties, receptions and private events with the use of the rooftop outdoor activity area. The Project is also desirable because it can be completed without impacting the historic integrity of the subject property, would re-establish the continuous retail frontage at the ground story that is an important characteristic of the Valencia Street NCT District, and activate a 100-ft. long gap between the adjacent commercial uses.

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

COMMERCE & INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments, relocations, changes from one kind of eating and drinking establishment to another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an overconcentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially-occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited. (See Auto-Oriented Facilities section and Policy 9 of this Objective for more specific guidelines on parking).
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances. Fixed source equipment noise should not exceed the decibel levels specified in the Noise Control Ordinance.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

MISSION AREA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

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

Policy 1.1.3

Maintain the successful Mission Street, 24th Street, and Valencia Street Neighborhood Commercial districts; recognize the proximity to good transit service by eliminating density limits and minimum parking requirements.

Policy 1.1.6

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

OBJECTIVE 1.8:

MAINTAIN AND STRENGTHEN THE MISSION'S COMMERCIAL AREAS.

Policy 1.8.2

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

Consistent with the purpose of the Valencia Street NCT District, the Project includes rehabilitation of the existing building and change of use to a restaurant, a use that is present throughout the commercial area. To protect and preserve the cultural identity of the Mission District, the physical appearance of the building will not change at the street, and include the repair and repainting of the façades, replacement or repair of the windows, and installation of a new glazed storefront system in place of the existing building openings. The Project does will not displace any existing industrial and service sector businesses, and will provide employment opportunities for San Francisco residents.

The Project is adjacent to a commercial thoroughway in a transit-oriented area that is served by six MUNI bus lines and contains seventeen MUNI stops within a one-quarter mile radius. No parking is proposed and the existing curb cuts will be removed to provide several new on-street parking spaces. These elements of the Project will prevent pedestrian and automobile use conflicts, minimize impacts to transit service, and not overburden the streets or neighborhood parking.

The Project is necessary and desirable because it would rehabilitate a historic resource, improve the visual quality of the surrounding area, activate a vacant building that could potentially serve a different segment of customers with over 20,000 sq. ft. of floor area to accommodate more guests than other nearby restaurants, and have the additional capacity to host parties and events with the rooftop outdoor activity area. The deck will be built with design features, and operate with limited hours to minimize potential noise disturbances. These aspects of the Project would contribute to the vibrant atmosphere of the Valencia Street NCT District and strengthen the economic diversity of the Mission District.

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 does comply with said policies in that:

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

No existing neighborhood-serving retail uses will be displaced, and the Project will rehabilitate an existing building that has been vacant for more than four years to provide a new neighborhood-serving use. The proposed restaurant would also provide employment opportunities for residents of the neighborhood.

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

The Project is located along in a vibrant commercial corridor, will not adversely affect any existing housing, rehabilitate a historic resource, and create new employment opportunities for residents of the neighborhood. The outdoor activity area will be built with design features, and operate with limited hours to minimize potential noise disturbances. These aspects of the Project will preserve the cultural identity, maintain the visual character, and strengthen the economic diversity to contribute positively to the Mission District.

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

The Project will not eliminate any existing affordable housing, and no housing currently exists on the project site.

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

The Project is adjacent to a commercial thoroughway in a transit-oriented area that is served by six MUNI bus lines and contains seventeen MUNI stops within a one-quarter mile radius. No accessory parking is proposed, the existing curb cuts on 16th Street will be removed to provide several new on-street parking spaces, and a new curbside loading zone would be established on Albion Street. These project elements were included to prevent impacts to MUNI transit service and not overburden our streets or neighborhood parking.

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

The Project does not include any commercial office development, and will not displace any existing industrial and service sector businesses. The existing building has been vacant since 2014.

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

The Project is designed, and will be constructed to conform to the structural and seismic safety requirements of the City Building Code to not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

To protect the existing historic resource, the Project has been designed to comply with the Secretary of the Interior's Standards for Rehabilitation by repairing and repainting the façades, repairing historic windows or replacing them with in-kind and appropriate sashes, and installing a new glazed storefront system in place of the existing building openings. The new rooftop deck and parapet will be sunken into the existing barrel roof, and placement of the exit stairs, restrooms, storage room, and elevator penthouses will be minimally visible at the street.

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

The Project will have no negative impact on existing parks and open spaces.

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 Application No. 2017-001270CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 14, 2018, 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 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. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 4, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to rehabilitate a 20,400 sq. ft. two-story, former automotive repair shop, and a change of use to a new restaurant that includes interior renovations, repair of the building facades, installation of new storefront systems, and the construction of a 3,735 sq. ft. rooftop deck, exit stairs, two restrooms, storage room, and two elevator penthouses for a new Outdoor Activity Area, pursuant to Planning Code Sections 121.2, 145.2, 186.2, 303 and 762, located at Lot 018 in Parcel 3555, within the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X Height and Bulk District, in general conformance with plans, dated July 14, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2017-001270CUA, and subject to conditions of approval reviewed and approved by the Commission on October 4, 2018 under Motion No. XXXXXX. 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 October 4, 2018 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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 for three years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
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.
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.
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.
6. **Conditions on Limited Nonconforming Use.** Per Planning Code Section 186, limited nonconforming use shall meet the following conditions:
 - The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;

- Any signs on the property shall be made to comply with the requirements of Article 6 of this Code applying to nonconforming uses;
- The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 2:00 a.m.;
- Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
- Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
- Noise, odors and other nuisance factors shall be adequately controlled; and
- All other applicable provisions of this Code shall be complied with.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Outdoor Activity Area.** The rooftop deck will be constructed with glazed parapet walls that are 7-ft. high at the north perimeter, 6-ft. 6-in. high at the west perimeter, and 3-ft. 6-in. at the south perimeter of the deck. The exit path west of the elevator will be constructed using a solid gasketed door. Additionally, loudspeakers shall not be placed more than 3 feet above the walking surface of the deck.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Final Materials.** 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

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

PARKING AND TRAFFIC

10. **Parking Requirement.** The Project shall not provide any independently accessible off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than three (3) Class 1 and 27 Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **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

PROVISIONS

13. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee, 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
14. **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

MONITORING - AFTER ENTITLEMENT

15. **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
16. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

17. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

- A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

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

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

18. **Hours of Operation.** The hours during which the restaurant use is open to the public shall be limited to the period between 6:00 a.m. and 2:00 a.m. daily, and the outdoor activity area shall be limited to the period between 12:00 p.m. and 12:00 a.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Entertainment Use.** Use of the restaurant for entertainment purposes will require either: 1) a separate Conditional Use Authorization for a General Entertainment or Nighttime Entertainment use under Planning Code Section 762, or 2) a Limited Live Performance Permit as set forth in Police Code Section 1060 that is granted by the Entertainment Commission.

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 at 415-554-.5810, <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

Conditional Use Authorization for the albion on 16th

3140-50 16th Street
San Francisco, California 94103



EXHIBIT B

July 13, 2018

3140-50

restaurant + event center

the albion on 16th



**conditional use
authorization
07/13/18**

Cover Sheet

T1.0

description

The project includes the adaptive reuse of an existing two-story automotive services garage, that covers the entire 10,214 square feet lot at the corner of 16th street and Albion streets, into a single-tenant combination restaurant / event center on both floors. An outdoor roof deck is also proposed.

This proposed single-tenant use on both floors and the proposed outdoor roof deck will require conditional use authorization by the Planning Commission - please reference Letter of Determination dated September 16, 2016.

summary

PLANNING

Address: 3140-50 16th Street
San Francisco, CA 94103

Block/Lot: 3555 / 018

Lot Area: 10,214 square feet

Bldg. Area: 20,400 square feet

Zoning: V-NCT - Valencia Street
Neighborhood Commercial
Transit District
Mission Alcoholic Beverage
Special Use District

Area Plan: Mission Area Plan

Hght./Bulk: 55-X

Parking: None required on site -
none provided. Off-stret
Freight & passenger loading
zones provided

Frontage: 25-ft Depth for active ground
floor uses - complies
14-ft floor-to-floor height -
complies

BUILDING

Occupancy: Group A-2

Const. Type: V B

Max. Hght.: 60 feet

Max. Stories: 3

Area: Level 1 = 10, 200 square ft.
Level 2 = 10, 200 square ft.
Roof = 3,736 square ft.

Exits: 2 required from each floor
& roof - 2 provided

index

T1.0	Cover Sheet
T1.1	Project Data & Index
T1.2	Site Photos
T1.3	Building Photos
AD1.0	Exist & Demo Level 1 Flr Plan
AD1.1	Exist & Demo Level 2 Flr Plan
AD1.2	Existing & Demo Roof Plan
AD1.3	Existing & Demo Elevations
AD1.4	Existing & Demo Sections
A1.0	Site Plan & Level 1 Floor Plan
A1.1	Level 2 Floor Plan
A1.2	Roof Plan
A1.3	Elevations
A1.4	Sections
A1.5	Exterior Views
A1.6	Exterior Views

HISTORIC

National Register Survey Status:
Eligible for national register
B - Potential historic resource

**Inner Mission North Historic Resouce
Survey Status:**
A - Historic resource present
* Individual historic resource
& contributor to the 16th &
Valencia post-fire historic
district
* Appears eligible for
California register of historic
resources
* Appears eligible for
national register both
individually and as a
contributor to a NR eligible
district through survey
evaluation

3140-50

restaurant + event center

the albion on 16th



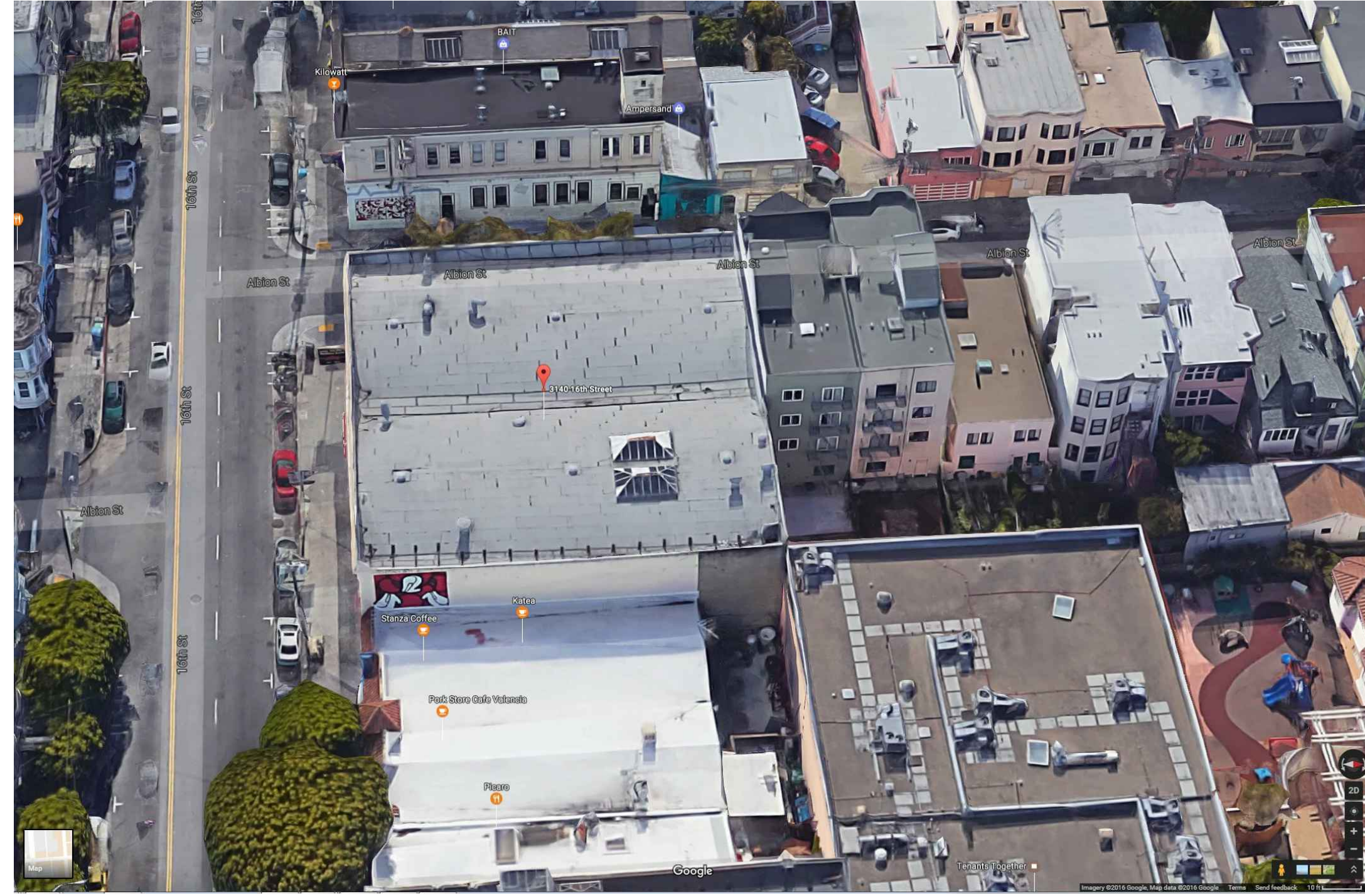
conditional use
authorization
07/13/18

Project Data &
Index

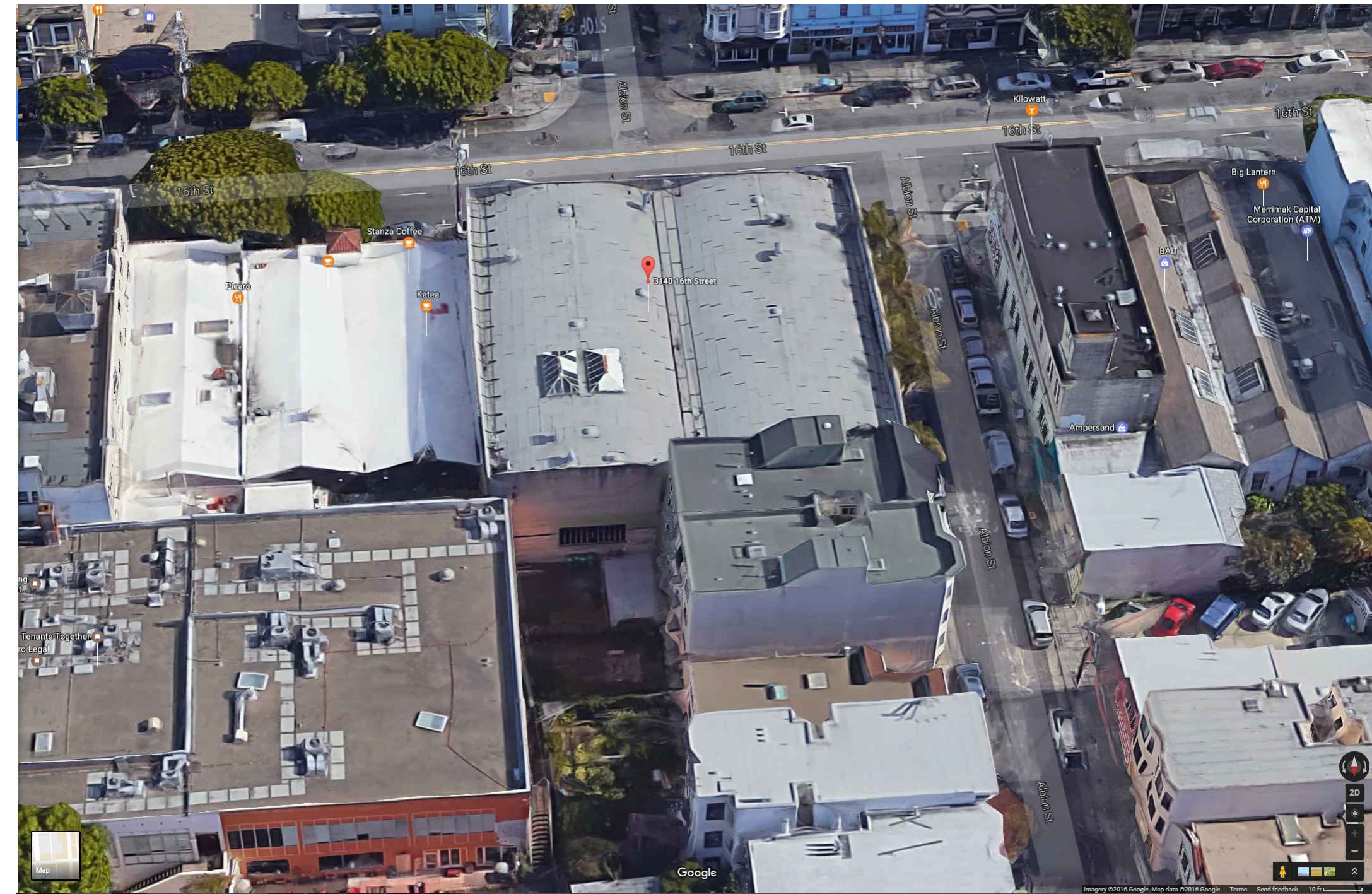
T1.1



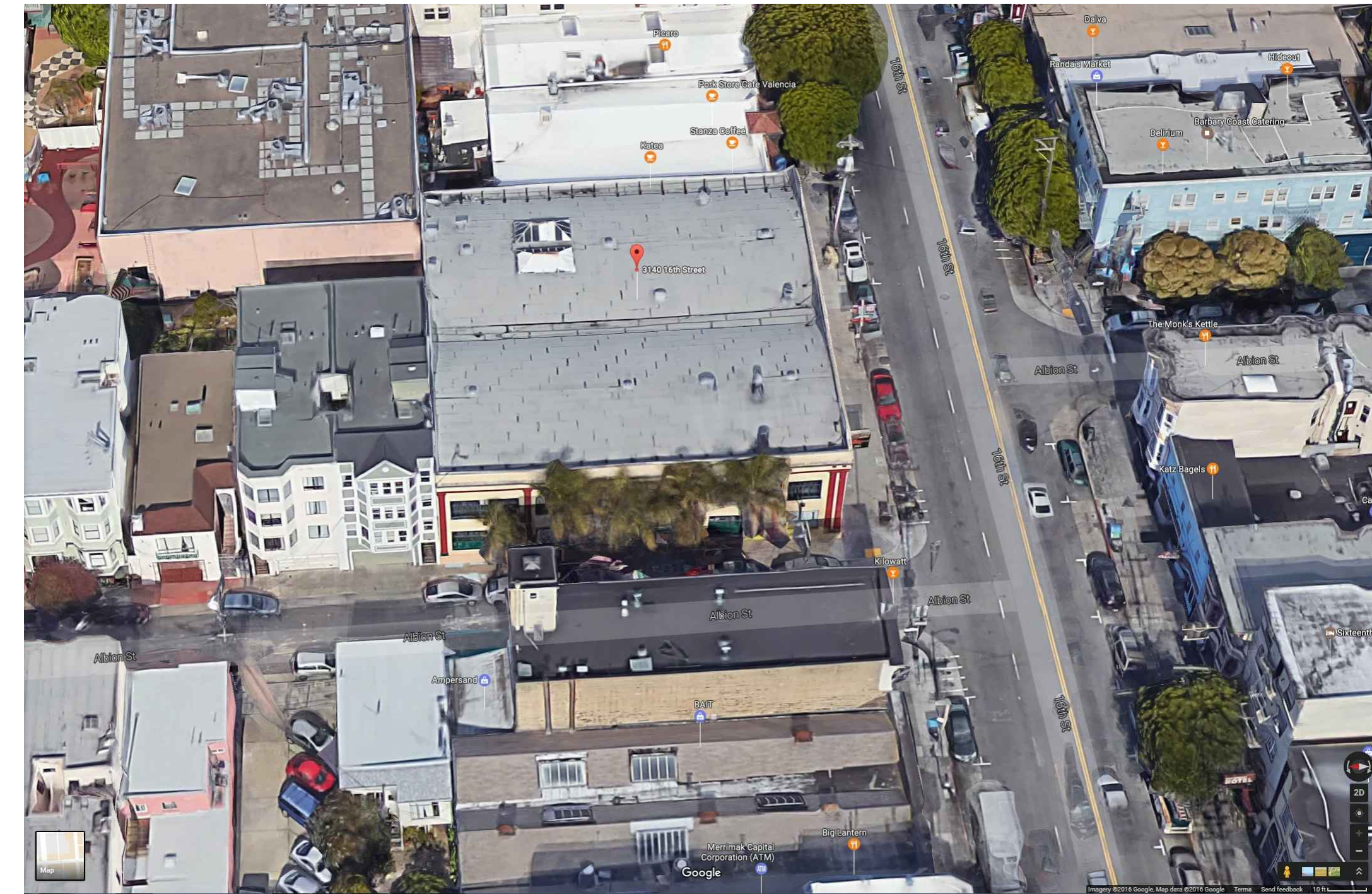
Top View from South



Top View from East



Top View from North



Top View from West

3140-50

restaurant + event center

the albion on 16th



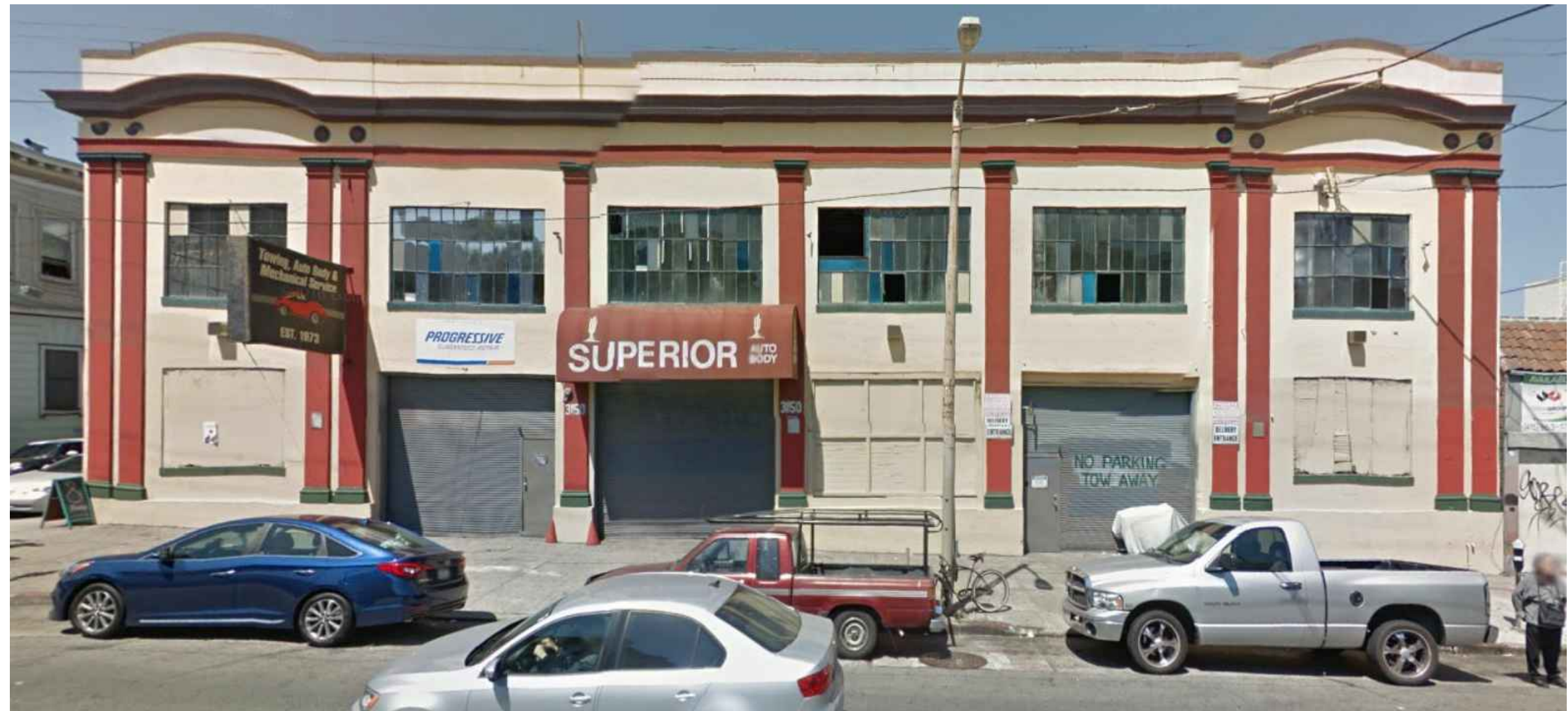
**conditional use
authorization
07/13/18**

Site Photos

T1.2



View from Albion Street



Front View - 16th Street



View from 16th & Albion Streets



View from 16th & Albion Streets

3140-50

restaurant + event center

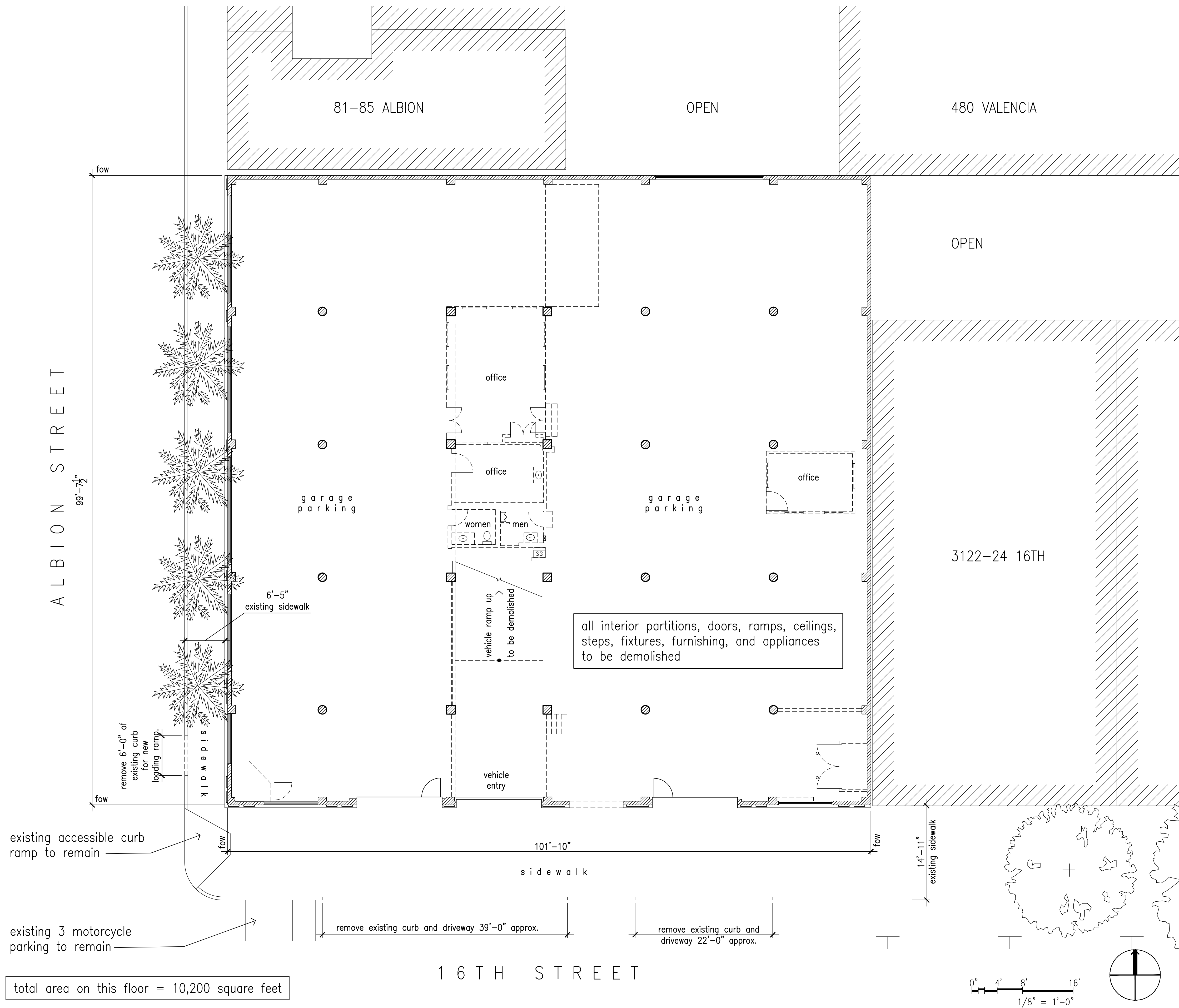
the albion on 16th



**conditional use
authorization
07/13/18**

Building Photos

T1.3



3140-50

restaurant + event center



conditional use
authorization
07/13/18

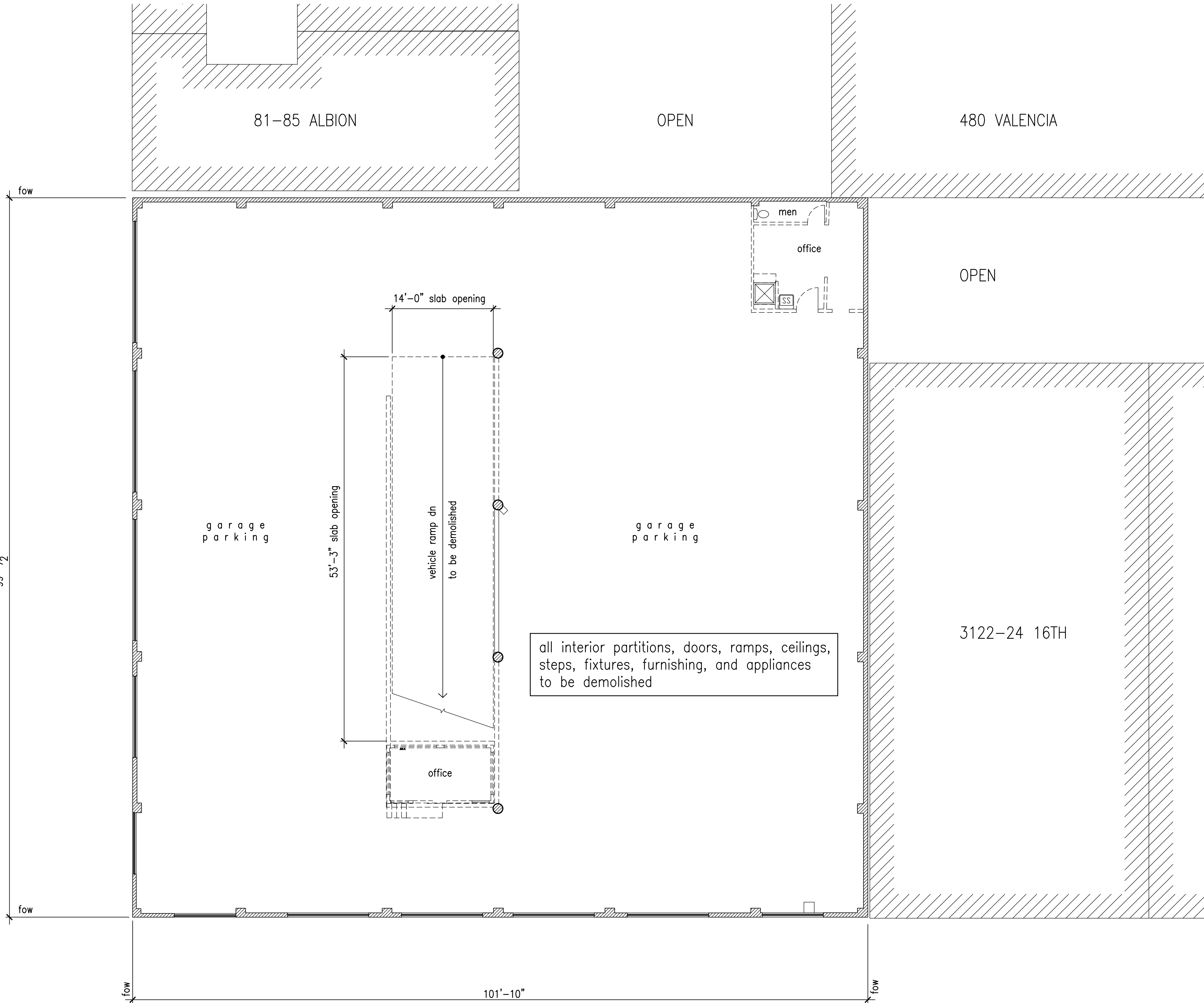
Existing & Demo
Level 1 Floor Plan

AD1.0

the albion on 16th

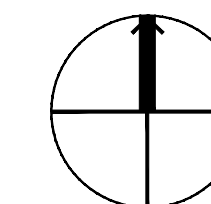
ALBION STREET

99'-7 1/2"



total area on this floor = 10,200 square feet

0" 4' 8' 16'
1/8" = 1'-0"



3140-50

restaurant + event center



conditional use
authorization
07/13/18

Existing & Demo
Level 2 Floor Plan

AD1.1

the albion on 16th

ALBION STREET

99'- $\frac{1}{2}$ "

fow

fow

fow

101'-10"

fow

81-85 ALBION

OPEN

480 VALENCIA

OPEN

3122-24 16TH

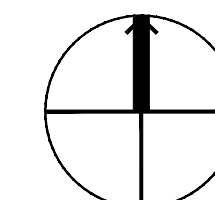
existing skylight window
to be removed and openings
infilled

← existing barrel roof
to remain →

← existing barrel roof
to remain →

16TH STREET

0" 4' 8' 16' 32'
 $\frac{3}{32}" = 1'-0"$



3140-50

restaurant + event center



conditional use
authorization
07/13/18

Existing & Demo
Roof Plan

AD1.2

the albion on 16th



conditional use
authorization
07/13/18

Existing & Demo
Elevations

AD1.3

existing stucco finish to be
repaired and repainted, typical

currently the window is boarded
-up. if the window opening still
retains original window, the
window will be rehabilitated. if
original window no longer exist,
metal window will be
reconstructed to match historic
design. typical to 3 windows
shown by a 'x'

existing wall
sign to be
removed

existing awning to
be removed

existing parapet detailing to be
repaired and repainted

existing detailing to be
repaired and repainted, typical

all existing historical
windows to be repaired
and glazing replaced
where necessary, typical

existing column detailing to be
repaired and repainted, typical

existing roll down doors to
be removed

16TH STREET ELEVATION

existing stucco finish to be
repaired and repainted, typical

existing window system to be
modified to create opening
for fire exit door

existing parapet to be
repaired and repainted

existing detailing to be
repaired and repainted, typical

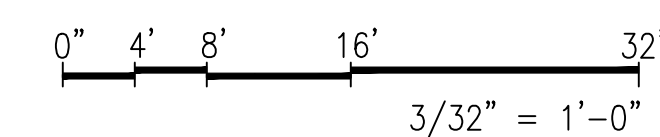
all existing historical
windows to be repaired
and glazing replaced
where necessary, typical

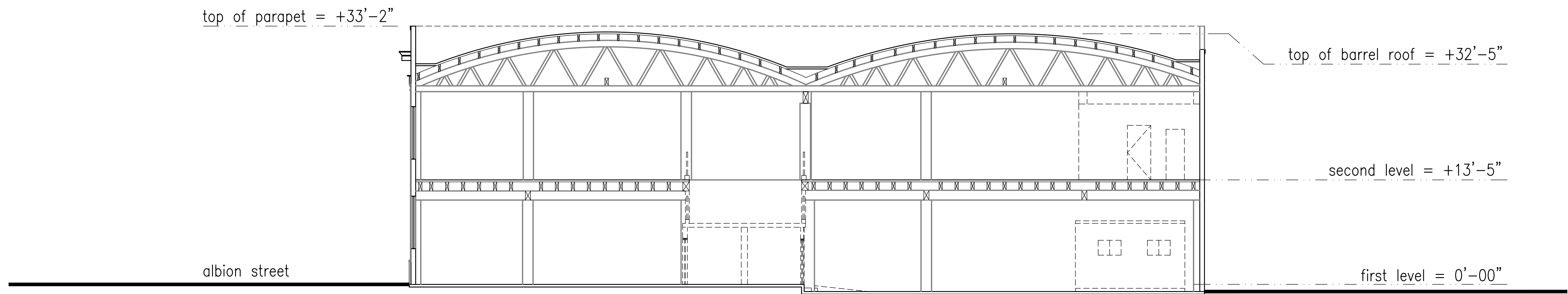
existing column detailing to be
repaired and repainted, typical

existing sill detailing to be
repaired and repainted, typical

currently the window is boarded
-up. if the window opening still
retains original window, the
window will be rehabilitated. if
original window no longer exist,
metal window will be
reconstructed to match historic
design. typical to 1 window
shown by a 'x'

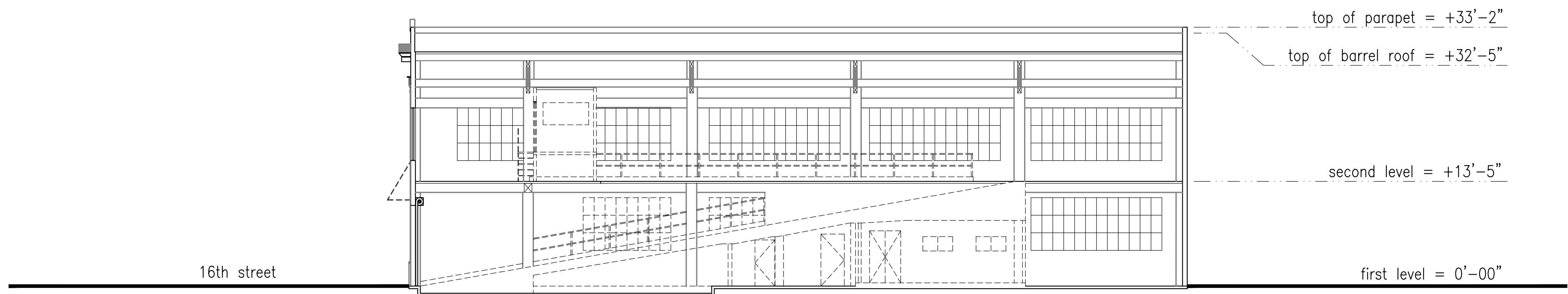
ALBION STREET ELEVATION



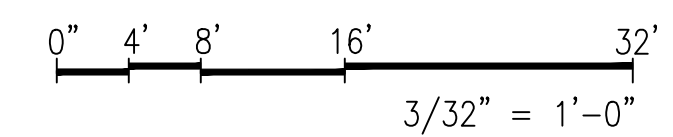


SECTION ALONG 16TH STREET

sheet note: all interior partitions, doors, ramps, ceilings, steps, fixtures, furnishing, and appliances to be demolished



SECTION ALONG ALBION STREET



3140-50

restaurant + event center

the albion on 16th



conditional use
authorization
07/13/18

Existing & Demo
Sections

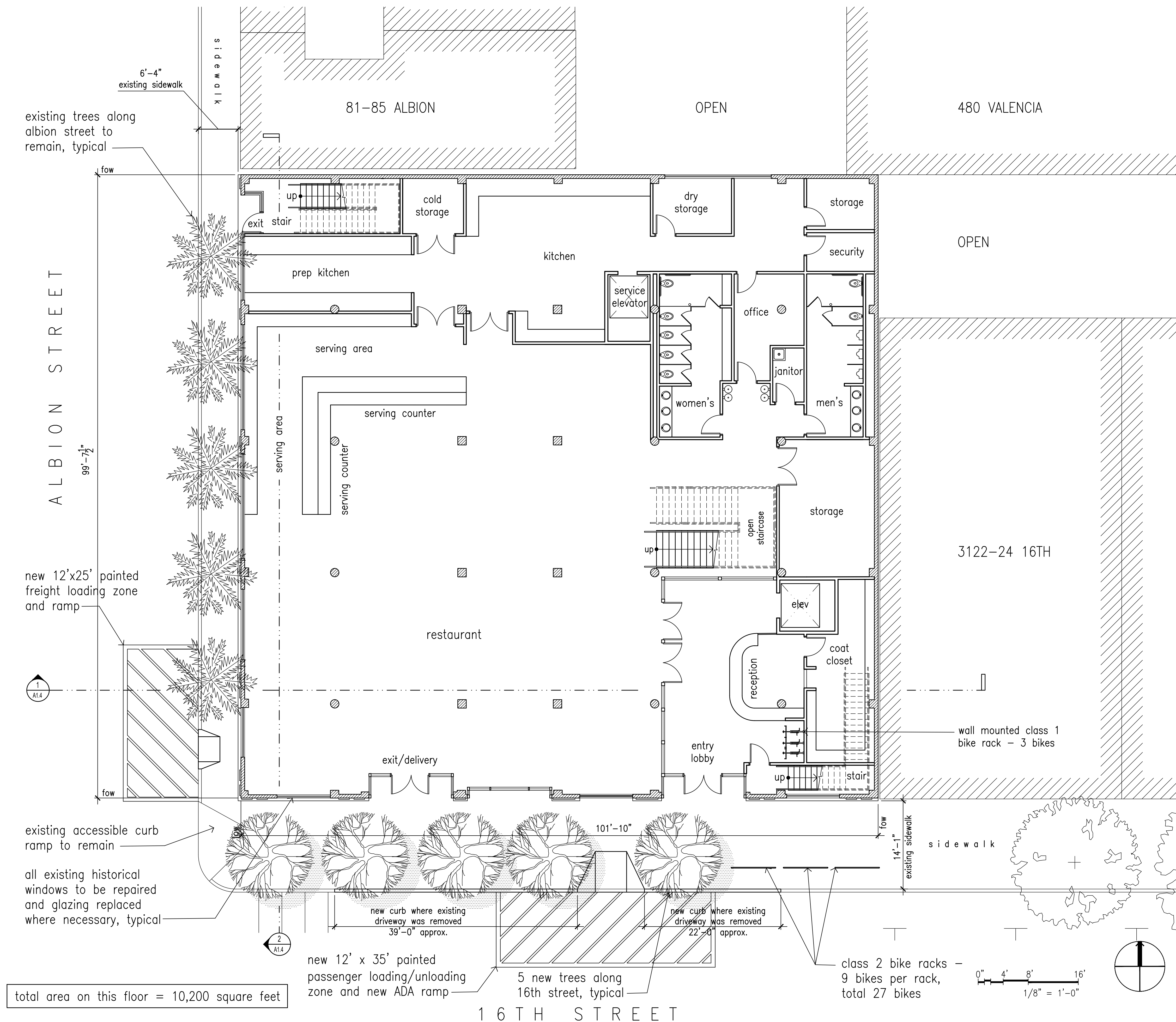
AD1.4

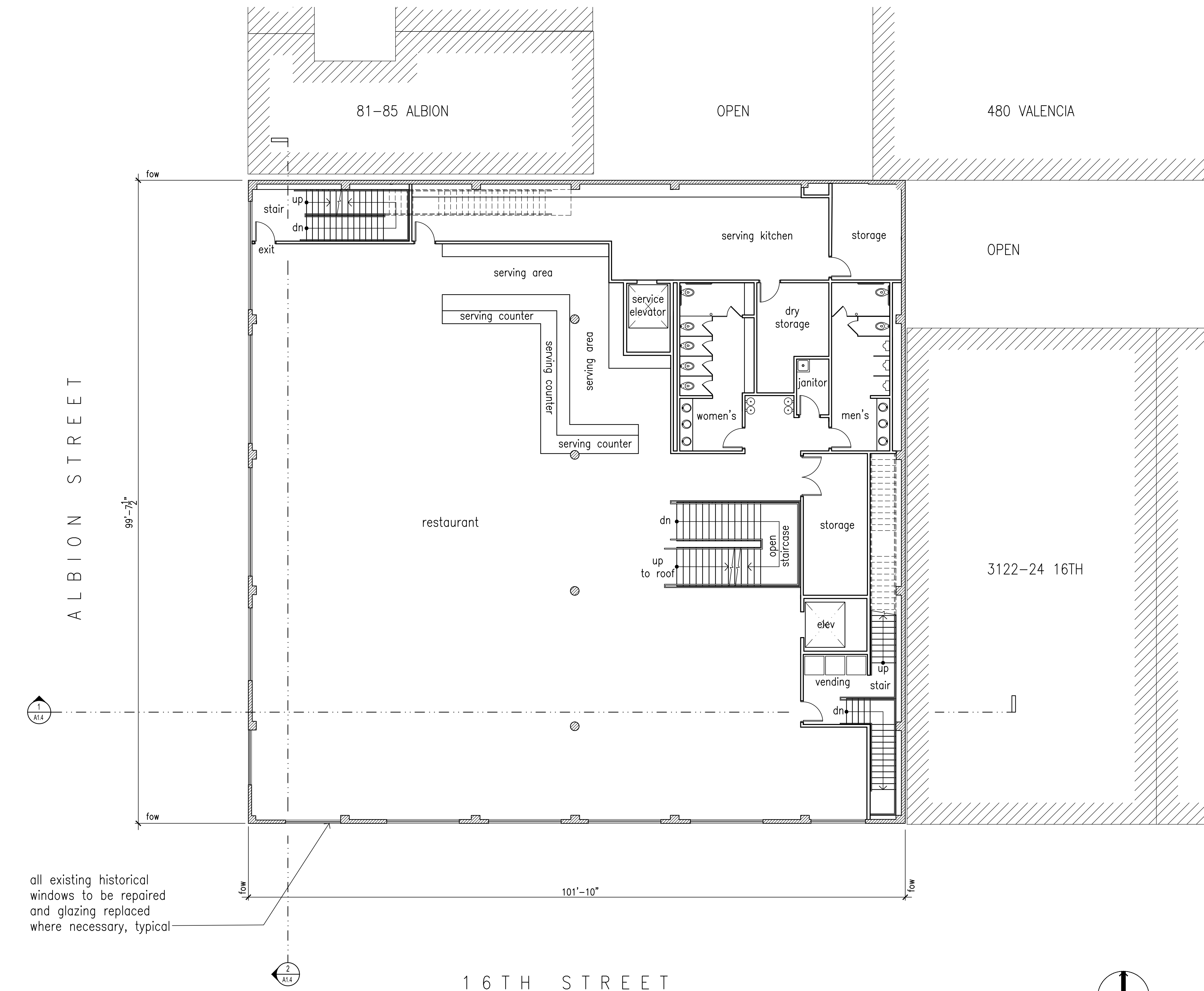


**conditional use
authorization
07/13/18**

Site Plan & Level 1 Floor Plan

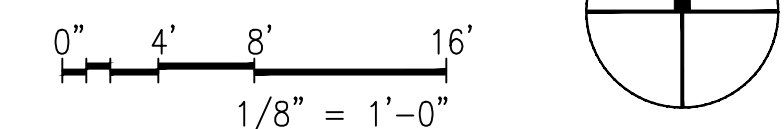
A1.0





all existing historical windows to be repaired and glazing replaced where necessary, typical

total area on this floor = 10,200 square feet



3140-50

restaurant + event center

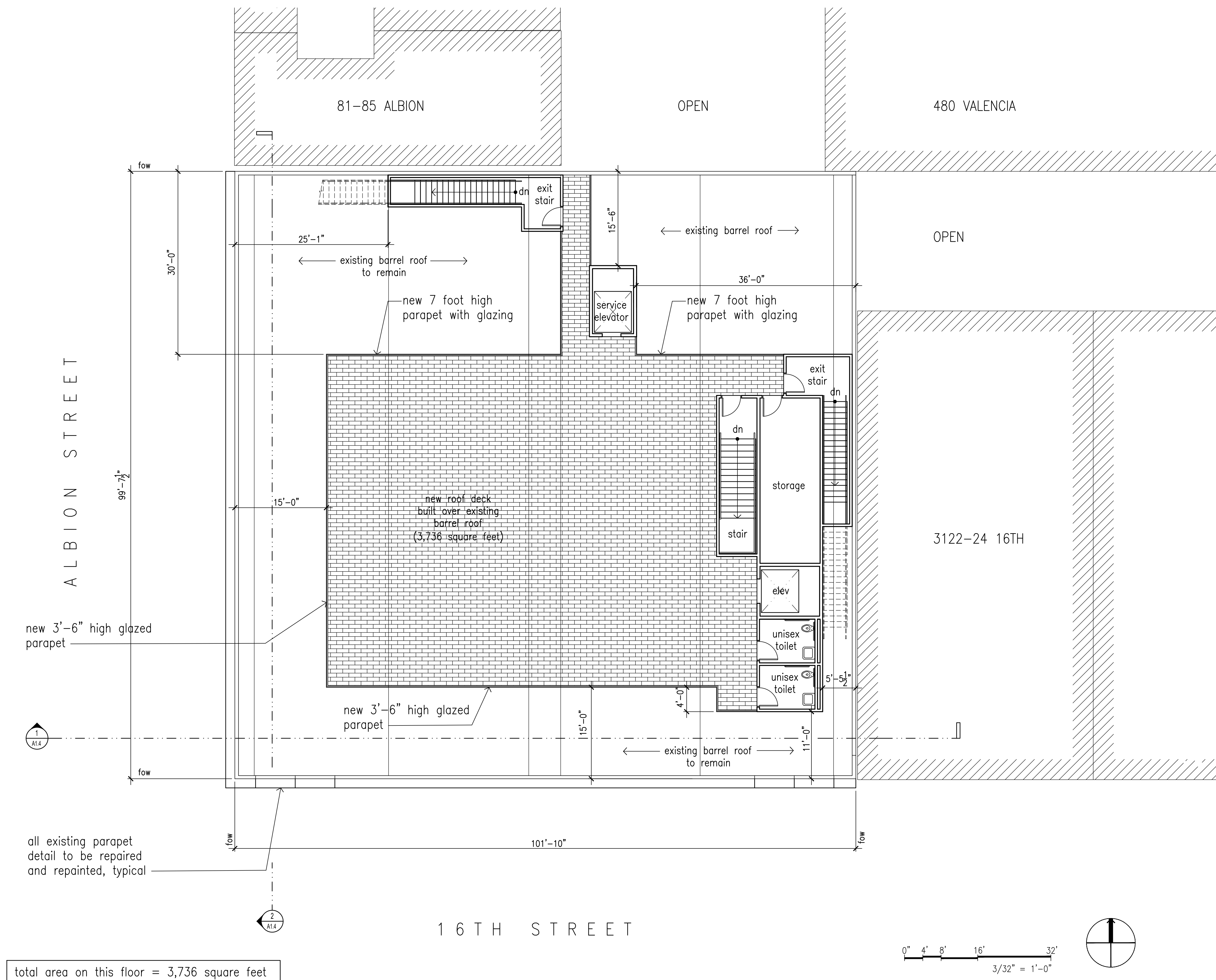


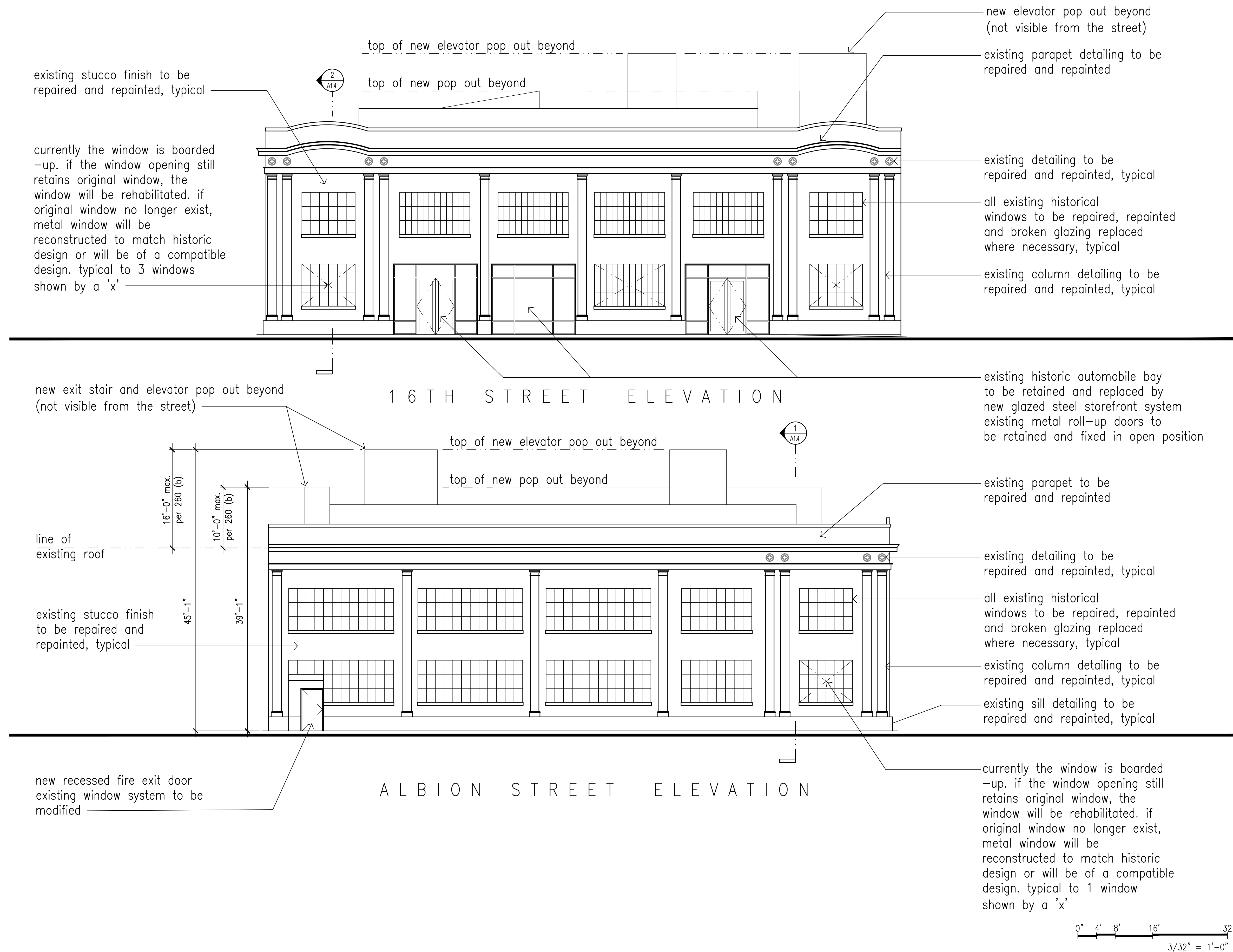
conditional use
authorization
07/13/18

Level 2
Floor Plan

A1.1

the albion on 16th





3140-50

restaurant + event center

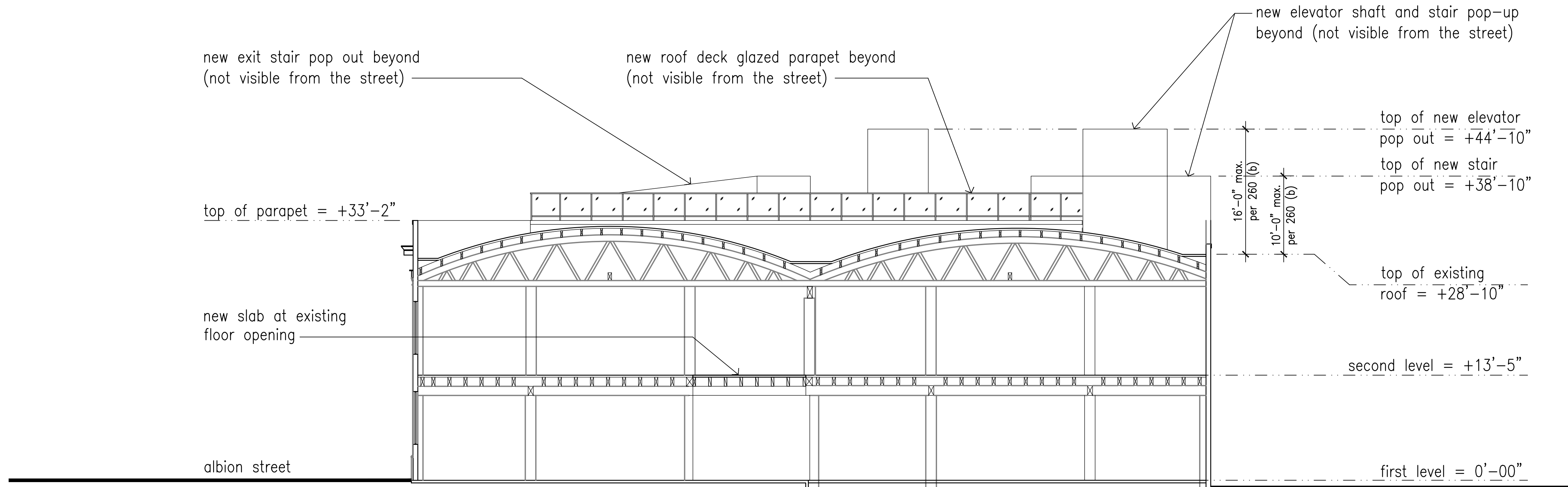


conditional use
authorization
07/13/18

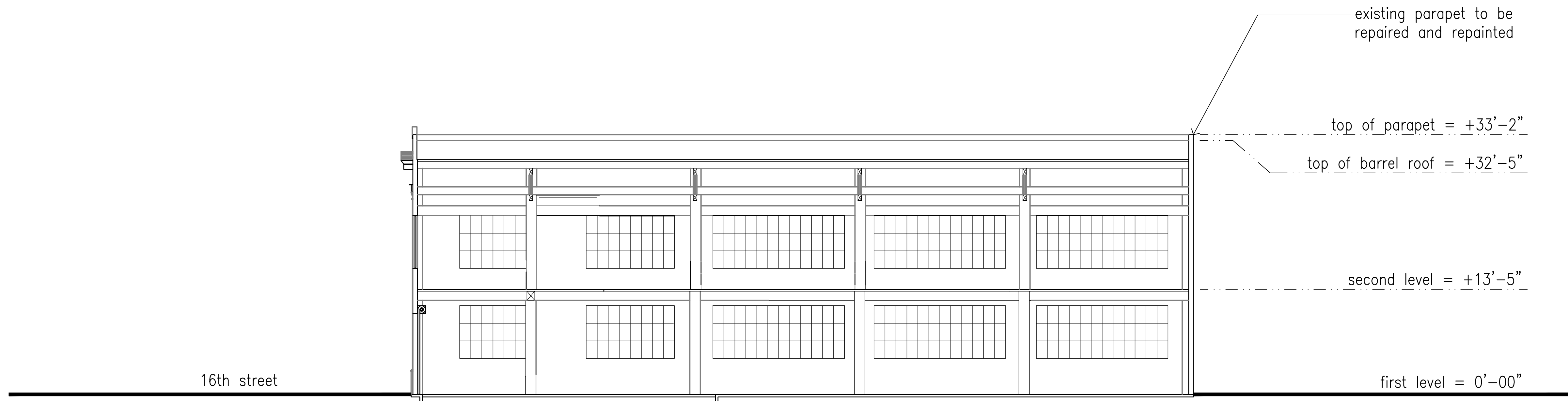
Elevations

A1.3

the albion on 16th

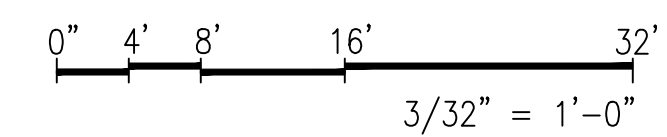


SECTION 2 - ALONG 16TH STREET



SECTION 1 - ALONG ALBION STREET

note: interior partition walls not shown for clarity



3140-50

restaurant + event center



conditional use
authorization
07/13/18

Sections

A1.4

the albion on 16th



3140-50

restaurant + event center

the albion on 16th



**conditional use
authorization
07/13/18**

**Exterior
Views**

A1.5



AERIAL VIEW OF ROOF DECK, CORNER OF 16TH STREET AND ABLION STREET

3140-50

restaurant + event center

the alblion on 16th



conditional use
authorization
07/13/18

Exterior
Views

A1.6



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: 2017-001270ENV
Project Title: 3140-3150 16th Street
Zoning: NCT (Valencia Street Neighborhood Commercial Transit) Use District
55-X Height and Bulk District
Block/Lot: 3555/018
Lot Size: 10,214 square feet
Plan Area: Eastern Neighborhoods Area Plan (Mission Plan area)
Project Sponsor: John Kevlin, Reuben, Junius and Rose, LLP, 415-567-9000
Staff Contact: Justin Horner, 415-575-9023, justin.horner@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 10,214-square-foot (sf) project site is located on the northeast corner of the intersection of 16th and Albion streets on the block bounded by Valencia St to the east, 15th Street to the north, Albion Street to the west and 16th Street to the south in the Mission neighborhood. The project site is occupied by a two-story, 32.5-foot tall, approximately 20,400-sf vacant building formerly used as an automobile repair services business. The existing structure was built in 1926. The project site includes two curb cuts along 16th Street.

(Continued on next page.)

CEQA DETERMINATION

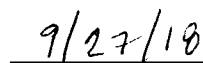
The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

DETERMINATION

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



Lisa Gibson
Environmental Review Officer



Date

cc: John Kevlin, Project Sponsor; Supervisor Sheehy, District 8; Doug Vu, Current Planning Division;
Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed project would convert the existing building into a 20,400-sf restaurant use. The proposed restaurant would occupy the entire building and an accessory rooftop outdoor activity area. The roof would accommodate three exit stairways into the building interior, two elevator penthouses, two bathrooms, and a storage room that are necessary to support its proposed use. The roof deck would include a 7-foot parapet wall along its northern edge, a 6-foot parapet wall along its western edge and a 3.5-foot parapet wall along its southern edge, and loudspeakers for amplified music that would be mounted no more than 3 feet above the surface of the roof deck. The proposed new restaurant would employ approximately 50 staff. The roof deck would include seating for patrons, equipment and supplies for staff. Private events could be held inside the restaurant and/or on the roof deck. Pedestrian access to the restaurant would be from 16th Street. The proposed project would remove two curb cuts on 16th Street and would include no vehicle parking. It would include three class 1 and 27 class 2 bicycle parking spaces.¹ The project would include an on-street pedestrian loading zone on 16th Street and an on-street loading zone on Albion Street. Construction of the project would require approximately 17 cubic yards of excavation to a depth of approximately three feet below ground surface to accommodate a new elevator. Construction would last approximately 18 months.

PROJECT APPROVAL

Pursuant to Planning Code sections 121.2 (nonresidential use of more than 3,000 sf in the Valencia Street NCT), 145.2 (proposed outdoor activity in an NC district), 186.2 (limitations on upper story uses in pre-existing structures), 303 (conditional uses, generally) and 762 (conditional use authorization required to convert retail to restaurant), a Conditional Use Authorization is required for the proposed project. The approval of the Conditional use Authorization by the Planning Commission would be the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

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 3140-3150 16th Street project described above and incorporates by reference information contained in the Programmatic EIR for

¹ 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.”

the Eastern Neighborhoods Rezoning and Area Plans (PEIR)². Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 3140-3150 16th 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.^{3,4}

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.⁵

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

² Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

³ 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.

⁴ 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.

⁵ 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.

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 NCT (Valencia Street Neighborhood Commercial Transit) District. The NCT-Valencia Street Neighborhood Commercial Transit District provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights, and Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses. Eating and drinking establishments contribute to the area's mixed-use character and activity in the evening hours. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Checklist, under Land Use. The 3140-3150 16th Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 55 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 3140-3150 16th 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 3140-3150 16th Street project, and identified the mitigation measures applicable to the 3140-3150 16th Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{6,7} Therefore, no further CEQA evaluation for the 3140-3150 16th 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 the northeast corner of the intersection of 16th and Albion streets on the block bounded by 16th Street to the south, Albion Street to the west, Valencia Street to the east and 15th Street to the north, in the Mission neighborhood. The project area along 16th Street is characterized by commercial uses, with residential uses above in one- to three-story buildings on the south side of 16th Street and commercial uses in one-story buildings on the north side of 16th Street, with a three-story mixed-use residential building at the northwest corner of Valencia and 16th streets. The project area along Albion Street is characterized by one- to three-story residential buildings. Buildings immediately adjacent to the project site include a one-story commercial building to the east and a three-story residential building to the north. Parcels surrounding the project site are within the Valencia Street NCT (Neighborhood Commercial Transit) and RTO-M (Residential Transit Oriented-Mission) Zoning Districts, and are within 45-X and 55-X Height and Bulk districts.

⁶ Josh Switzky, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 3140-3150 16th Street, July 11, 2018. 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. 2017-001270ENV.

⁷ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 3140-3150 16th Street, June 8, 2018..

The closest Bay Area Rapid Transit District (BART) stop is at 16th and Mission Streets, approximately 950 feet east of the project site. The project site is within a quarter mile of several local transit lines, including Muni lines 14-Mission, 14R-Mission Rapid, 22-Filmore, 33-Ashbury/18th Street, 49-Van Ness/Mission and 55-16th 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 3140-3150 16th 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 3140-3150 16th 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. While no existing PDR space would be removed, the proposed project would contribute to the identified land use impacts related to PDR loss as the proposed project would preclude an opportunity for development of PDR space in a zoning district (the Valencia Street Neighborhood Commercial Transit Use District) where certain PDR uses (namely, auto-related uses) are allowed. The incremental loss of PDR opportunity is considerable due to the size of the project site (0.5 acre) and its ability to potentially accommodate PDR uses. The PEIR acknowledges that the loss of PDR space resulting from development under the adopted rezoning and area plans would have a significant and unavoidable cumulative impact on land use. The preclusion of development of up to 0.5 acres of PDR space represents a considerable contribution to the loss of PDR space analyzed in the Eastern Neighborhoods PEIR, but would not result in new or more severe impacts than were disclosed in the PEIR. The proposed project would also not affect historical architectural resources as the proposed project, as an adaptive reuse and repurposing of an historic property, would comply with the Secretary of the Interior's Standards for Rehabilitation. In regards to significant and unavoidable transportation impacts related to traffic and transit, the proposed project would not contribute considerably to project-specific and cumulative traffic and transit impacts identified in the Eastern Neighborhoods PEIR. As the proposed project would not cast any shadow on any parks or other publicly accessible open space, it would not result in significant shadow impacts that were previously not identified or more severe impacts than those analyzed in the 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
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed.	N/A
F-2: Construction Noise	Not Applicable: the proposed project does not include any demolition, excavation or other noisy construction methods or heavy equipment.	N/A
F-3: Interior Noise Levels	Not Applicable: CEQA generally no longer requires the consideration of the effect of existing environmental conditions on a proposed project's future users.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: CEQA generally no longer requires the consideration of the effect of existing environmental conditions on a proposed project's future users.	N/A
F-5: Siting of Noise-Generating Uses	Applicable: The proposed project includes uses that would produce noise in excess of ambient noise levels.	Project Mitigation Measure 2: Operational Noise Requirements for Proposed Rooftop Use has been agreed to by project sponsor.
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project's future users where that project would not substantially exacerbate existing noise levels.	N/A
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: Project site is not located in Air Pollutant Exposure Zone.	N/A

Mitigation Measure	Applicability	Compliance
G-2: Air Quality for Sensitive Land Uses	Not Applicable: proposed project does not include sensitive receptors.	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed uses are not expected to emit substantial levels of DPMs.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project would not include a backup diesel generator or other use that emits TACs.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: No previous archeological field investigation has been performed for the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: No previous archeological field investigation has been performed for the project site.	Project Mitigation Measure 1: Archeological Monitoring has been agreed to by the project sponsor.
J-3: Mission Dolores Archeological District	Not Applicable: While project site is located in the Mission Dolores Archeological Area, the proposed project does not include volumes of excavation that would require this mitigation measure.	N/A
K. Historical Resources		
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

Mitigation Measure	Applicability	Compliance
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: Proposed project includes demolition of interior elements of existing building.	Project Mitigation Measure 3: Hazardous Building Materials agreed to by project sponsor.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA.	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level 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 April 4, 2018 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments included concerns regarding the potential for project-related excavation to effect nearby properties; construction-related noise and dust; traffic and parking; noise from business operations and patrons; and the effect of any lead paint that may be disturbed as part of the proposed project. These concerns were covered in the Geology and Soils, Air Quality, Transportation, Noise and Hazardous Materials sections of the Initial Study. Other comments referred to issues not considered environmental impacts under CEQA, and therefore not addressed in this review, including potential littering from users of the proposed project, increased alcohol use, and a preference of housing on the project site. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁸:

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.

⁸ The Initial Study Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2017-001270ENV.

(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
J. Archeological Resources				
<p><i>Mitigation Measure 1 Archeological Monitoring</i></p> <p>Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological monitoring program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context; ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s). 	Project sponsor.	Prior to issuance of site permits.	Project sponsor shall retain archeological consultant to undertake archaeological monitoring program in consultation with ERO.	Complete when Project sponsor retains qualified archaeological consultant.
<p><i>Archeological monitoring program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context; ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s). 	Project Sponsor	Prior to the start of renovation/const ruction activities.	Planning Department, in consultation with DPH.	Considered complete upon submittal to Planning confirming compliance with this measure.

(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis <p>If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p> <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological</p>	<p>The archaeological consultant, Project Sponsor and project contractor.</p> <p>ERO, archaeological consultant, and Project Sponsor.</p> <p>Archaeological consultant in consultation with</p>	<p>Monitoring of soils disturbing activities.</p> <p>Following discovery of significant archeological resource that could be adversely affected by project.</p> <p>After determination by ERO that an</p>	<p>Archaeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archeological resource.</p> <p>Redesign of project to avoid adverse effect or undertaking of archeological data recovery program.</p> <p>Archaeological consultant to prepare an ADRP in</p>	<p>Considered complete upon completion of AMP.</p> <p>Considered complete upon avoidance of adverse effect</p> <p>Considered complete upon approval of ADRP by ERO.</p>

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements</p> <ul style="list-style-type: none"> ▪ Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. ▪ Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. ▪ Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. ▪ Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ Final Report. Description of proposed report format and distribution of results. ▪ Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 	ERO	archaeological data recovery program is required	consultation with ERO	
<p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American</p>	Archaeological consultant or medical examiner	Discovery of human remains	Notification of County/City Coroner and, as warranted, notification of NAHC.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been

(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.				adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archaeological consultant for scientific/historical analysis of remains/funerary objects.
Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.	Archaeological consultant	Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.	Preparation of FARR	FARR is complete on review and approval of 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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Archaeological consultant	Following completion and approval of FARR by ERO	Distribution of FARR after consultation with ERO	Complete on certification to ERO that copies of FARR have been distributed

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
F. Noise				
<p><i>Mitigation Measure 2: Operational Noise Requirements for Proposed Rooftop Use</i></p> <p>The project sponsor shall incorporate the following elements into the project design to ensure that the proposed rooftop use complies with use compatibility requirements in the General Plan and could meet standards set forth in Police Code section 2909 (Noise Ordinance): (1) glazed roof deck parapet walls should be 7-feet high to the north, 6-feet high to the west, and 3.5-foot high to the south; (2) a solid gasketed door should be installed the exit path west of the elevator, and (3) the placement of loudspeakers should be set at a maximum height of 3 feet above the roof deck.</p>	Project Sponsor along with Project Contractor.	Prior to final approval of building permit.	Project sponsor to provide Planning Department with plans approved by DBI that include the required elements.	Considered complete upon receipt of final plans approved by DBI that include the required elements.
L. Hazardous Materials				
<p><i>Mitigation Measure 3: Hazardous Building Materials</i></p> <p>The project sponsor shall ensure that any equipment containing polychlorinated biphenyl (PCBs) or Di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project Sponsor	Prior to the start of renovation/const ruction activities.	Planning Department, in consultation with DPH.	Considered complete upon submittal to Planning confirming compliance with this measure.



SAN FRANCISCO PLANNING DEPARTMENT

Initial Study – Community Plan Evaluation

Case No.: **2017-001270ENV**
Project Title: 3140-3150 16th Street
Zoning: NCT (Valencia Street Neighborhood Commercial Transit) Use District
55-X Height and Bulk District
Block/Lot: 3555/018
Lot Size: 20,400 square feet
Plan Area: Eastern Neighborhoods Area Plan (Mission Plan Area)
Project Sponsor: John Kevlin, Reuben, Junius and Rose, LLP 415-567-9000
Staff Contact: Justin Horner, 415-575-9023, justin.horner@sfgov.org

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PROJECT DESCRIPTION

The 10,214-square-foot (sf) project site is located on the northeast corner of the intersection of 16th and Albion streets on the block bounded by Valencia St to the east, 15th Street to the north, Albion Street to the west and 16th Street to the south in the Mission neighborhood. (Figure 1) The project site is occupied by a two-story, 32.5-foot tall, approximately 20,400-sf vacant building formerly used as an automobile repair services business. The existing structure was built in 1926. The project site includes two curb cuts along 16th Street.

The proposed project would convert the existing building into a 20,400-sf restaurant use. (Figures 2–5) The proposed restaurant would occupy the entire building and an accessory rooftop outdoor activity area. The roof would accommodate three exit stairways into the building interior, two elevator penthouses, two bathrooms, and a storage room that are necessary to support its proposed use. The roof deck would include a 7-foot parapet wall along its northern edge, a 6-foot parapet wall along its western edge and a 3.5-foot parapet wall along its southern edge, and loudspeakers for amplified music that would be mounted no more than 3 feet above the surface of the roof deck.

Pedestrian access to the restaurant would be from 16th Street. The proposed project would remove two curb cuts on 16th Street and would include no vehicle parking. It would include three class 1 and 27 class 2 bicycle parking spaces.¹ The project would include an on-street pedestrian loading zone on 16th Street and an on-street loading zone on Albion Street. Construction of the project would require approximately 17 cubic yards of excavation to a depth of approximately three feet to accommodate a new elevator. Construction would last approximately 18 months.

The proposed 3140-3150 16th Street project would require the following approvals:

¹ 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.”

Actions by the Planning Commission

- Conditional Use Authorization, pursuant to Planning Code Sections 121.2 (nonresidential use of more than 3,000 sf in the Valencia Street NCT), 145.2 (proposed outdoor activity in an NC district), 186.2 (limitations on upper story uses in pre-existing structures), 303 (conditional uses, generally) and 762 (conditional use authorization required to convert retail to restaurant). The approval of the Conditional Use Authorization constitutes the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

Actions by Other Agencies

- A building permit from the Department of Building Inspection.
- Approval by the Municipal Transportation Agency (SFMTA) of any new loading zones.

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

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

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

The proposed project would convert a vacant building to a 20,400-sf restaurant use. 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.

² 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.

CHANGES IN THE REGULATORY ENVIRONMENT

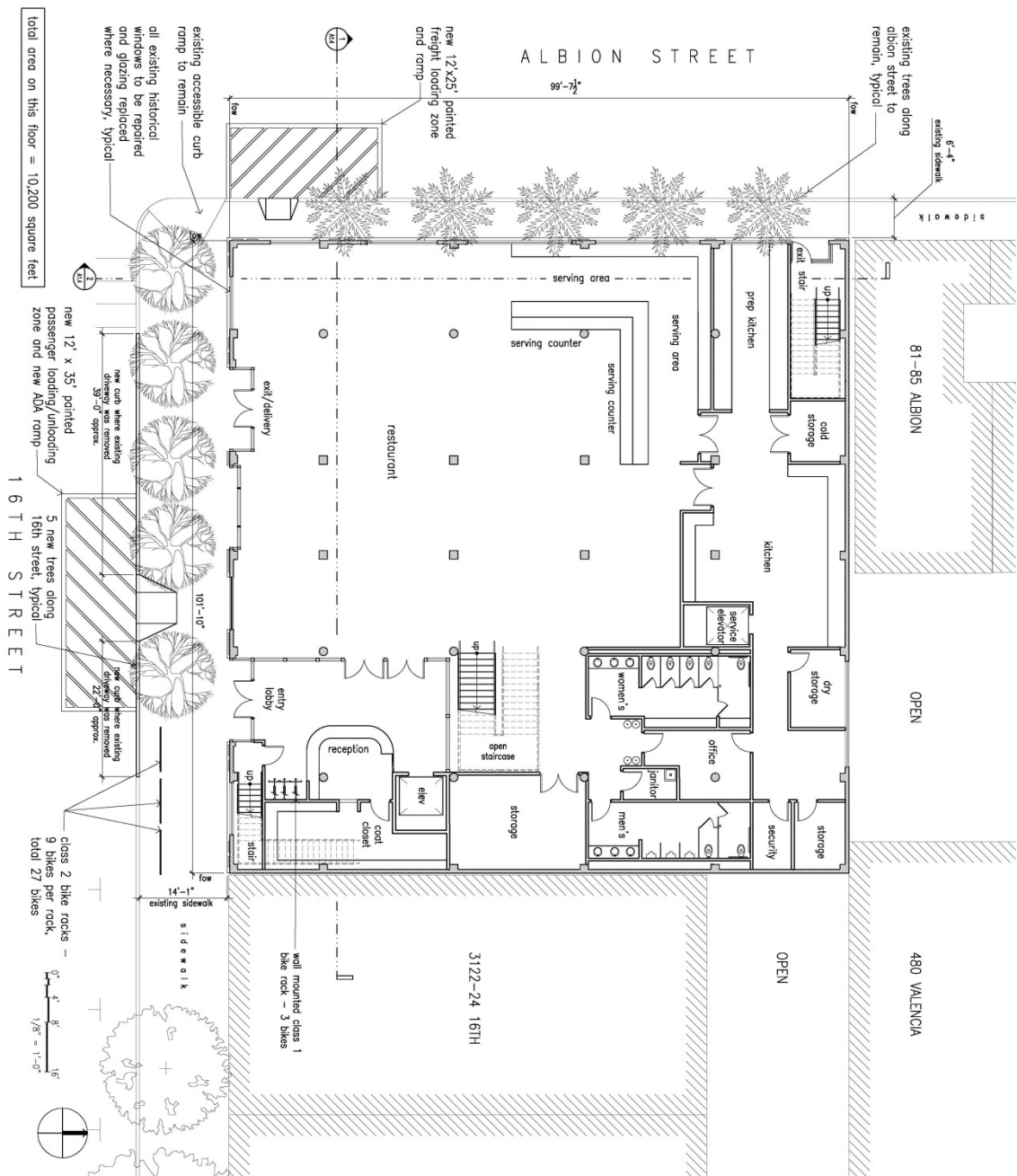
Since the certification of the Eastern Neighborhoods PEIR in 2008, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the Eastern Neighborhoods plan areas.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

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

Figure 1. Project Location



Figure 2. Proposed Site Plan (Ground Floor)



ALBION STREET

81-85 ALBION

OPEN

480 VALENCIA

OPEN

3122-24 16TH

16TH STREET

all existing historical windows to be repaired and glazed replaced where necessary, typical

total area on this floor = 10,200 square feet

Figure 3. Proposed Roof Plan

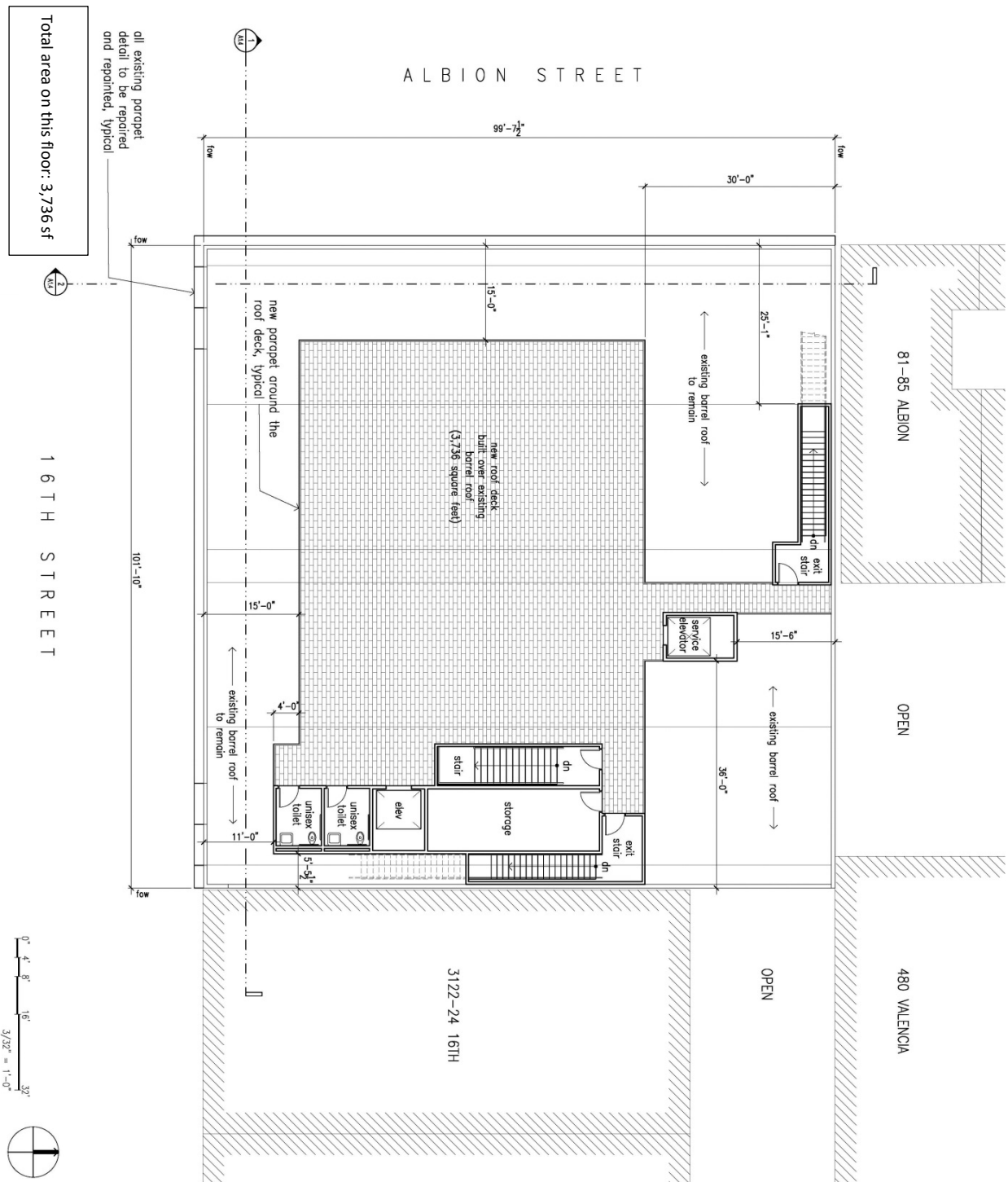


Figure 4. Proposed South Elevation (16th Street)

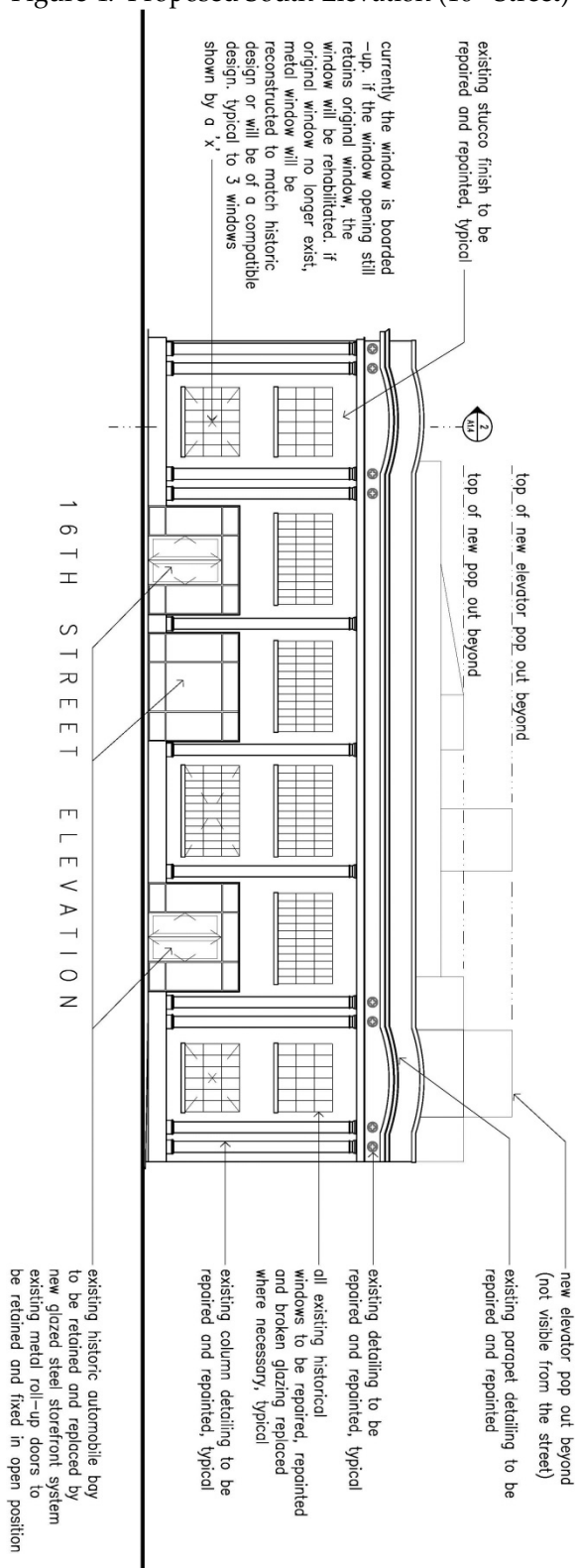
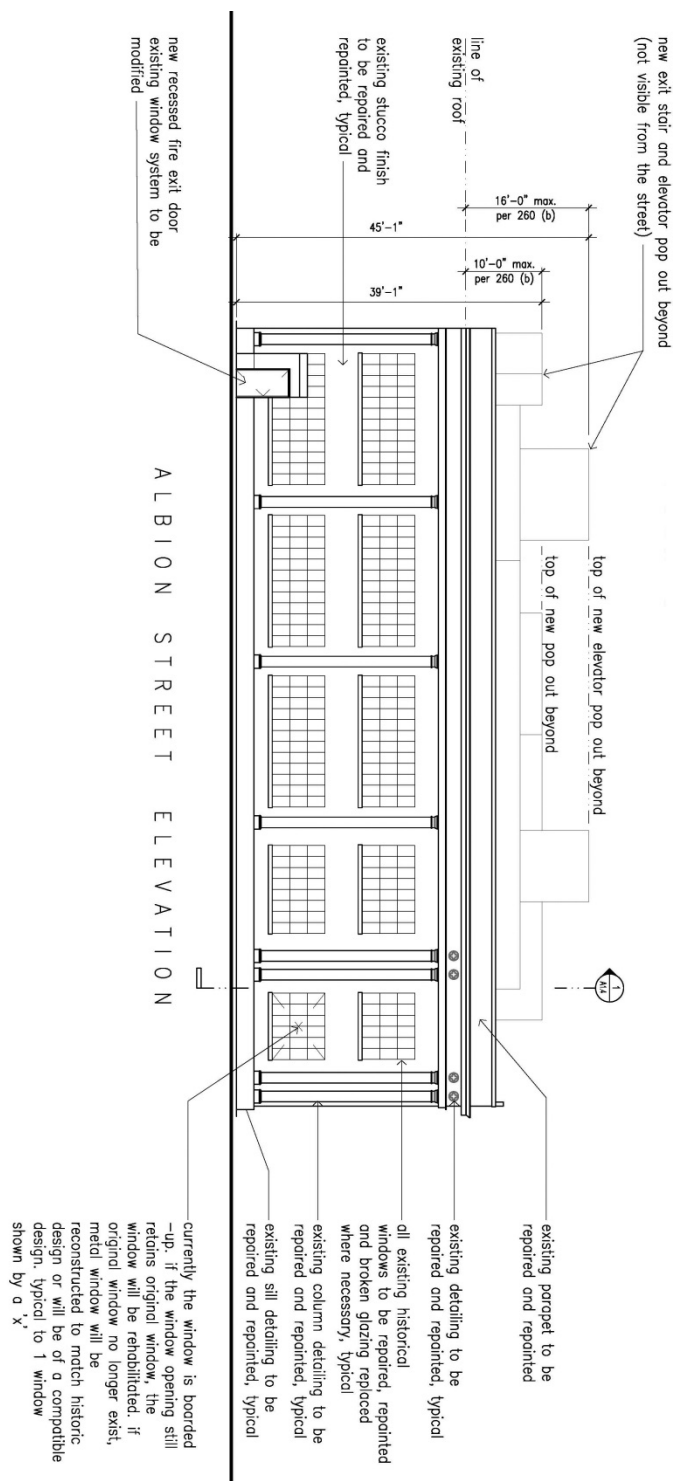


Figure 5. Proposed West Elevation (Albion Street)



Aesthetics and Parking

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

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.³ 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*](#)⁴ recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this checklist, including PEIR Mitigation Measures E-1: Traffic Signal Installation, E-2: Intelligent Traffic Management, E-3: Enhanced Funding, and E-4: Intelligent Traffic Management. Instead, a VMT analysis is provided in the Transportation section.

³ San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 3140-3150 16th Street, April 4, 2018. 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. 2017-001270ENV.

⁴ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

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
1. LAND USE AND LAND USE PLANNING—Would the project:				
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. Since the existing building on the project site is vacant, 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 Valencia Street 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 analyzed a range of potential rezoning options and considered the effects of losing between approximately 520,000 to 4,930,000 square feet of PDR space in the plan area throughout the lifetime of the plan (year 2025). This was compared to an estimated loss of approximately 4,620,000 square feet of PDR space in the plan area under the No Project scenario. Within the Mission subarea, the Eastern Neighborhoods PEIR considered the effects of losing up to approximately 3,370,000 square feet of PDR space through the year 2025. The Eastern Neighborhoods PEIR determined that adoption of the rezoning and area plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR space. This impact was addressed in a *statement of overriding considerations* with CEQA findings and adopted as part of the Eastern Neighborhoods Rezoning and Areas Plans approval on January 19, 2009.

The proposed project would not convert existing on-site PDR space (the project site contains a vacant building) to non-PDR space. However, the proposed project would contribute to this impact because the proposed project would preclude an opportunity for development of PDR space given that certain PDR uses (namely, auto-related uses) are allowed in the Valencia Street Neighborhood Commercial Transit Use District (as they were in the previous zoning for the project site: Valencia Street Neighborhood Commercial). The incremental loss of PDR opportunity is considerable due to the size of the project site (0.5 acre) and its ability to potentially accommodate PDR uses. As stated above, the PEIR acknowledges that the loss of PDR space resulting from development under the adopted rezoning and area plans would have a significant and unavoidable cumulative impact on land use. The preclusion of development of up to 0.5 acres of PDR space represents a considerable contribution to the loss of PDR space analyzed in the Eastern Neighborhoods PEIR, but would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project's contribution to this cumulative impact does not require any additional

environmental review beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study.

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

The Citywide Planning and Current Planning divisions of the planning department have determined that the proposed project is permitted in the Valencia Street Neighborhood Commercial Transit (NCT) District.⁵⁶ The Valencia Street NCT District principally permits restaurants. The project site is located within the Mission Alcoholic Beverage SUD, which permits restaurants to serve alcoholic beverages when operating as a bone fide eating place. The Valencia Street NCT District permits non-residential development at a floor area ratio of 2.5:1; commercial uses of 3,000 square feet or more require a Conditional Use Authorization, as would any use of portions of the project as an Outdoor Activity Area, which is a proposed use for the roof deck. The Citywide Planning Division has also determined that the proposed project is covered by the Mission Area Plan and is consistent with the height, bulk, density and land uses as envisioned in the Plan. The project advances the Plan's goal of strengthening the Mission's existing mixed-use character, while maintaining the neighborhood as a place to live and work, and retaining architectural character that supports an active public realm.

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

⁵ Josh Switzky, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 3140-3150 16th Street, July 11, 2018.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 3140-3150 16th Street, June 8, 2018.

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

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

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

The proposed project includes the conversion of a vacant building into a restaurant. The proposed project would result in a net growth in jobs (up to 50 staff would be employed by the proposed restaurant) and customers in the project vicinity. These direct effects of the proposed project on population and housing would not result in new or substantially more severe significant impacts on the physical environment beyond those identified in the Eastern Neighborhoods PEIR. The project's contribution to indirect effects on the physical environment attributable to population growth are evaluated in this initial study under land use, transportation and circulation, noise, air quality, greenhouse gas emissions, recreation, utilities and service systems, and public services.

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
3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Historic Architectural Resources

Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse impacts 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 3140-3150 16th Street structure was surveyed and evaluated by the San Francisco Planning Department between 2002 and 2003 during the Inner Mission North Historic Resource Survey, whereupon the property was initially assigned a Status Code of "5D3" (appears to be a contributor to a district eligible for local

listing or designation through survey evaluation).⁷ In April 2011, the planning department completed further research and revised the findings for the Inner Mission North Historic Resource Survey, which assigned the subject property a new Status Code of “3B” (appears eligible for National Register of Historic Places both individually and as a contributor to an eligible district through survey evaluation) providing the following statement of significance:

This building is a contributor to the "16th and Valencia Streets Post-Fire" historic district, which is significant under California Register of Historical Resources Criterion 1 (Events), because it is representative of the broad patterns of physical rebuilding and neighborhood “reconstruction” in the Inner Mission North during the period that followed the 1906 Earthquake and Fire; and Criterion 3 (Architecture/Design), because it exhibits physical designs, features, materials, and craftsmanship that embody the distinctive characteristics and high artistic expressions of architectural styles such as Classical Revival, Mission Revival, Craftsman, Edwardian, and vernacular types of the period. This building is also individually significant under Criterion 3 (Architecture/Design). The subject building is significant as a post-1906 commercial building and for its Beaux Arts style, both individually and as a district contributor. As an individual building, the period of significance is 1920, which is the year the building was constructed. This correlates with the recorded 1906 to 1926 period of significance recorded for the 16th and Valencia Streets Post-Fire Historic District.⁸

An Historic Resource Evaluation (HRE) report was prepared for the proposed project by a qualified preservation consultant.⁹ Subsequently, the Department concurred with the HRE report's findings and conclusions and issued an HRER memo documenting this on June 29, 2018.¹⁰ The discussion below summarizes the findings of the HRER.

The proposed project includes the adaptive reuse of a former two-story automobile services garage that covers the entire 10,214 square-foot lot into a restaurant use and with an accessory rooftop outdoor activity area. The existing reinforced concrete building would retain the same building footprint and the smooth stucco finish would be repaired as needed, and repainted. At the primary façade on 16th Street, the non-historic metal roll-up doors will be retained and fixed in an open position. New, recessed pedestrian entrances and storefront systems will be installed in the historic vehicular entrance openings on the first story. The new storefront system will be in an industrial-style with glazing and simple steel framing to provide pedestrian access and exiting from the building. At the secondary façade on Albion Street, a small portion of the reinforced concrete wall and first story window would be removed to add a recessed code-required fire exit door and entrance alcove.

A new roof deck would be constructed, and at the center of the building's existing roof that would be set back approximately 15 feet from the primary and secondary façades, and 30 feet from the rear of the building. Select portions of the roof would be opened to accommodate three exit stairways to the building

⁷ State of California, The Resources Agency, Department of Parks and Recreation, *District Record for 16th and Valencia Streets Post-Fire Historic District*, April 2011. Available: http://default.sfplanning.org/Preservation/imn_survey/16th_and_Valencia_Streets_Post-Fire_Historic_District_Record.pdf

⁸ San Francisco Planning Department, “San Francisco Planning Department Historic Resource Survey (Mission District) Property Summary Report: 3140 16TH ST,” October 12, 2011.

⁹ Page and Turnbull, *3140-3150 16th Street Historical Resource Evaluation Part 2*, June 7, 2017.

¹⁰ SF Planning Department, *Preservation Memo 3140-3150 16th Street – 2017-001270ENV*, June 29, 2018.

interior, two elevator penthouses, two bathrooms, and a storage room that are necessary to support the use of the roof deck for customers that would be simple in design and constructed of wood with a plaster finish. The remaining portions of the double barrel roof would remain and support the roof deck.

The Department has evaluated the proposed rehabilitation and adaptive reuse of the historic property, and determined the proposed project complies with the Secretary of the Interior's Standards for Rehabilitation. The subject property would be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships, repair any deteriorated historic features to retain its historic character, and include exterior alterations above the roof that would not destroy historic materials, be differentiated from the old and would be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. As a result, the property would continue to convey its historic significance both individually and as a contributor to the 16th and Valencia Streets Post-Fire Historic District. Additionally, the proposed project does not contribute to any potential cumulative impacts. Therefore, the proposed project would not cause a significant cumulative impact under CEQA.

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

Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the planning department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

No previously identified archeological field investigation has occurred within the project site, and the project site is located so Mitigation Measure J-2 applies to the proposed project. A Preliminary Archeological Review (PAR) was completed for the proposed project.¹¹ According to the PAR, prehistoric, Hispanic period, and later 19th century archeological deposits have been investigated in the vicinity of the project site. Due to the proximity of the project site to the former Mission Creek estuary and tidal marsh system, it is possible that prehistoric deposits could be present within the project site beneath the fill. The project site is within the Mission Dolores Archeological District, a zone identified as sensitive for Hispanic Period archeological resources. Specifically, the project site is in the area identified as the location of the first and second mission sites. The block was developed by late 1850s, including development of a lot that includes the project site, shown on the 1857 US Coast Survey map. The project site was clearly developed by the late 1860s, as shown on the 1869 US Coast Survey map. However, the nature of this development has not currently been researched. Known development of the project site occurred in the form of residential development during the late 19th century. Review of 20th century Sanborn maps indicate that limited

¹¹ SF Planning, *Preliminary Archeological Review Proposed Project at 3140-3150 16th Street*, May 24, 2018.

disturbance has occurred within the project site. Due to the relatively minor extent of excavation, the specific archeological testing called for in Mitigation Measure J-3 was determined not to apply to the proposed project. That said, given the possible presence of archeological resources on the project site, the potential of the project to adversely affect archeological resources may be avoided by implementation of the **Project Mitigation Measure 1: Archeological Monitoring**. The full text of **Project Mitigation Measure 1: Archeological Monitoring** can be found in the “Mitigation Measures” section, below.

For these reasons, and with the implementation of **Project Mitigation Measure 1: Archeological Monitoring**, the proposed project would not result in significant impacts on archeological resources 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>
4. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

would need to be conducted for future development projects under the Eastern Neighborhoods Rezoning and Area Plans.

Accordingly, the planning department conducted project-level analysis of the pedestrian, bicycle, loading, and construction transportation impacts of the proposed project.¹² 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 checklist.

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

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

¹² SF Planning, Transportation Study Determination 3140-3150 16th Street, July 25, 2017.

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.^{13,14}

For retail development, regional average daily retail VMT per employee is 14.9.¹⁵ Average daily VMT for retail 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, 221.

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 221</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 221</u>
Employment (Retail)	14.9	12.6	9.1	14.6	12.4	9.4

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research’s (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (“proposed transportation impact guidelines”) recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone that exhibits low levels of VMT; Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal

¹³ 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.

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

¹⁵ 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.

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 a 20,140 sf restaurant use, which is a retail use. Existing average daily VMT per retail employee is 9.1 for the transportation analysis zone 221. This is 34 percent below the existing regional average daily VMT per retail employee of 14.9. Future 2040 average daily VMT per retail employee is 9.4 for the transportation analysis zone 221, where the project site is located. This is 36 percent below the future 2040 regional average daily work-related VMT per retail employee of 14.6.¹⁶ 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 a 20,140 sf restaurant use with no vehicle parking and three class 1 bicycle spaces located in the lobby and 27 class 2 bicycle parking spaces located along 16th Street.

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.¹⁷ The proposed project would generate an estimated 3,060 person trips (inbound and outbound) on a weekday daily basis, consisting of 1,970 person trips by auto, 368 transit trips, 665 walk trips and 56 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 275 person trips, consisting of 177 person trips by auto (96 vehicle trips accounting for vehicle occupancy data for this Census Tract), 33 transit trips, 60 walk trips and 5 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).¹⁸ 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 and Mitigation Measure E-11: Transportation Demand Management. Both the Transportation Sustainability Fee and the transportation demand management efforts are part of the Transportation Sustainability Program.¹⁹ In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014.

¹⁶ San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 3140-3150 16th Street, April 4, 2018.

¹⁷ San Francisco Planning Department, Transportation Calculations for 3140-3150 16th Street, July, 2017.

¹⁸ 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.

¹⁹ <http://tsp.sfplanning.org>

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

Mitigation Measure E-7 also identifies implementing recommendations of the Bicycle Plan and Better Streets Plan. As part of the San Francisco Bicycle Plan, adopted in 2009, a series of minor, near-term, and long-term bicycle facility improvements 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, 22-Fillmore, 33-Ashbury/18th, 49-Van Ness/Mission and 55-16th Street. The proposed project would be expected to generate 368 daily transit trips, including 33 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 33 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 22-Fillmore and 49-Van Ness/Mission. The proposed project would not contribute considerably to these conditions as its minor contribution of 33 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>
5. NOISE—Would the project:				
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.²⁰ These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

Construction Noise

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). The proposed project does not include pile driving, therefore PEIR Mitigation Measure F-1 does not apply to the proposed project. As the proposed project consists primarily of interior work to convert an existing building into a restaurant, it does not include particularly noisy construction methods, such as demolition. While excavation is proposed, it would be minimal and within the existing building envelope for the installation of the elevator and utilities, so would not constitute particularly noisy construction from the perspective of nearby sensitive receptors. Therefore, Mitigation Measure F-2 does not apply to the proposed project.

In addition, all construction activities for the proposed project (approximately 18 months) would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works (PW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of PW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 18 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to

²⁰ 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).

comply with the Noise Ordinance which would reduce construction noise impacts to a less-than-significant level.

Operational Noise

Eastern Neighborhoods PEIR Mitigation Measure F-5: Siting of Noise-Generating Uses 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. As the proposed project includes a new restaurant with outdoor dining space on the roof that would include amplified sound, the proposed project could result in elevated noise levels in excess of ambient noise levels and Noise Ordinance requirements. While the roof area would not be used for live music, it would generate new noise from diners and background amplified music. Therefore, in compliance with PEIR Mitigation Measure F-5, a noise study was prepared for the proposed project.²¹ The noise study indicated that the closest sensitive receptors to the project site were a multi-family residence 35 feet north of the proposed roof deck, a multi-family residence 45 feet to the west of the proposed roof deck and a multi-family residence 90 feet south of the proposed roof deck, across 16th Street. The noise study included the following three recommendations to ensure that the proposed use on the site complies with use compatibility requirements in the General Plan and could meet standards set forth in Police Code section 2909 (Noise Ordinance): (1) glazed roof deck parapet walls should be 7-feet high to the north, 6-feet high to the west, and 3.5-foot high to the south; (2) a solid gasketed door should be installed the exit path west of the elevator, and (3) the placement of loudspeakers should be set at a maximum height of 3 feet above the roof deck. **Project Mitigation Measure 2: Operational Noise Requirements for Proposed Rooftop Use**, which can be found in the Mitigation Measures section below, incorporated these recommendations as project requirements. With the implementation of **Project Mitigation Measure 2: Operational Noise Requirement for Proposed Rooftop Use**, the proposed project is not anticipated to generate noise in excess of ambient noise levels, would be expected to meet applicable noise standards, and would not adversely affect nearby noise-sensitive uses.

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.

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
6. AIR QUALITY—Would the project:				
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"/>

²¹ Charles M. Salter Associates, Inc, 3140 16th Street San Francisco CA Noise Mitigation Measure F-5 Analysis, September 24, 2018.

<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) 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 uses²² as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

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

Construction Dust Control

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

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

²² 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.

²³ 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.

provisions of PEIR Mitigation Measure G-1. Therefore, the portion of PEIR Mitigation Measure G-1 Construction Air Quality that addresses dust control is no longer applicable to the proposed project.

Criteria Air Pollutants

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”²⁴ The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria²⁵ 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. As the proposed project is an approximately 20,000-square-foot restaurant that includes little excavation (no more than 3 feet bgs), criteria air pollutant emissions of the proposed project would meet the Air Quality Guidelines screening criteria for both construction (277,000 square feet or 10,000 cubic yards of excavation) and operations (47,000 square feet). 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_{2.5} 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.

Construction

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

Siting New Sources

The proposed project 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

²⁴ 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.

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

proposed project would not include any sources 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>
7. GREENHOUSE GAS EMISSIONS— Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the 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 CO₂E²⁶ per service population,²⁷ 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*²⁸ presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions

²⁶ CO₂E, 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.

²⁷ 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.

²⁸ San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at <http://sf-planning.org/greenhouse-gas-reduction-strategies>, accessed July 10, 2018.

have resulted in a 28.4 percent reduction in GHG emissions in 2015 compared to 1990 levels,²⁹ exceeding the year 2020 reduction goals outlined in the BAAQMD's *2010 Clean Air Plan*,³⁰ Executive Order S-3-05³¹, and Assembly Bill 32 (also known as the Global Warming Solutions Act).^{32,33} In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05³⁴ and B-30-15.^{35,36} Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site by replacing an existing vacant building with a restaurant use. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

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

Compliance with the City's Commuter Benefits Program, Transportation Sustainability Fee, and bicycle parking 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, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.³⁷ 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.

²⁹ ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

³⁰ 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.

³¹ 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.

³² 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, accessed March 3, 2016.

³³ 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.

³⁴ 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 MTCO₂E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO₂E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E).

³⁵ 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.

³⁶ 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.

³⁷ Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting 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 energy³⁸ and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).³⁹ Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.⁴⁰

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>
8. WIND AND SHADOW—Would the project:				
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. As the proposed project does not include the construction of a new building, and the proposed building modifications would not result in a structure more than 80 feet in height, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

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

³⁸ Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

³⁹ 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.

⁴⁰ San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 3140-3150 16th Street*, March 26, 2018.

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 not construct a new building or include modifications that would result in a building of more than 40 feet; therefore, the planning department did not prepare a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.⁴¹

The proposed project would continue to shade portions of nearby streets and sidewalks and private 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 properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

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

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

⁴¹ Cite preliminary shadow analysis.

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 an open space at 17th and Folsom, are both set to open in 2017. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to "Transportation" section for description) and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24).

The nearest public open space to the proposed project is Dolores Park. The small number of new employees and patrons would not utilize Dolores Park to an extent where new or replacement recreational facilities would need to be constructed. 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>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:				
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"/>

<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) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

Since certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2010 Urban Water Management Plan (UWMP) in June 2011. The UWMP update includes city-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20 percent reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

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

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

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

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

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
12. BIOLOGICAL RESOURCES—Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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 located within Mission Plan area of the Eastern Neighborhoods Area Plan and therefore, does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project 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>
13. GEOLOGY AND SOILS—Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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 subject site that analyzed a proposal to demolish the existing building and construct a five story mixed-use residential project with one level of below grade parking.⁴² According to the investigation, the project site is blanketed by between 3 and 11 feet of fill that consists of loose to medium dense silty sand with variable amounts of brick and concrete debris. The fill is underlain by medium dense to very dense clayey sand of the Colma formation that extends to the maximum depth of explored of 26 feet below ground surface. Groundwater was not encountered to the maximum depth explored. Since the borings were performed during a drought year, it is estimated that the ground water could be encountered as high as 15 feet below ground surface in an above-average rainy season. As the proposed project is a repurposing of the existing building, with no proposed demolition, new construction or other physical alteration of the project site, save for minor excavation for the installation of an elevator and utilities, geotechnical impacts are not anticipated.

⁴² Rockridge Geotechnical, *Geotechnical Investigation Proposed Mixed-Use Building 3140 16th Street San Francisco California*, August 20, 2015.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project 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>
14. HYDROLOGY AND WATER QUALITY—Would the project:				
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>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>
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 proposed project includes the repurposing of an existing building, with no demolition or new construction. The proposed project would therefore not result in an increase in impervious surfaces. As a result, the proposed project would not increase stormwater runoff.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:				
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"/>

<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>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project's rezoning options would encourage construction of new development within the project area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the project area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials, and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, Under Storage Tank (UST) closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

Hazardous Building Materials

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes demolition of interior elements of the existing building, Mitigation Measure L-1 would apply to the proposed project and has been incorporated into the proposed project as **Project Mitigation Measure 3: Hazardous Building Materials**. See full text of **Project Mitigation Measure 3: Hazardous Building Materials** in the Mitigation Measures Section below.

Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The overarching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, remediation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project would convert a vacant building that has been historically used as an auto service use into a restaurant. Auto service uses are associated with the storage and handling of hazardous materials, including paints. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH⁴³ and a Phase I Environmental Site Assessment (ESA) has been prepared to assess the potential for site contamination.⁴⁴ According to the ESA, a site inspection revealed evidence of two underground storage tanks that were unused and unregistered. The property owner subsequently completed all work required by DPH to properly remove the tanks.⁴⁵ Further inspection of the property indicated a well-organized operation which did not use products which could be hazardous materials or waste. There was no evidence in the building that there had been any spills, leaks or discharges of hazardous materials. At the time the ESA was completed, the subject property was operating as an automotive repair and paint shop. The subject property is currently vacant.

The proposed project would be required to remediate potential soil or groundwater 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.

Therefore, with implementation of Project Mitigation Measure 2: Hazardous Building Materials, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

⁴³ Department of Public health, *Maher Ordinance Application for 3140 16th Street*, May 1, 2015.

⁴⁴ John Carver Consulting, *Phase I Environmental Site Assessment at 3140-3150 16th Street*, June 14, 2007.

⁴⁵ San Francisco Department of Public Health, *Notice of Completion Underground Storage Tank Closure 3150 16th Street*, November 14, 2007.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
16. MINERAL AND ENERGY RESOURCES—Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the Area Plan would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
17. AGRICULTURE AND FOREST RESOURCES:—Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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
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: Archeological Monitoring.

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the planning department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

Consultation with Descendant Communities: On discovery of an archeological site⁴⁶ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative⁴⁷ of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

⁴⁶ The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

⁴⁷ An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an

agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require an interpretation program or a different final report content, format, and distribution than that presented above.

Project Mitigation Measure 2: Operational Noise Requirements for Proposed Rooftop Use

The project sponsor shall incorporate the following elements into the project design to ensure that the proposed rooftop use complies with use compatibility requirements in the General Plan and could meet standards set forth in Police Code section 2909 (Noise Ordinance): (1) glazed roof deck parapet walls should be 7-feet high to the north, 6-feet high to the west, and 3.5-foot high to the south; (2) a solid gasketed door should be installed the exit path west of the elevator, and (3) the placement of loudspeakers should be set at a maximum height of 3 feet above the roof deck.

Project Mitigation Measure 3: Hazardous Building Materials.

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



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 3140-3150 16TH ST
RECORD NO.: 2017-001270CUA

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
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	-	-	-
Residential GSF	-	-	-
Retail/Commercial GSF	-	20,800	20,800
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	20,400	-	-20,400
Medical GSF	-	-	-
Visitor GSF	-	-	-
CIE GSF	-	-	-
Usable Open Space	-	-	-
Public Open Space	-	-	-
Other ()			
TOTAL GSF	20,400	20,800	400
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	-	-	-
Dwelling Units - Market Rate	-	-	-
Dwelling Units - Total	-	-	-
Hotel Rooms	-	-	-
Number of Buildings	1	1	-
Number of Stories	2	2	-
Parking Spaces	-	-	-
Loading Spaces	-	-	-
Bicycle Spaces	-	30	30
Car Share Spaces	-	-	-
Outdoor Activity Area	-	3,735	3,735

Parcel Map

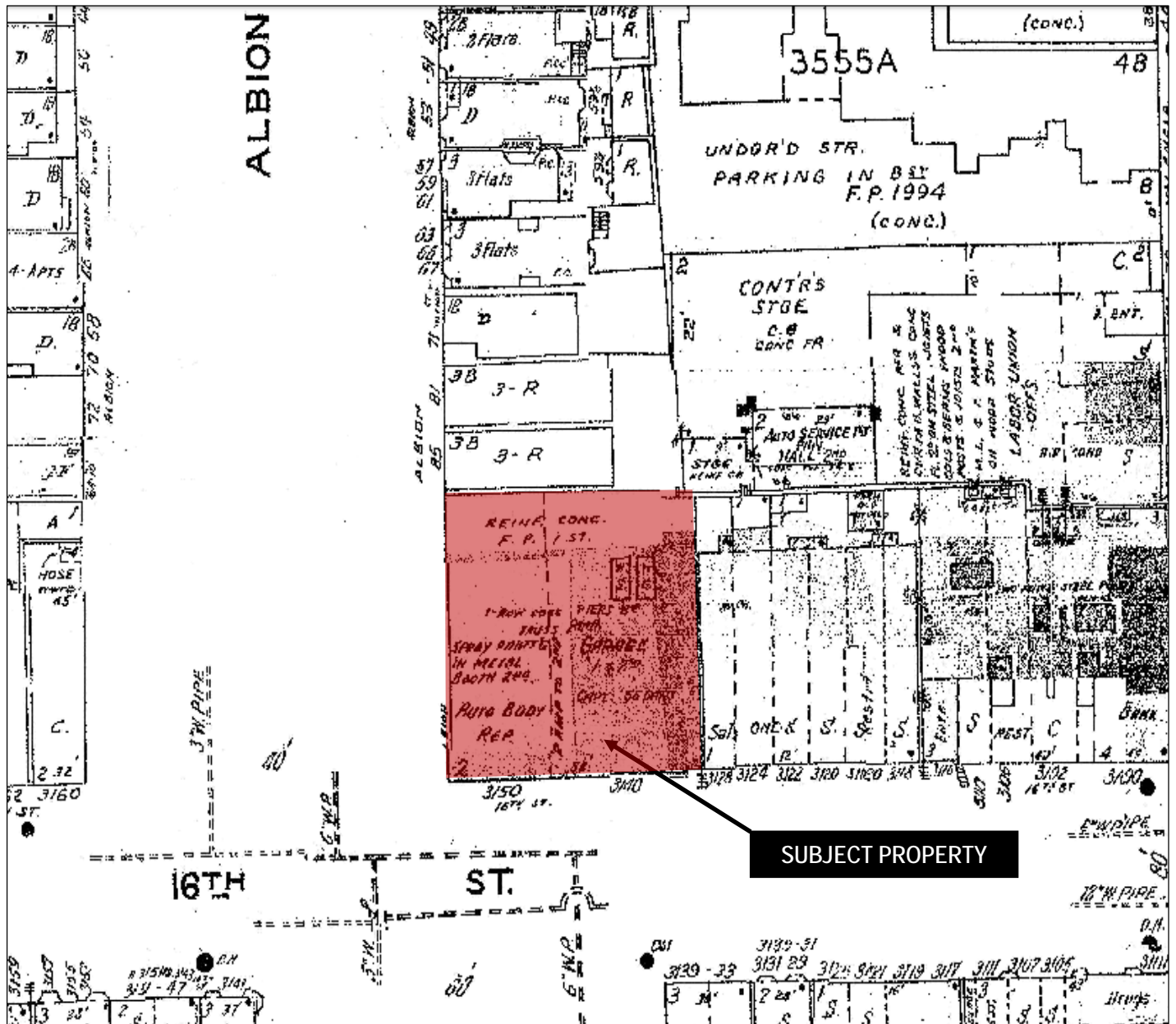


EXHIBIT E

SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Sanborn Map*

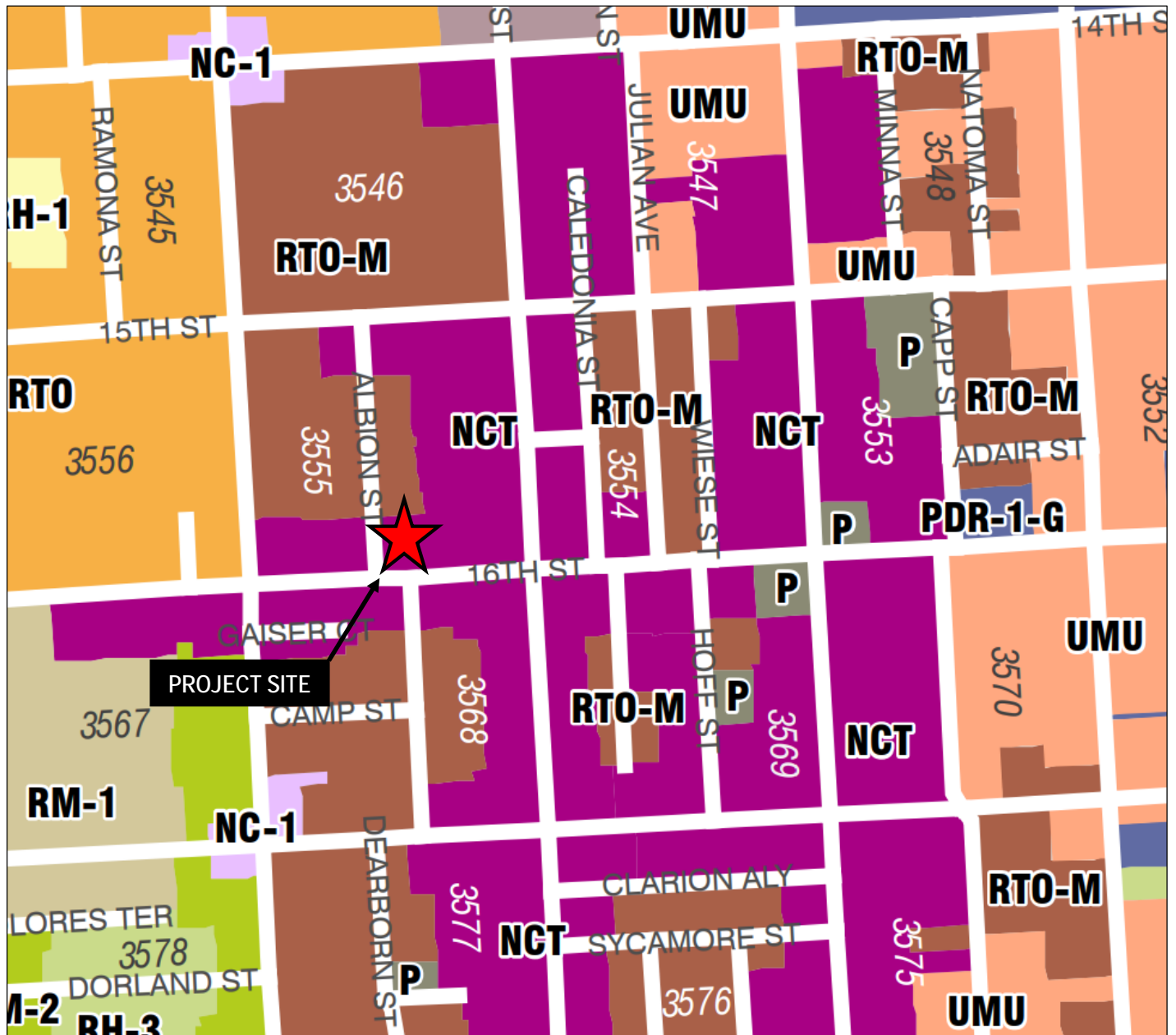


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



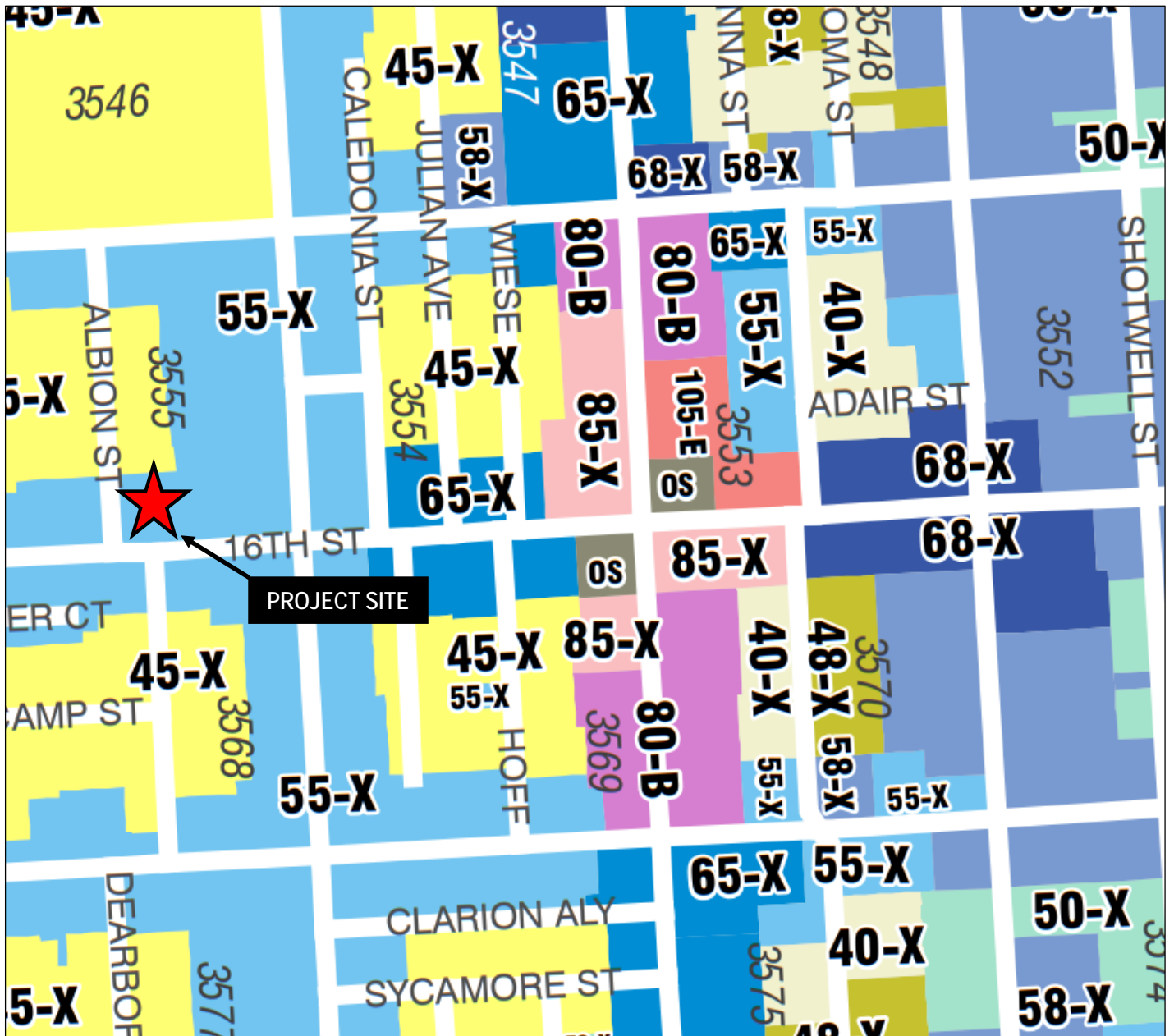
Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Zoning Map



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

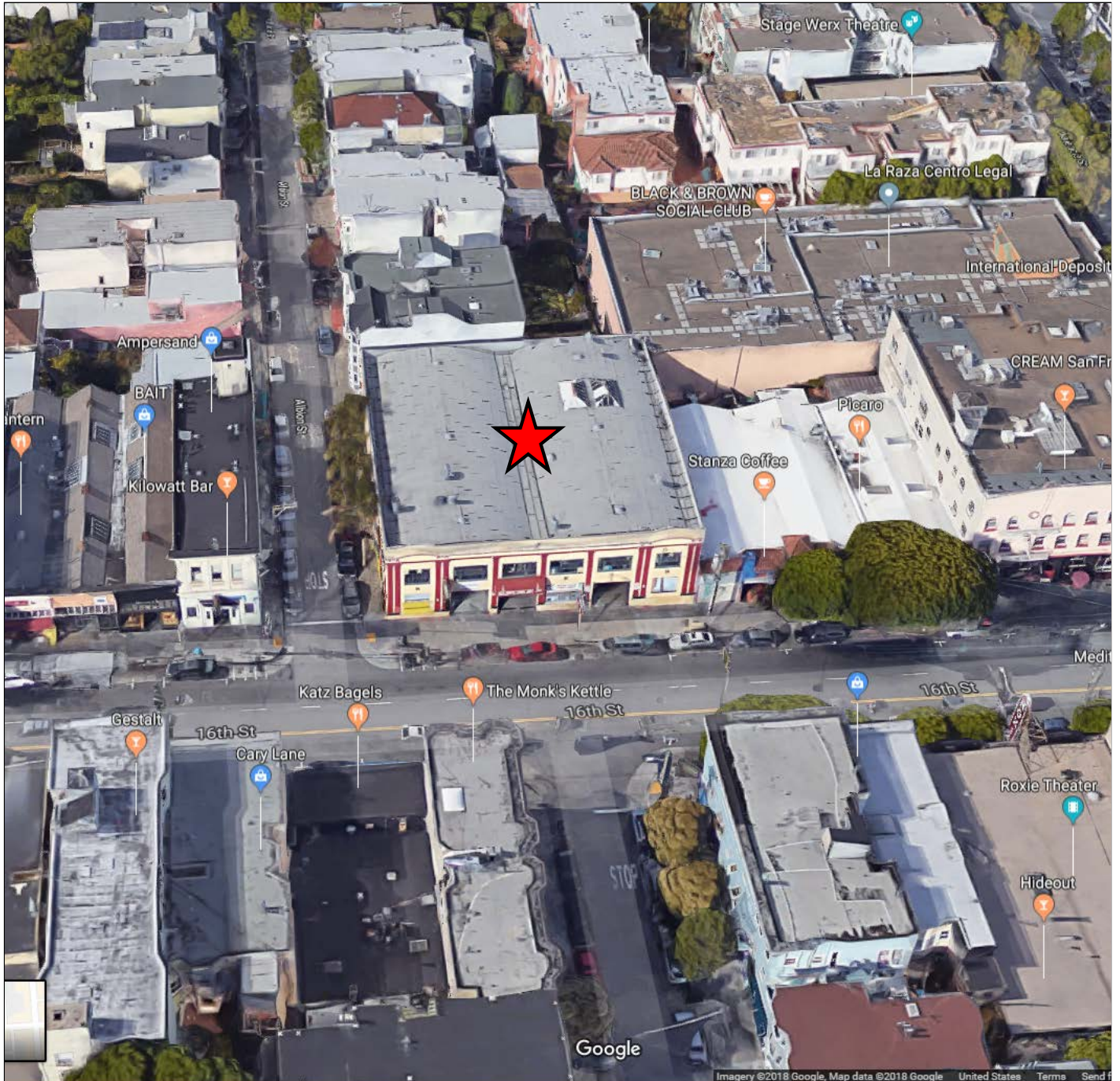
Height & Bulk Map



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Aerial Photo

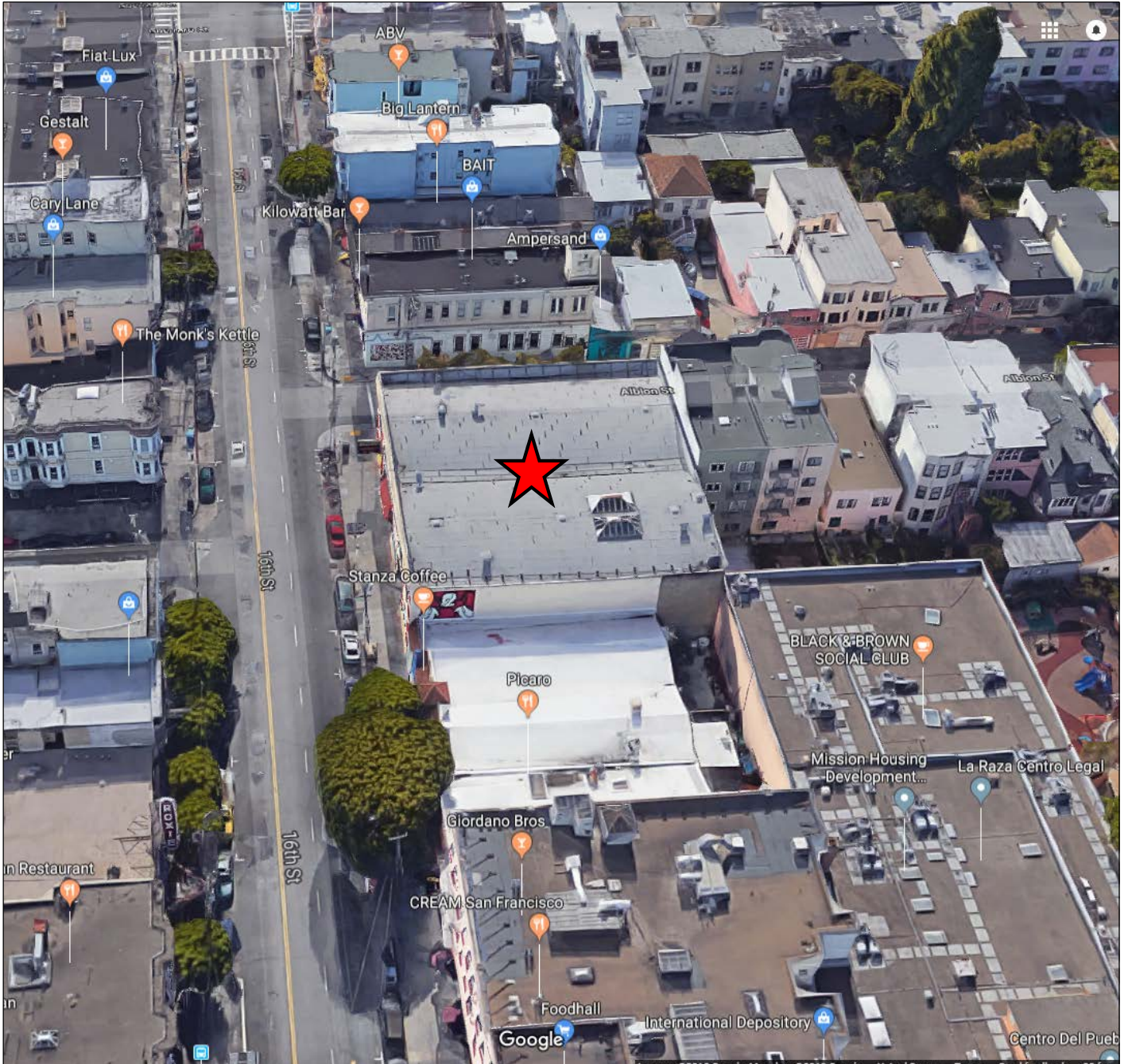
facing north



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Aerial Photo

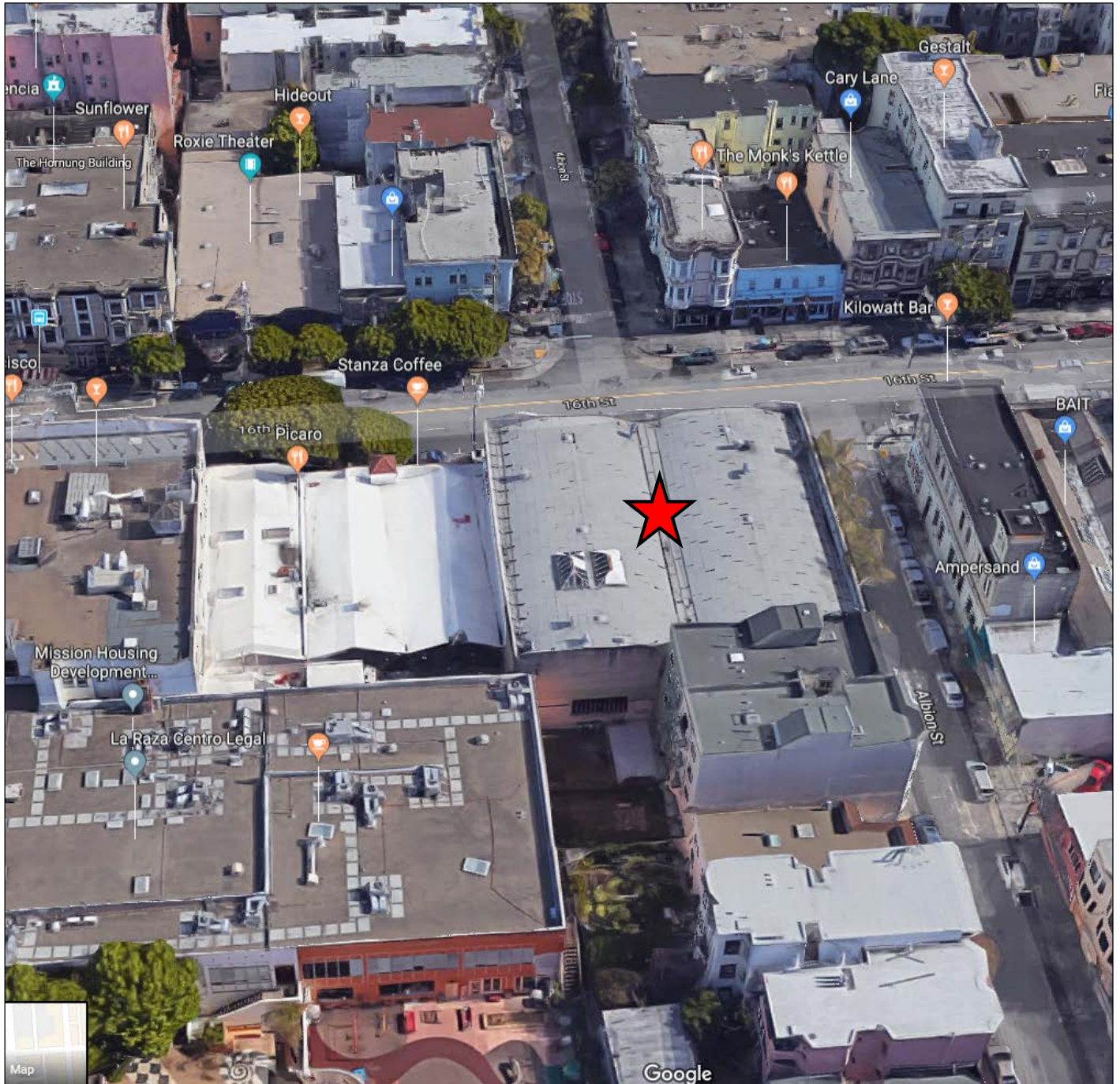
facing west



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Aerial Photo

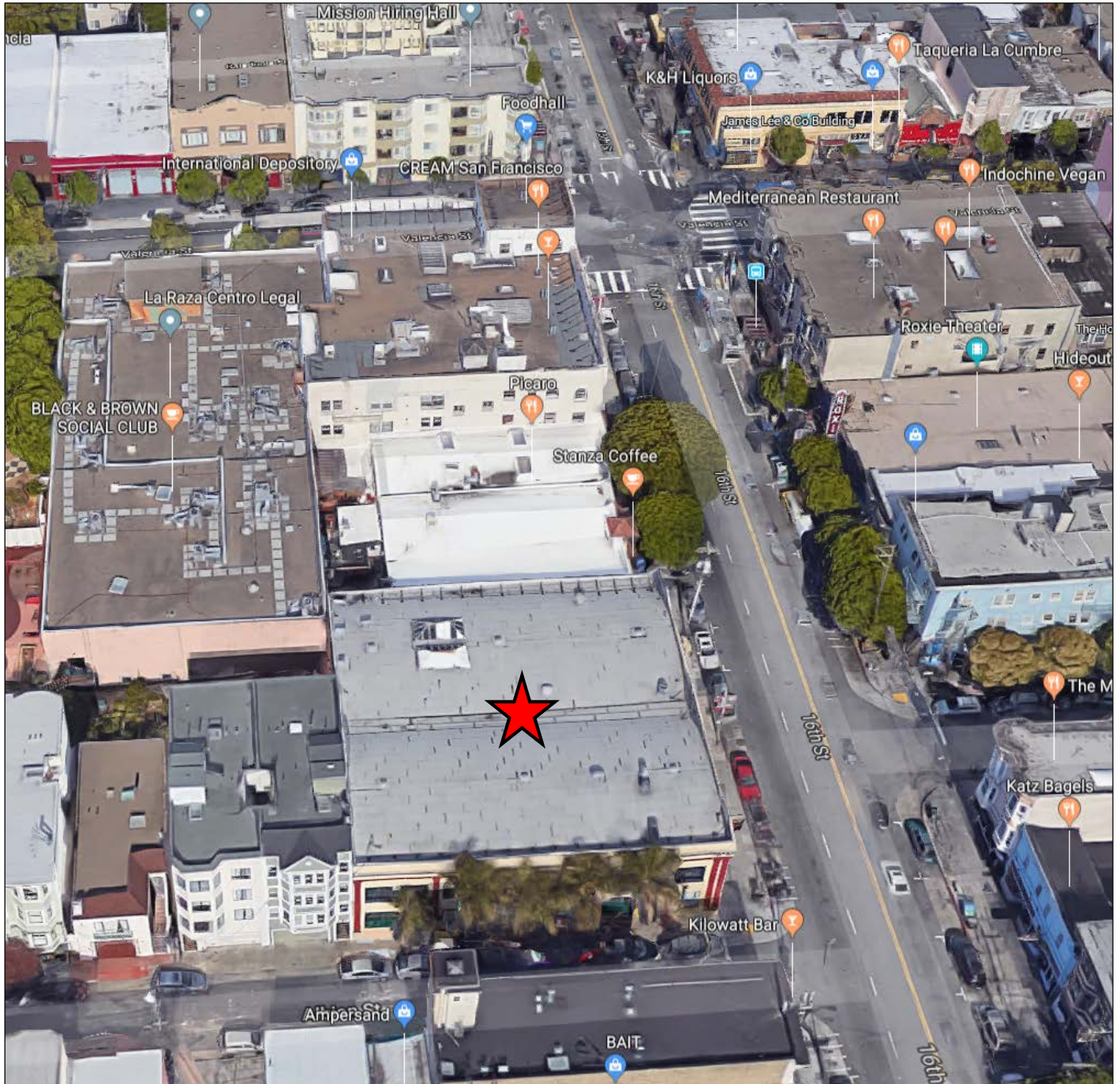
Facing south



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Aerial Photo

facing east



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Site Photo

16th Street frontage



Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

Site Photo

Corner of 16th & Albion Streets

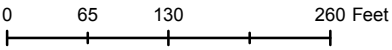


Conditional Use Authorization
Case No. 2017-001270CUA
3140-3150 16th Street

EXHIBIT F: 3140-3150 16th Street - Valencia NCT Eating & Drinking Uses Location Map



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



REUBEN, JUNIUS & ROSE, LLP

Jody Knight
Jknight@reubenlaw.com

September 24, 2018

Delivered by Email (Doug.vu@sfgov.org)

President Rich Hillis and Commissioners
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94107

Re: 3140-3150 16th Street
Planning Case Number: 2017-001270
Hearing Date: October 4, 2018
Our File No.: 10518.01

Dear President Hillis and Commissioners:

This office represents the Project Sponsor, which seeks to transform the vacant two-story building at the corner of 16th and Albion Streets (the “**Site**”) into a combination restaurant and event space (the “**Project**”). The Project proposes to restore the façade of the building, retaining historic features and rehabilitating the façade and windows, and add a new roof deck not visible from 16th Street. The Project will also add street trees and bike parking and remove a long curb cut on 16th Street. The Project is within easy walking distance to numerous transit options and is roughly a block and a half away from the 16th Street Bart Station.

Previously, a project was proposed to demolish the building and construct a residential development. However, because the existing building was determined by the San Francisco Planning Department to be a historic resource, the residential Project was not supported by the Department. Moreover, given the size of the floor plates, and the difficulty of modifying the building to meet Building Code requirements, adding housing to the existing building is not feasible. Therefore, the Project as proposed provides a feasible beneficial reuse of the property, bringing new life to a building that has sat vacant for years. The first PPA for development of the Project was submitted in July 2014, more than four years ago.

A. Project Description and Building Design

The Project proposes a restaurant and event center, operated by a single tenant. The proposed restaurant would operate regularly. In addition, portions of the restaurant would be offered for private use as an event center. The events, likely primarily weddings, are expected to have

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around 250 attendees, with the goal to rent the space for special events on Saturday nights. Additionally, the Project proposes to allocate one Monday night a quarter to holding community events at cost. The Project Sponsor will work with local community groups to make the space available to provide a benefit to the Mission Community.

The Project proposes a 3,736-square-foot roof deck that maintains the existing barrel roof at 16th Street and Albion Street. It also adds a new stair and elevator not visible from the street, leaving the view of the building from 16th Street unchanged. The Project proposes to remove curb cuts that currently take up a substantial portion of the 16th Street frontage. No parking is proposed.

The restaurant would obtain a liquor license as a Bona Fide Eating Place obtaining at least 51% of receipts from food. The rooftop area is expected to close at 11:00 or 12:00, depending on the night. The roof deck has been designed to minimize noise impacts on neighbors. The Project proposes tall parapets between the deck and the Albion Street neighbors to the north and west, and the sound system is expected to be installed below the height of the parapet to block transmission of sound. In addition, the roof deck will be pulled back from the northern side of the roof. The Project Sponsor seeks to be a good neighbor and will continue to work with neighbors to address noise concerns.

B. Planning Approvals Sought

The Project requires a Conditional Use Authorization (“CUA”), and seeks variances for rear yard requirements pursuant to Planning Code Section 134, off-street loading requirements pursuant to Planning Code Section 152, and requirement for 14-foot ground level floor-to-floor height under Planning Code Section 145.

1. Conditional Use

The Project seeks a Conditional Use Authorization for the following: (1) conversion of existing ground floor Retail Use to Restaurant Use, pursuant to Planning Code Section 762; (2) Non-residential Use equal to or greater than 3,000 sq. ft., pursuant to Planning Code Sections 121.2 and 762; (3) Outdoor Activity Area, pursuant to Planning Code 145.2; (4) Upper-story uses of pre-existing structures in Neighborhood Commercial Districts, pursuant to Planning Code Section 186.2; and (5) Eating and Drinking Uses, pursuant to Planning Code Section 303.

The area contains a mix of commercial and residential uses, including ground floor eating and drinking and other retail uses along 16th Street that are compatible with the Project. Therefore, the Project, which has been designed to enhance the existing structure of the building and to be compatible with its surroundings, will reactivate the vacant building in a manner compatible with the neighborhood.

The conversion of the building would have no adverse effect on the height and bulk of the building. The proposed upgrades to the roof would not be visible from 16th Street and would protect neighbors from noise impacts by installing a tall glass parapet between the roof deck

and the buildings to the north and west on Albion, as well as pulling the roof deck back from the Albion neighbors, and controlling music on the roof.

2. Rear Yard

Here, no rear yard is possible because the existing building, to be retained, covers the full lot. The one area where open space can be added is the roof. Therefore, the Project proposes a 3,736-square-foot roof deck. The deck is pulled back from 16th Street and will not adversely impact the view from the Street. In addition, the deck is adjacent to either street or commercial space, and will not have significant privacy or noise impacts on the adjacent residential building on Albion Street.

The rear yard requirements are “intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district.” (Planning Code § 134.) The existing Property does not provide any rear yard area, and the proposed roof deck does not impact lot coverage or negatively impact surrounding mid-block open space, which is uneven and contains a mix of residential and commercial uses.

3. Off-street Loading

Planning Code Section 152 requires one loading space for retail sales and services uses of 10,001 - 60,000 occupied square-feet. Here, adaptive reuse of the building makes addition of an off-street loading space infeasible. Moreover, loading for the use can easily be accommodated by on-street loading. The total square-footage of 20,400 is on the lower end of the range for required loading, and the proposed use will not have voluminous deliveries inherent to some other retail uses. Moreover, elimination of the loading requirement allows the Project to remove large curb cuts on 16th Street, which is beneficial for the street front and safer for pedestrians and bicyclists.

4. Ground Level Floor-to-Floor Height

The Project proposes a repurposing of a long-vacant building, while retaining and restoring the historic façade. Because no building envelope changes are proposed other than the roof deck, the ground level floor-to-floor height is constrained by the existing condition of the lot.

Section 145 requires ground level floor-to-floor height of 14 feet. Here the ground floor height is just under 14 feet, at 13 feet 5 inches. The building is existing at that height and cannot be modified without significantly disrupting the façade of the building. As part of the Project, glazing will be restored and maximized to the extent consistent with façade restoration. This, along with the active restaurant use proposed for the ground floor, which will bring new street life to the corner, and will more than meet the intent of the Code in requiring minimum ground floor height to activate the street front.

C. Community and Neighborhood Outreach

From the outset, the Project Sponsor has been committed to transparency and community engagement, including through community meetings with the Project team and through articles in the media. Additionally, neighbors were invited to submit questions and concerns via email to the Project Sponsor, and the Project team met individually with neighbors.

The Project Sponsor's outreach and engagement also included the larger Mission community. On June 14, 2016, the Mission Dolores Neighborhood Association wrote a letter in support, stating that this was "just the kind of adaptive re-use that [they] appreciate in [their] neighborhood" and that "this area of 16th Street needs some help." The support letter is attached as **Exhibit A**.

D. Project Benefits

The benefits of the Project include the following:

1. The Project will allow a beneficial and active reuse of the vacant historic building.

The Project will allow a beneficial and active reuse of the vacant historic building. The Mission is a mixed-use neighborhood with an abundance of commercial uses, including restaurants, bars, coffee shops, retail stores and residences. The Project is desirable because it will enhance the long-vacant building with a high-quality restaurant within one of the premier dining destinations in the City. The Project would also create new event space that would be available in the neighborhood. Additionally, many nearby service stations remain, including the following:

- Consumer Auto Body (921 Valencia Street)
- S.F. Auto Works (1021 Valencia Street)
- S.F. Auto Repair Center (3260 19th Street)
- Royal Auto Group of San Francisco (280/285 South Van Ness Avenue)
- Avenue Body Shop (333 South Van Ness Avenue)
- Bob Reinheimer's Richmond Auto Repair (310 South Van Ness Avenue)
- Larkins Bros Tires (370 South Van Ness Avenue)
- Bay Motor Works (430 South Van Ness Avenue)
- Powell HydraMatic Transmissions (560 South Van Ness Avenue)
- A & A Auto Repair (611 South Van Ness Avenue)

2. The Project will preserve the historic building. The Project will work with a preservation consultant to ensure that any exterior alterations will not have a negative impact on the historic character of the building. The Project proposes to restore the façade of the building, retaining historic features and rehabilitating the façade and the windows where required.

3. **The Project will provide jobs and benefits to the neighborhood.** The Project would result in a new high-quality restaurant and would create new employment opportunities and an exceptional event space, all without requiring the demolition of an existing structure or new construction. The utilization of the existing structure and the Property's proximity to excellent public transit greatly reduces potential environmental impacts, while resulting in positive fiscal and employment benefits for residents.
4. **The Project has undergone significant neighbor and community vetting.** The Project Sponsor has been committed to neighborhood engagement since the outset of the entitlement process. It has conducted numerous community meetings and follow-up discussions with interested parties, including neighbors and community representatives. It is supported by Mission Dolores Neighborhood Association (MDNA).

E. Conclusion

The Project proposes to transform a vacant space into a thriving restaurant and event space that will contribute to the neighborhood. The careful design will preserve a historic building and benefit the 16th Street and Albion corner, as well as the Mission District as a whole. We look forward to presenting this Project to you on October 4, 2018. Please let me know if you have any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jody Knight

cc: Myrna Melgar, Commission Vice-President
Rodney Fong, Commissioner
Milicent A. Johnson, Commissioner
Joel Koppel, Commissioner
Kathrin Moore, Commissioner
Dennis Richards, Commissioner
DougVu, Project Planner

President Rich Hillis and Commissioners
San Francisco Planning Commission
September 24, 2018
Page 6

Exhibit A



Mission Dolores Neighborhood Association

DEDICATED TO PRESERVING & ENHANCING OUR HISTORIC NEIGHBORHOOD

PO Box 460184 • S.F., CA 94114 • 415-863-3950 • info@missiondna.org • www.missiondna.org

Richard Sucre
Planning Department
1650 Mission Street, #400
San Francisco, CA 95103
richard.sucre@sfgov.org

Re: 3140-50 16th Street – Preliminary Letter of Support

June 14, 2016

Dear Richard:

The project sponsors and BAR Architects have presented to the MDNA Board their proposal to convert the former Superior Auto Building at 3140-50 16th Street into three restaurants on the ground floor and a fourth restaurant and special event space on the second floor. An alternative for the second floor would include 4 condos of about 2,000 square feet each. The historic exterior would also be restored.

In response, the MDNA Board has voted to enthusiastically support the project in this preliminary stage. We'll then look forward to reviewing the final plans.

This is just the kind of adaptive re-use that we appreciate in our neighborhood. This area of 16th Street also needs some help.

If we can be of any assistance, please let me know.

Thank you.

Best wishes,

Peter Lewis, President

Cc: Philip Lesser, Zach Prowda, and Chris Haegglund.