



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Large Project Authorization

HEARING DATE: SEPTEMBER 22, 2016
CONTINUED FROM MAY 19, 2016

Date: September 15, 2016
Case No.: **2013.0517X**
Project Address: **98 Pennsylvania Avenue**
Zoning: UMU (Urban Mixed Use) District
48-X Height and Bulk District
Block/Lot: 3948/002
Project Sponsor: John Kevlin, Reuben, Junius & Rose LLP
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kimberly Durandet – (415) 575-6816
kimberly.durandet@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposed project involves the removal of the parking lot and trailer, and construction of a five-story-over-basement, 48-foot-tall, 48,716 gross square feet, residential building with 48 dwelling units. The proposed dwelling unit mix would be 4 studios, 25 one-bedroom units and 19 two-bedroom units. The proposed project would include an underground parking garage that would be accessed via a new 10-foot-wide curb cut on 17th Street. The garage would include 30 auto parking spaces and 48 Class I bicycle spaces. The proposed project would install a new 10-foot-wide sidewalk along 17th Street which would include two Class II bicycle spaces and seven street trees. The proposed project would include an approximately 3,254-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas bird-safe panels on top of a four-foot-tall parapet).

SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of 17th Street between Pennsylvania Avenue and Mississippi Street on an irregular lot measuring approximately 89-ft by 70-ft by 124-ft by 175-ft by 25-ft with a parcel area of 12,195 sq. ft in the Potrero Hill neighborhood. Immediately east of the project site is Interstate 280 (I-280), which is elevated. Underneath the freeway are the former Southern Pacific railroad tracks that are used by the Peninsula Commute rail service ("Caltrain"). The project site is currently used by Regents Cab Company as a surface vehicular parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located in the UMU Zoning and 48-X Height and Bulk District within the Showplace Square/Potrero Hill Area Plan. The Project Site is bounded by 17th Street to the south, Pennsylvania

Avenue to the east, 7th Street to the north and Mississippi Street to the west. Immediately east of the project site, the area is dominated by I-280, which is elevated at approximately 50 feet. Underneath the freeway are the former Southern Pacific railroad tracks that are presently used by the Peninsula Commute rail service ("Caltrain"). Immediately adjacent to the west of the project site is a three-story, live/work building (constructed in 2002) with 19 units. Adjacent to that building, at the northeast corner of 17th and Mississippi streets is a one-story industrial building ("San Francisco Scrap Metal") that was constructed in 1949. The surrounding neighborhood is characterized by UCSF campus and related buildings in Mission Bay to the east and a variety of PDR, commercial, public and residential uses to the west. Freeway access to Interstate 280 south is located on Mariposa. Zoning Districts in the vicinity of the Project Site include: PDR-1-D (Production, Distribution, Repair-Design); RH-3 (Residential House-Three Family); NC-2 (Small Scale Neighborhood Commercial) MB-RA (Mission Bay Redevelopment Area) and, P (Public).

One block to the west of the project site at 901 16th Street/1200 17th Street (Case No. 2011.1300X) a proposed project would demolish metal warehouses and temporary office buildings; preserve and rehabilitate brick office building and construct approximately 395 residential units and ground-floor commercial space in a 4-story building on 17th Street and a 6-story building on 16th Street. The proposed project would construct 388 parking spaces, divided between a two-level garage in the 16th Street building and a one-level garage in the 17th Street building, both with access from Mississippi Street.

One block south of the project site at 249 Pennsylvania Avenue (Case 2014.1279ENV) is a proposed project that involves the demolition of two existing industrial buildings for the construction of a new four-story, mixed-use building with 59 dwelling units, 5,000 square feet of retail, and 46 vehicular spaces.

Approximately 0.3 miles to the east of the project site is the Golden State Warriors' project (Case No. 2014.1441E), which is located on Assessor's Block 8722, Lots 001 and 008. The Warriors' project involves the construction of a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site. The proposed event center would host the Golden State Warriors basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions.

ENVIRONMENTAL REVIEW

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on February 18, 2016 the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Final EIR.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 2, 2016	August 31, 2016	22 days
Posted Notice	20 days	September 2, 2016	August 26, 2016	28 days
Mailed Notice	10 days	September 12, 2016	September 9, 2016	10 days

This notification was reissued to reflect the change of scope in the project number of dwelling units and to include exceptions. The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Large Project Authorization.

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has received one letter in opposition to the proposal from the neighboring industrial property owner citing concern that the new residents will not abide their current tenants business of scrapmetal recycling. The letter also cites concerns regarding a lack of parking in the area and the provision of less than one to one parking would exacerbate the condition and adversely affect the scrap metal business.
- The Department has received no letters of support.
- The project sponsor has hosted two community outreach meetings to property owners in a 300 foot radius and occupants in a 150 foot radius on June 4, 2014 and February 9, 2016. the adjacent neighbors and interested community groups, including attending the Potrero Boosters meeting on April 20, 2016 and have been working with the Friends of Jackson Park.

ISSUES AND OTHER CONSIDERATIONS

- **Large Project Authorization Exceptions:** As part of the Large Project Authorization (LPA), the Commission may grant exceptions from certain Planning Code requirements for projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The proposed project requests modifications from: 1) Rear Yard (Planning Code Section 134); and 2) Permitted Obstructions (Planning Code Section 136). Planning Department staff is generally in agreement with the proposed modifications given the overall project and its outstanding and compatible design.
- **Interim Controls:** -Additional Design Standards for LPAs within the Showplace Square, Potrero Hill and Central Waterfront Area Plans: Board of Supervisor's File No. 151281, effective February, 19, 2016, established three additional interim design controls for Large Project Authorizations within the Showplace Square, Potrero Hill, and Central Waterfront Area Plans.

These controls include the following:

- An awareness of urban patterns, and harmonizes visual and physical relationships between existing buildings, streets, open spaces, natural features, and view corridors.

- An awareness of neighborhood scale and materials, and renders building facades with texture, detail and depth; and
- A modulation of buildings vertically and horizontally, with rooftops and facades designed to be seen from multiple vantage points.

In accordance with this legislation, the Project has been evaluated in relation to the controls and determined to be in conformance.

- **Inclusionary Affordable Housing:** The project is located within the UMU Zoning District and is located within the 48-X Height and Bulk District and is subject to the Tier A Affordable Housing Program Requirements, which requires 15.4% of the total number of units to be designated as part of the inclusionary affordable housing program. The Sponsor has elected to satisfy the inclusionary affordable housing requirement by designating 7 dwelling units as below market rate for rent.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant a Large Project Authorization pursuant to Planning Code Section 329 to allow the construction of a five-story-over-basement, 48-foot-tall, 48,716 gross square feet, residential building with 48 dwelling units, and to allow exception from Planning Code requirements for rear yard (P.C.S. 134) and permitted obstructions (P.C.S. 136).

BASIS FOR RECOMMENDATION

Department believes this project is approvable for the following reasons:

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district where residential use is principally permitted.
- The Project produces a new residential development with significant site improvements, including sidewalks and landscaping.
- The Project is compatible with and respects the existing neighborhood character, and provides an appropriate massing and scale.
- The Project provides an amount of parking representing a parking space to dwelling unit ratio of less than .75 per dwelling unit which complies with the parking maximums prescribed by the Planning Code.
- The Project complies with the First Source Hiring Program.
- The Project adds 48 new dwelling units to the City's housing stock.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Zoning, Height & Bulk Maps

Block Book Map

Sanborn Map

Aerial Photograph

Major Projects within .25 Mile Radius Map

Public Correspondence

Project Sponsor Submittal, including:

- Letter from Project Sponsor

- Site Photographs

- Reduced Plans

- First Source Hiring Affidavit

- Inclusionary Affordable Housing Program: Affidavit for Compliance and Costa Hawkins Agreement

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input checked="" type="checkbox"/> Photographs |
| <input checked="" type="checkbox"/> Site Photos | <input checked="" type="checkbox"/> Context |
| <input checked="" type="checkbox"/> Major Projects within .25 Mile Radius Map | <input checked="" type="checkbox"/> Site |
| |
 |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: |
| | <input checked="" type="checkbox"/> Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Costa Hawkins Agreement |

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

KJD
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) | <input checked="" type="checkbox"/> Residential Child Care Fee (Sec. 414A) |
| <input checked="" type="checkbox"/> Eastern Neighborhoods Impact Fee (Sec. 423) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 22, 2016

CONTINUED FROM MAY 19, 2016

Case No.: **2013.0517X**
Project Address: **98 Pennsylvania Avenue**
Zoning: **UMU (Urban Mixed Use) District**
48-X Height and Bulk District
Block/Lot: **3948/002**
Project Sponsor: **John Kevlin, Reuben, Junius & Rose LLP**
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Staff Contact: **Kimberly Durandet – (415) 575-6816**
kimberly.durandet@sfgov.org

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION, PURSUANT TO PLANNING CODE SECTION 329, TO CONSTRUCT A FIVE-STORY-OVER-BASEMENT, 48-FOOT-TALL, RESIDENTIAL BUILDING (48,716 GROSS SQUARE FEET) WITH 48 DWELLING UNITS AND 30 BELOW GRADE, OFF-STREET PARKING SPACES, WITH EXCEPTIONS FOR REQUIRED REAR YARD (SEC. 134) AND PERMITTED OBSTRUCTIONS OVER THE STREET (SEC. 136), LOCATED AT 98 PENNSYLVANIA AVENUE, LOT 002 IN ASSESSOR'S BLOCK 3948, WITHIN THE UMU (URBAN MIXED-USE) ZONING DISTRICT AND A 48-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 5, 2014, John Kevlin (hereinafter "Project Sponsor"), on behalf of Ciaran and Patrick Harty (Property Owner), filed an application with the Planning Department (hereinafter "Department") for a Large Project Authorization under Planning Code Section(s) 329 to construct a five-story-over-basement, 48-foot-tall, residential building (48,716 gross square feet) with 48 dwelling units and 30 below grade, off-street parking spaces, with exceptions for required rear yard (sec. 134) and permitted obstructions over the street (sec. 136), for the Project located at 98 Pennsylvania Avenue, Lot 002 in Assessor's Block 3948, within the UMU (Urban Mixed-Use) Zoning District, 48-X Height and Bulk District and Supervisorial District No. 10 in San Francisco, California.

On September 22, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2013.0517X.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

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

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

On February 18, 2016, 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 Large Project Authorization requested in Application No. 2013.0517X, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of 17th Street between Pennsylvania Avenue and Mississippi Street on an irregular lot measuring approximately 89-ft by 70-ft by 124-ft by 175-ft by 25-ft with a parcel area of 12,195 sq. ft in the Potrero Hill neighborhood. Immediately east of the project site is Interstate 280 (I-280), which is elevated. Underneath the freeway are the former Southern Pacific railroad tracks that are used by the Peninsula Commute rail service (“Caltrain”). The project site is currently used by Regents Cab Company as a surface vehicular parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer.

Surrounding Properties and Neighborhood. The Project Site is located in the UMU Zoning and 48-X Height and Bulk District within the Showplace Square/Potrero Hill Area Plan. The Project Site is bounded by 17th Street to the south, Pennsylvania Avenue to the east, 7th Street to the north and Mississippi Street to the west. Immediately east of the project site, the area is dominated by I-280, which is elevated at approximately 50 feet. Underneath the freeway are the former Southern Pacific railroad tracks that are presently used by the Peninsula Commute rail service (“Caltrain”). Immediately adjacent to the west of the project site is a three-story, live/work building (constructed in 2002) with 19 units. Adjacent to that building, at the northeast corner of 17th and Mississippi streets is a one-story industrial building (“San Francisco Scrap Metal”) that was constructed in 1949. The surrounding neighborhood is characterized by UCSF campus and related buildings in Mission Bay to the east and a variety of PDR, commercial, public and residential uses to the west. Freeway access to Interstate 280 south is located on Mariposa. Zoning Districts in the vicinity of the Project Site include: PDR-1-D (Production, Distribution, Repair-Design); RH-3 (Residential House-Three Family); NC-2 (Small Scale Neighborhood Commercial) MB-RA (Mission Bay Redevelopment Area) and, P (Public).

Across from the project site along the south side of 17th Street from Pennsylvania Avenue to Mississippi Street, is a newly constructed five-story, mixed-use building with 44 residential units and 4,380 square feet of ground-floor retail, a three-story, live/work building with ten units (constructed in 1999), and a two-story, industrial building (constructed in 1900) with office use. Adjacent to the southeast of the project site includes plantings and an unpaved walkway that serves as a sidewalk on the east side of Pennsylvania Avenue. Mariposa Park is located approximately 500 feet southeast of the project site.

One block to the west of the project site at 901 16th Street/1200 17th Street (Case No. 2011.1300X) a proposed project would demolish metal warehouses and temporary office buildings; preserve and rehabilitate brick office building and construct approximately 395 residential units and ground-floor commercial space in a 4-story building on 17th Street and a 6-story building on 16th Street. The proposed project would construct 388 parking spaces, divided between a two-level garage in the 16th Street building and a one-level garage in the 17th Street building, both with access from Mississippi Street.

One block south of the project site at 249 Pennsylvania Avenue (Case 2014.1279ENV) is a proposed project that involves the demolition of two existing industrial buildings for the construction of a new four-story, mixed-use building with 59 dwelling units, 5,000 square feet of retail, and 46 vehicular spaces.

Approximately 0.3 miles to the east of the project site is the Golden State Warriors' project (Case No. 2014.1441E), which is located on Assessor's Block 8722, Lots 001 and 008. The Warriors' project involves the construction of a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site. The proposed event center would host the Golden State Warriors basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions.

3. **Project Description.** The proposed project involves the removal of the parking lot and trailer, and construction of a five-story-over-basement, 48-foot-tall, 48,716 gross square feet, residential building with 48 dwelling units. The proposed dwelling unit mix would be 4 studios, 25 one-bedroom units and 19 two-bedroom units. The proposed project would include an underground parking garage that would be accessed via a new 10-foot-wide curb cut on 17th Street. The garage would include 30 auto parking spaces and 48 Class I bicycle spaces. The proposed project would install a new 10-foot-wide sidewalk along 17th Street which would include two Class II bicycle spaces and seven street trees. The proposed project would include an approximately 3,254-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas bird-safe panels on top of a four-foot-tall parapet).
4. **Public Comment.** The Department has received no letters of support and one letter from the neighboring industrial property owner opposing the project on the basis that the site is not conducive to residential development and concern that the new residents will not abide their current tenants business of scrapmetal recycling. The letter also cites concerns regarding a lack of

parking in the area and the provision of less than one to one parking would exacerbate the condition and adversely impact their tenants customers ability to drop of and pick up scap metal.

5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in UMU Zoning Districts.** Planning Code Sections 843.20 states that residential uses are principally permitted use within the UMU Zoning District.

The Project would construct a new residential use within the UMU Zoning District; therefore, the Project complies with Planning Code Sections 843.20

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth further that in the UMU Zoning District the required rear yard shall be provided at every residential level.

The Project provides a rear yard that is 25 percent of the lot depth above the garage level. There are two dwelling units and habitable space for three other dwelling units located on the garage level, therefore, the proposed project does not meet this Code requirement. The Project is seeking an exception to the rear yard requirement as part of the Large Project Authorization per Sec. 134(f) and 329 (see below) because the rear yard is not provided at all residential levels.

- C. **Usable Open Space.** Planning Code Section 135 requires a minimum of 80 sq. ft. of open space per dwelling unit, if not publically accessible, or 54 sq. ft. of open space per dwelling unit, if publically accessible. Private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq. ft. if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq. ft. if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum are of 300 sq. ft..

For the proposed 48 dwelling units, the Project is required to provide 3,840 sq. ft. of common open space. In total, the Project meets the requirements for open space by providing a total of approximately 3,854 sq. ft. of Code-complying usable open space. The Project would provide common open space on a roof deck (approximately 3,254 sq. ft.) as well as private porches and terraces (approximately 600 sq. ft. Therefore, the Project complies with Planning Code Section 135.

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

The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139. The Project will meet the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq. ft. and larger in size. Therefore, the proposed Project complies with Planning Code Section 139.

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley, side yard or rear yard must be at least 25 feet in width, or an open area (inner court) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The Project organizes the dwelling units to have exposure on 17th Street, Pennsylvania Street, 7th Street or along the rear yard. Although the project is seeking an exception for not providing the required rear yard at the lowest residential level, the units at that level face a public (albeit currently unimproved) street that is at least 20 feet wide. The rear yard at all other levels is Code-complying, hence the dwelling units above the lowest level that face the rear yard also meet exposure requirements of Section 140 and no exceptions are required.

- F. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 controls preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts. As such, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

The Project locates the off-street parking below grade and is accessed through one 10-ft. wide garage entrance located along 17th Street. The Project features residential uses only that have met the Guidelines for Ground Floor Residential Design through the provision of recessed residential entries. For this reason, the Project meets the requirements of Planning Code Section 145.1.

- G. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of .75 per dwelling unit.

For the 48 dwelling units, the Project is allowed to have a maximum of 36 off-street parking spaces. Currently, the Project provides 30 off-street parking spaces in part via mechanical lifts. Of these 30 off-street parking spaces, the Project includes one handicap parking spaces. Therefore, the Project complies with Planning Code Section 151.1.

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

The Project includes 48 dwelling units; therefore, the Project is required to provide 48 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for residential uses. The Project will provide 48

Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces, which meets the requirement. Therefore, the Project complies with Planning Code Section 155.2.

- I. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for projects constructing between 50 and 200 dwelling units.

Since the Project includes 48 dwelling units, it is not required to provide car-share parking spaces.

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

The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

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

For the 48 dwelling units, the Project is required to provide at least 19 two-bedroom units or 14 three-bedroom units. The Project provides 4 studio, 25 one-bedroom units and 19 two-bedroom units. Therefore, the Project meets the requirements for dwelling unit mix.

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

Based upon a preliminary shadow analysis, the Project would not cast new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

- M. **Transportation Sustainability Fee.** Planning Code Section 411A establishes the Transportation Sustainability Fee (TSF) and is applicable to project that are the following: (1) More than twenty new dwelling units; (2) New group housing facilities, or additions of 800 gross square feet or more to an existing group housing facility; (3) New construction of a Non-Residential use in excess of 800 gross square feet, or additions of 800 gross square feet or more to an existing Non-Residential use; or (4) New construction of a PDR use in excess of 1,500 gross square feet, or additions of 1,500 gross square feet or more to an existing PDR use; or (5) Change or Replacement of Use, such that 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; (6) Change or Replacement of Use from a Hospital or a Health Service to any other use.

The Project includes more than twenty dwelling units, therefore, the TSF applies as outlined in Planning Code Section 411A.

- N. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 30, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office.

The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on September 13, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 30, 2013; therefore, pursuant to Planning Code Section 415.3 and 417 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the total proposed dwelling units as affordable 7 units (1 studio, 4 one-bedroom, 2 two-bedroom, and 0 three-bedroom) of the total 48 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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

The Project includes approximately 48,716 sq. ft. new residential use. The proposed Project is subject to fees as outlined in Planning Code Section 414A.

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

The Project includes approximately 48,716 gross square feet of new residential development. This use is subject to Eastern Neighborhood Infrastructure Impact Fees Tier 1 for residential as outlined in Planning Code Section 423.

6. **Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. Overall building mass and scale.

The Project proposes the removal of a parking lot and trailer, and construction of a five-story-over-basement, 48-foot-tall, 48,716 gross square feet, residential building with 48 dwelling units and would include an underground parking garage. Overall, the Project's mass and scale is consistent with the existing block pattern as it relates to the street frontage along 17th Street. The neighborhood is characterized by a wide variety of commercial, retail, PDR, public and residential uses. In addition, the Project includes projecting bay windows and massing recesses, which provide vertical modulation along the street facades. Thus, the Project is appropriate for a corner lot and consistent with the mass and scale of the intent of the UMU Zoning District and 48-X Height and Bulk District.

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

Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood through the use of raised entries and front portches and includes the use of high-quality building materials, such as high quality smooth stucco, horizontal wood siding, and fiber cement panels.

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

The Project is consistent with the development density established for the Project Site in the Eastern Neighborhoods Area Plan. The building's ground floor residential entrances and lobby proposes an active street frontage which will enhance and offer an effective and engaging connection between the public and private areas. It will enliven the sidewalk offering a sense of security and encouraging positive activities that will benefit, not just the immediate areas, but the overall neighborhood as well.

There is no existing pattern of rear yard open space, however, the location of the rear yard may enhance the natural light exposure of the neighboring Live/Work units. Overall, the design of the lower floors enhances the pedestrian experience and accommodates new street activity.

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

The Project provides the required open space for the 48 dwelling units through 3,254 sq. ft of common open space located on a roof deck. In addition, the Project provides private open space for 6 dwelling units. In total, the Project provides approximately 3,854 sq. ft. of usable open space, which exceeds the required amount for the dwelling units.

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

Planning Code Section 270.2 does not apply to the Project, since the Project does not have more than 200 feet of street frontage.

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

In compliance with Planning Code Section 138.1, the Project will provide for the construction of sidewalks and any required amenities along Pennsylvania Avenue and 7th Street which are currently unimproved. The Project will also add bicycle parking along the 17th Street sidewalk in front of the Project for public use. These improvements will enhance the public realm.

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

The Project currently has two frontages that are unimproved. In compliance with Planning Code Section 138.1, the Project will provide for the construction of sidewalks for circulation purposes. The primary focal point for the residents would occur on 17th Street through the residential lobby. Automobile access is limited to the one entry/exit (measuring 12-ft wide) along 17th Street.

- H. Bulk limits.

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

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

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

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

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

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

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

The Project provides for a code-complying rear yard at all levels except the lowest level of residential use. Overall, the Project Site is 12,195 sq. ft. in size, and would be required to provide a rear yard measuring 3,048.75 sq. ft. The Project provides a rear yard above grade which is equivalent to the space that is the required rear yard. The Commission finds this condition to be acceptable given the configuration of the lot and overall project design.

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

The Project does not impede access to light and air for the adjacent properties. The adjacent property is a Live/Work building with some property line windows. The Project includes a lightwell along the shared property line and the rear yard also offers access to light and air. There is no pattern of interior block open space.

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

The Project is not seeking a modification to either the open space or the exposure requirements.

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

In addition to the exception for rear yard, the Project is seeking an exception to the requirements for permitted obstructions over streets, alleys, yards, setbacks and usable open space (Planning Code Section 136).

1) *Under Planning Code Section 136, rectangular bay windows are required to provide glazing no less than 50% of the vertical area proposed and 1/3 of the glazing must be on at least one surface that is at an angle of 30 degrees or more from the line of the required setback. The Project proposes bay windows over the street, which do not meet the glazing requirements of Planning Code*

Section 136. Further, the project proposes balconies and a deck area that exceed the dimensional requirements of Sec. 136. Given the overall design and composition, the Commission finds this exception to be acceptable.

8. **Interim Controls.** The Planning Commission shall consider and make additional findings for Large Project Approvals under Planning Code Section 329 in the Showplace Square/Potrero Hill Area Plan. The project must demonstrate the following:

- a. An awareness of urban patterns, and a harmonious visual and physical relationships between existing buildings, streets, open spaces natural features, and view corridors;

The mass and scale of the project are appropriate for the site and surrounding context. The area is in transition from light industrial and mixed use in character toward a residential area. The existing industrial buildings have a large footprint and are lower in height, whereas, the newer mixed use and residential buildings being constructed in the area are 4-5 stories in height and reflect a more residential modulation of urban form to define the street wall. The project is located on a slightly sloping site north of the base of Potrero Hill and should not adversely affect view corridors. The Project appropriately addresses.

- b. An awareness of neighborhood scale and materials, and renders building facades with texture, detail, and depth; and

The stucco, horizontal wood siding and aluminum window systems reflect many of the residential buildings currently being constructed in the area. The building's fine grain modulation reflects typical residential lot widths and brings this larger building into a relatable scale with typical residential buildings. The varied façade depths provided by the stoops and porches as well as bay window projections animate the street wall and provide significant texture and detail.

- c. A modulation of buildings vertically and horizontally, with rooftops and facades designed to be seen from multiple vantage points;

The Project has a generous ground floor and provides a striking high relief at the top story and cornice that creates exceptional modeling of light and shadow on the 17th Street façade. The building is further designed and scaled on all facades in the event the the adjacent freeway is removed.

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

HOUSING ELEMENT

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.8

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

The Project is a higher density residential development on an underutilized lot. The Project Site is an ideal infill site. The proposed Project would add 48 units of housing to the site with a dwelling unit mix of 4 studio, 25 one bedroom, and 19 two-bedroom units. The Project Site was rezoned to UMU as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. The Project includes seven on-site affordable housing units for rental, which complies with the UMU District's goal to provide a higher level of affordability.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

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

The Project involves the removal of the parking lot and trailer, and construction of a five-story-over-basement, 48-foot-tall, 48,716 gross square feet, residential building with 48 dwelling units and would include an underground parking garage. The garage would include 30 auto parking spaces and 48 Class I

bicycle spaces. The Project would install a new 10- foot-wide sidewalk along 17th Street which would include two Class II bicycle spaces and seven street trees. The Project would include an approximately 3,254-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas bird-safe panels on top of a four-foot-tall parapet). Overall, the Project's massing is consistent with the existing block pattern as it relates to the street frontage along 17th Street. The neighborhood is characterized by a wide variety of commercial, retail, PDR, public and residential uses. In addition, the Project includes projecting bay windows and massing recesses, which provide vertical modulation along the street facades. Thus, the Project is appropriate for a corner lot and consistent with the mass and scale of the intent of the UMU Zoning District and 48-X Height and Bulk District.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1

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

Policy 13.3

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

The Project Site is located in an area of the Showplace Square/Potrero Area Plan that encourages residential development. As the area transitions, there are plans for additional infrastructure improvements in the area for public transit, bicycles, and open space.

SHOWPLACE SQUARE/POTERO AREA PLAN

Land Use

OBJECTIVE 1.1

ENCOURAGE THE TRANSITION OF PORTIONS OF SHOWPLACE/POTRERO TO A MORE MIXED USE AND NEIGHBORHOOD-SERVING CHARACTER, WHILE PROTECTING THE CORE OF DESIGN-RELATED PDR USES.

Policy 1.1.2

In the northern part of Showplace Square (around 8th and Brannan, east of the freeway and along 16th and 17th Streets) revise land use controls to create new mixed use areas, allowing mixed-income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

The Project is located in the 16th and 17th Street corridor area designated to encourage development of new housing and is located to take advantage of the transit service along the 16th Street corridor.

OBJECTIVE 1.2

IN AREAS OF SHOWPLACE/POTERO WHERE HOUSING AND MIXED USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

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

Policy 1.2.2

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

The Project's mass and scale are appropriate for a corner lot and the surrounding context, which is characterized by UCSF campus and related buildings in Mission Bay to the east and a variety of PDR, commercial, public and residential uses to the west. Immediately adjacent to the west of the project site is a three-story, live/work building with 19 units. Adjacent to that building, at the northeast corner of 17th and Mississippi streets is a one-story industrial building ("San Francisco Scrap Metal"). Directly across from the project site along the south side of 17th Street from Pennsylvania Avenue to Mississippi Street, is a newly constructed five-story, mixed-use building with 44 residential units and 4,380 square feet of ground-floor retail, a three-story, live/work building with ten units (constructed in 1999), and a two-story, industrial building (constructed in 1900) with office use. The proposed in-fill project is consistent with the immediate context for height and density in the area.

OBJECTIVE 1.5

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET.

Policy 1.5.2

Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in Showplace Square/Potrero Hill.

The Project proposes to add a noise barrier surrounding the roof deck.

OBJECTIVE 1.6

IMPROVE INDOOR AIR QUALITY FOR SENSITIVE LAND USES IN SHOWPLACE SQUARE/POTRERO HILL.

Policy 1.6.1

Minimize exposure to air pollutants from existing traffic sources for new residential developments, schools, daycare and medical facilities.

The Project is located in the Air Pollutant Exposure Zone and the Project Sponsor has filed an application with and will meet the Department of Public Health requirements for an approved Enhanced Ventilation System.

Housing

OBJECTIVE 2.3

REQUIRE THAT A SIGNIFICANT NUMBER OF UNITS IN NEW DEVELOPMENT HAVE TWO OR MORE BEDROOMS EXCEPT SENIOR HOUSING AND SRO DEVELOPMENTS UNLESS ALL BELOW MARKET RATE UNITS ARE TWO OR MORE BEDROOM UNITS.

Policy 2.3.3

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments.

The Project provides 19 out of the 48 total dwelling units that have two bedrooms, this contributes to the City's stock of housing suitable for families.

Built Form

OBJECTIVE 3.2

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

Policy 3.2.3

Minimize the visual impact of parking.

Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

Policy 3.2.6

Sidewalks abutting new developments should be constructed in accordance with locally appropriate guidelines based on established best practices in streetscape design.

The Project proposes to locate the parking below grade from 17th Street and is setback along the Pennsylvania and 7th Street frontages. All street frontages have an active use that meet the guidelines for ground floor residential design. The currently undeveloped streets of Pennsylvania and 7th will be improved and sidewalks will be added according to Planning Department guidelines for Better Streets.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 1:

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM

Policy 1.9:

Preserve sunlight in public open spaces.

There is no shadow cast by the new development on any property that is under the jurisdiction of the Recreation and Park Department.

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

Policy 3.6:

Maintain, restore, expand and fund the urban forest.

The proposed Project will add to the urban forest with the addition of street trees.

TRANSPORTATION ELEMENT

**OBJECTIVE 24:
IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

Policy 24.2:

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

The Project will install new street trees as required as well as the addition of new sidewalks surrounding the project.

**OBJECTIVE 28:
PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

Policy 28.1:

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

Policy 28.3:

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

The Project includes 48 Class 1 bicycle and 2 Class 2 parking spaces in secure and convenient location.

**OBJECTIVE 34:
RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD
COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND
LAND USE PATTERNS.**

Policy 34.1:

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

Policy 34.3:

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

Policy 34.5:

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

The Project has a parking to dwelling unit ratio of .625 space per unit, which is the permitted ratio of .75 per unit. The parking spaces are accessed by one ingress/egress point measuring 12-ft. wide from 17th Street. Parking is adequate for the Project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

OBJECTIVE 4:

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

Policy 4.4:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Policy 4.15:

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

The Project will add a residential building to the currently under utilized lot. The project would provide additional improvements to the public realm and add vitality to the area while being consistent with development in the area.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. 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.

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

Currently, the Project Site is underutilized and there are no retail uses on site. The addition of a residential building will add to the neighborhood and will help support other neighborhood serving retail in the area.

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

No housing exists on the Project Site. The Project will provide up to 48 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. Overall, the Project offers an architectural treatment that is contemporary, yet contextual, and an architectural design that is consistent and compatible with the surrounding neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

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

The project site is served by transit lines (Muni lines 10-Townsend, 22-Fillmore, 55-16th Street, and 14X- Mission Express) and bicycle facilities (there are bicycle routes on 16th, Mariposa, and Mississippi streets). The Project Site is served by public transportation. Future residents would be afforded close proximity to bus or rail transit. The Project also provides off-street parking at a ratio of .63 per dwelling unit, and bicycle parking for residents and their guests.

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

The Project is consistent with the Showplace Square/Potrero Area Plan, which encourages new housing and mixed use development in the 16th-17th Street Corridor. The Project site is underdeveloped and under utilized. It would enhance opportunities for new housing which will increase the City's housing supply while not displacing industrial or service sector employment opportunities.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

Based upon a preliminary shadow analysis, the Project would not cast new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

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

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

12. 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.
13. The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2013.0517X** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 9, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329 Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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

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

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

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 22, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow new construction located at 98 Pennsylvania Street, Block 3948, Lot 002 pursuant to Planning Code Section 329 within the UMU Zoning District and a 48-X Height and Bulk District; in general conformance with plans, dated September 9, 2016, and stamped "EXHIBIT B" included in the docket for Record No. 2013.0517X and subject to conditions of approval reviewed and approved by the Commission on **September 22, 2016** 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 September 22, 2016 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 (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2013.0517E) attached as Exhibit C are necessary to avoid

potential significant effects of the proposed project and have been agreed to by the Project Sponsor.

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

DESIGN

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

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

2. **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

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

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

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

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

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

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

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

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

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

6. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

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

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

2. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 30 off-street parking spaces.

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

3. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 50 bicycle parking spaces (48 Class 1 and 2 Class 2 spaces).

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

5. **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

1. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

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

2. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

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

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

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

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

5. **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

1. **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*

OPERATION

1. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
3. **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*
4. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

INCLUSIONARY HOUSING REQUIREMENTS

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

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6 and 417, the Project is required to provide 15.4% of the proposed dwelling units as affordable to qualifying households. The Project contains 48 units; therefore, 7 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 7 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
2. **Unit Mix.** The Project contains 4 studios, 25 one-bedroom, and 19 two-bedroom; therefore, the required affordable unit mix is 1 studios, 4 one-bedroom, and 2 two-bedroom. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen and four tenths percent (15.4%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise

defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

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

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing

Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.0517E
Project Address: 98 Pennsylvania Avenue
Zoning: UMU (Urban Mixed Use) Zoning District
48-X Height and Bulk District
Block/Lot: 3948/002
Lot Size: 12,195 square feet
Plan Area: Eastern Neighborhoods Area Plan (Showplace Square/Potrero Hill)
Project Sponsor: Reza Khoshnevisan, SIA Consulting Corporation, (415) 922-0200
Staff Contact: Don Lewis – (415) 575-9168
don.lewis@sfgov.org

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San Francisco,
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415.558.6378

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415.558.6409

Planning
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415.558.6377

PROJECT DESCRIPTION

The project site is located on the north side of 17th Street between Pennsylvania Avenue and Mississippi Street in the Potrero Hill neighborhood. Immediately east of the project site is Interstate 280 (I-280), which is elevated. Underneath the freeway are the former Southern Pacific railroad tracks that are used by the Peninsula Commute rail service ("Caltrain"). The project site is currently used by Regents Cab Company as a surface vehicular parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer. The proposed project involves the removal of the parking lot and trailer, and construction of a five-story, 48-foot-tall (64 feet including the elevator penthouse) residential building approximately 48,094 gross square feet in size with 46 residential units. The proposed mix of units would be 3 studios, 24 one-bedroom units and 19 two-bedroom units. The proposed project would include an underground

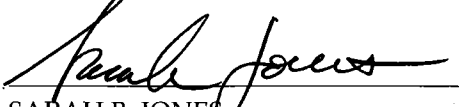
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EXEMPT STATUS

Exempt 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.


SARAH B. JONES
Environmental Review Officer

February 18, 2016
Date

cc: Reza Khoshvesian, Project Sponsor
Supervisor Malia Cohen, District 10
Kimberly Durandet, Current Planning Division

Virna Byrd, M.D.F
Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

parking garage that would be accessed via a new 10-foot-wide curb cut on 17th Street. The garage would include 31 parking spaces and 46 Class I bicycle spaces. The proposed project would install a new 10-foot-wide sidewalk along 17th Street which would include two Class II bicycle spaces and seven street trees. The proposed project would include an approximately 3,002-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas panels on top of a four-foot-tall parapet). During the 12-month construction period, the proposed project would require excavation of up to approximately 14 feet below ground surface and 1,742 cubic yards of soil would be removed from the project site. Construction of the proposed building would require a deep foundation that would use driven piles. The project site is located within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods Plan Area.

PROJECT APPROVAL

The proposed project at 98 Pennsylvania Avenue would require the following approvals:

Actions by City Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of street and sidewalk permits from San Francisco Public Works.
- Approval of a building permit from the Planning Department and Department of Building Inspection for new construction.

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection 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

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for 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, 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 98 Pennsylvania Avenue project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. 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 98 Pennsylvania Avenue.

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.^{2,3}

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).

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

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR)*, August 7, 2008. Case No. 2004.0160E. Available at <http://www.sf-planning.org/index.aspx?page=1893>, accessed on January 13, 2016. This document also is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2004.0160E.

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

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned from M-2 (Heavy Industrial) to UMU (Urban Mixed Use). The UMU District is intended to promote a vibrant mix of uses and serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 98 Pennsylvania Avenue project site, which is located in the Showplace Square/Potrero Hill area of the Eastern Neighborhoods, was designated as a site with a building up to 48 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 98 Pennsylvania Avenue 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 98 Pennsylvania Avenue project, and identified the mitigation measures applicable to the 98 Pennsylvania Avenue project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4,5} Therefore, no further CEQA evaluation for the 98 Pennsylvania Avenue project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on the north side of 17th Street between Pennsylvania Avenue and Mississippi Street in the Potrero Hill neighborhood. The project site is currently used by Regents Cab Company as a surface parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer. Immediately east of the project site, the area is dominated by I-280, which is elevated at approximately 50 feet. Underneath the freeway are the former Southern Pacific railroad tracks that are presently used by the Peninsula Commute rail service ("Caltrain"). Immediately adjacent to the west of the project site is a three-story, live/work building (constructed in 2002) with 19 units. Adjacent to that building, at the northeast corner of 17th and Mississippi streets is a one-story industrial building ("San Francisco Scrap Metal") that was constructed in 1949. Across from the project site along the south side of 17th Street from Pennsylvania Avenue to Mississippi Street, is a newly constructed five-story, mixed-use building with 44 residential units and 4,380 square feet of ground-floor retail, a three-story, live/work building with ten units (constructed in 1999), and a two-story, industrial building (constructed in 1900) with office use. Immediately adjacent to the southeast of the project site includes plantings and an unpaved walkway that serves as a sidewalk on the east side of Pennsylvania Avenue. Mariposa Park is located approximately 500 feet southeast of the project site.

One block the west of the project site at 901 16th Street/1200 17th Street (Case No. 2011.1300E) is a proposed project that involves the demolition of two industrial buildings and a modular office structure for the construction of two new buildings with a total of 395 dwelling units, 24,668 square feet of retail use, and

⁴ San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 98 Pennsylvania Avenue*, February 19, 2015. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.0517E.

⁵ San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, 98 Pennsylvania Avenue*, December 30, 2015.

388 vehicular parking spaces. One block south of the project site at 249 Pennsylvania Avenue (Case 2014.1279ENV) is a proposed project that involves the demolition of two existing industrial buildings for the construction of a new four-story, mixed-use building with 59 dwelling units, 5,000 square feet of retail, and 46 vehicular spaces. Approximately 0.3 miles to the east of the project site is the Golden State Warriors' project (Case No. 2014.1441E), which is located on Assessor's Block 8722, Lots 001 and 008. The Warriors' project involves the construction of a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site. The proposed event center would host the Golden State Warriors basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions.

The project site is served by transit lines (Muni lines 10-Townsend, 22-Fillmore, 55-16th Street, and 14X-Mission Express) and bicycle facilities (there are bicycle routes on 16th, Mariposa, and Mississippi streets). The area surrounding the project site is composed of mixed uses including industrial, wholesale, office, retail, and residential land uses in buildings ranging in height from one to five stories. All of the surrounding parcels are within the 40-X, 48-X, and 68-X height and bulk district. Zoning districts in the vicinity of the project site are UMU, and parcels east of I-280 are in the Mission Bay South Redevelopment Plan.

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 98 Pennsylvania Avenue 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 98 Pennsylvania Avenue project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The approximately 12,195 -square-foot project site at 98 Pennsylvania Avenue is currently undeveloped with no permanent structures or existing PDR uses. The proposed project involves the construction of a five-story, 46-unit, residential building which would preclude an opportunity for PDR uses. Due to the relatively small size of the project site, the proposed project would not contribute considerably to any impact related to loss of PDR uses that was identified in the Showplace Square/Potrero Hill Area Plan of the Eastern Neighborhoods PEIR. The proposed project does not involve demolition of a structure and the project site is not located within a historic district. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. Based on the shadow fan analysis, the proposed building is not expected to shade any Planning Code Section 295 or non-Section 295 open

spaces. The proposed project would shade nearby private property at levels commonly expected in urban areas.

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)	Applicable: pile driving may be required	The project sponsor has agreed to pre-drill piles, to use pile-driving equipment with state-of-the-art noise shielding and muffling devices, and to schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	Completed: The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-4: Siting of Noise-Sensitive Uses	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	Completed: The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed (residential use only)	N/A
F-6: Open Space in Noisy Environments	Applicable: new noise sensitive uses (dwelling units) proposed	Completed: The proposed project includes an eight-foot-tall sound barrier which demonstrates that the users of the proposed open space would be adequately protected from the existing ambient noise levels.

Mitigation Measure	Applicability	Compliance
G. Air Quality		
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone	The project sponsor has agreed to comply with the construction exhaust emissions reduction requirements.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by applicable Article 38 requirements	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed residential uses are not uses that would emit substantial levels of DPM	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed residential land uses are not uses that would emit substantial levels of other TACs	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: project site does not contain any previous archaeological studies	N/A
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archaeological studies	The project sponsor has agreed to implement the Planning Department's Standard Mitigation Measure #1 (Accidental Discovery).
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located within the Mission Dolores Archaeological District	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

Mitigation Measure	Applicability	Compliance
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
L. Hazardous Materials		
L-1: Hazardous Building Materials	Not Applicable: project does not involve demolition of an existing building	N/A
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	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 January 13, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis.

Concerns raised by the public include the following: the project would increase traffic; pedestrian safety; the existing site is not conducive to residential use; future residents would be subject to air quality pollutants and hazardous materials; and more off-street parking needs to be provided due to the lack of on-street parking.

Transportation impacts of the proposed project are discussed in the Transportation and Circulation section of the attached CPE Checklist. The amount of new vehicle trips would not substantially increase traffic volumes in the project vicinity such that hazardous conditions or significant delays would be created. The proposed project is within the scope of the development projected under the Eastern Neighborhoods, and there would be no additional project-level or cumulative impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

Implementation of the proposed project would improve pedestrian circulation by creating a new 10-foot-wide sidewalk in front of the project site where one does not currently exist. The new pedestrian trips that would be generated by the proposed project could be accommodated on sidewalks and crosswalks adjacent to the project site. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. In addition, the project site was not identified as being in a high-injury corridor as defined by Vision Zero, which is the City’s adopted road safety policy that aims for zero traffic deaths in San Francisco by 2024.⁶

As discussed in the Land Use section of the attached CPE Checklist, the proposed residential project is permitted in the UMU zoning district and is consistent with the land uses envisioned in the Showplace Square/Potrero Hill Area Plan. As discussed in the Air Quality and Hazardous Materials sections of the attached CPE Checklist, the project site is located within an Air Pollutant Exposure Zone, as defined by Article 38 of the San Francisco Health Code, and within Article 22A of the Health Code, also known as the Maher Ordinance. Compliance with Article 38 and 22A would reduce any air quality and hazardous materials impacts to a less than significant level.

As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that parking impacts of a residential project on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. The project site is located in the UMU zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. In addition, the project site is served by transit lines

⁶ Vision Zero High Injury Network map, accessed on December 17, 2015, is available online at:

<http://sfgov.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=335c508503374f5d94c95cb2a1f3f4f4>.

(Muni lines 10-Townsend, 22-Fillmore, 55-16th Street, and 14X-Mission Express) and bicycle facilities (there are bicycle routes along 16th, Mariposa, and Mississippi streets). The proposed project would not result in a substantial parking shortfall that would create hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

Other non-environmental comments submitted include general project opposition and support, as well as requests to receive future project updates. These comments have been noted in the project record, but do not pertain to CEQA environmental review topics. 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 Checklist⁷:

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, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

⁷ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0517E.

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES				
<u>Project Mitigation Measure 1: Accidental Discovery (Implementing Eastern Neighborhoods PEIR Mitigation Measure J-2)</u> The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of	Project sponsor, project archeologist.	Prior to issuance of any permit for soils-disturbing activities and during construction activities.	Project sponsor, project archeologist, ERO.	During soils-disturbing and construction activities.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule

the Alert Sheet.

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

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

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning Division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for</p>				

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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.				
<p><u>Project Mitigation Measure 2: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-1)</u></p> <p>The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors shall be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	Project sponsor, construction contractor(s).	During construction.	Project sponsor, Planning Department.	Project sponsor shall submit monthly reports to the Planning Department during construction period.

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><u>Project Mitigation Measure 3: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-2)</u></p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted 	Project sponsor, construction contractor(s).	Prior to and during any demolition or construction activities.	Project sponsor, Planning Department.	Project sponsor shall submit monthly reports to the Planning Department during construction period.

MONITORING AND REPORTING PROGRAM				
Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.				
<u>Project Mitigation Measure 7: Construction Air Quality (Implementing Eastern Neighborhoods PEIR Mitigation Measure G-1)</u> A. <i>Engine Requirements.</i> <ol style="list-style-type: none"> All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, 	Project sponsor, construction contractor(s).	Prior to the start of and during use of on-site heavy diesel equipment.	Project sponsor, Planning Department.	During demolition and construction activities. The project sponsor shall submit quarterly reports to the ERO during the construction period and a final report at the end of the construction period.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.</p>				
<p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>				
<p>B. <i>Waivers.</i></p>				
<p>1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).</p>				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.</p>				

Table – Off-Road Equipment Compliance Step-down Schedule

Engine Emission Standard	Emissions Control
Tier 2	ARB Level 2 VDECS
Tier 2	ARB Level 1 VDECS
Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. 				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p>				
<p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p>				
<p>D. <i>Monitoring.</i> After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: **2013.0517E**
Project Address: **98 Pennsylvania Avenue**
Zoning: **UMU (Urban Mixed Use) Zoning District**
48-X Height and Bulk District
Block/Lot: **3948/002**
Lot Size: **12,195 square feet**
Plan Area: **Eastern Neighborhoods Area Plan (Showplace Square/Potrero Hill)**
Project Sponsor: **Reza Khoshnevisan, SIA Consulting Corporation, (415) 922-0200**
Staff Contact: **Don Lewis – (415) 575-9168**
don.lewis@sfgov.org

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Reception:
415.558.6378

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Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is located on the north side of 17th Street between Pennsylvania Avenue and Mississippi Street in the Potrero Hill neighborhood. Immediately east of the project site is Interstate 280 (I-280), which is elevated. Underneath the freeway are the former Southern Pacific railroad tracks that are used by the Peninsula Commute rail service ("Caltrain"). The project site is currently used by Regents Cab Company as a surface vehicular parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer. The proposed project involves the removal of the parking lot and trailer, and construction of a five-story, 48-foot-tall (64 feet including the elevator penthouse) residential building approximately 48,094 gross square feet in size with 46 residential units. The proposed mix of units would be 3 studios, 24 one-bedroom units and 19 two-bedroom units. The proposed project would include an underground parking garage that would be accessed via a new 10-foot-wide curb cut on 17th Street. The garage would include 31 parking spaces and 46 Class I bicycle spaces. The proposed project would install a new 10-foot-wide sidewalk along 17th Street which would include two Class II bicycle spaces and seven street trees. The proposed project would include an approximately 3,002-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas panels on top of a four-foot-tall parapet). During the 12-month construction period, the proposed project would require excavation of up to approximately 14 feet below ground surface and 1,742 cubic yards of soil would be removed from the project site. Construction of the proposed building would require a deep foundation that would use driven piles. The project site is located within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods Plan Area.

PROJECT APPROVAL

The proposed project at 98 Pennsylvania Avenue would require the following approvals:

Actions by City Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of street and sidewalk permits from San Francisco Public Works.

- Approval of a building permit from the Planning Department and Department of Building Inspection for new construction.

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection 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.

EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist 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).¹ The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

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

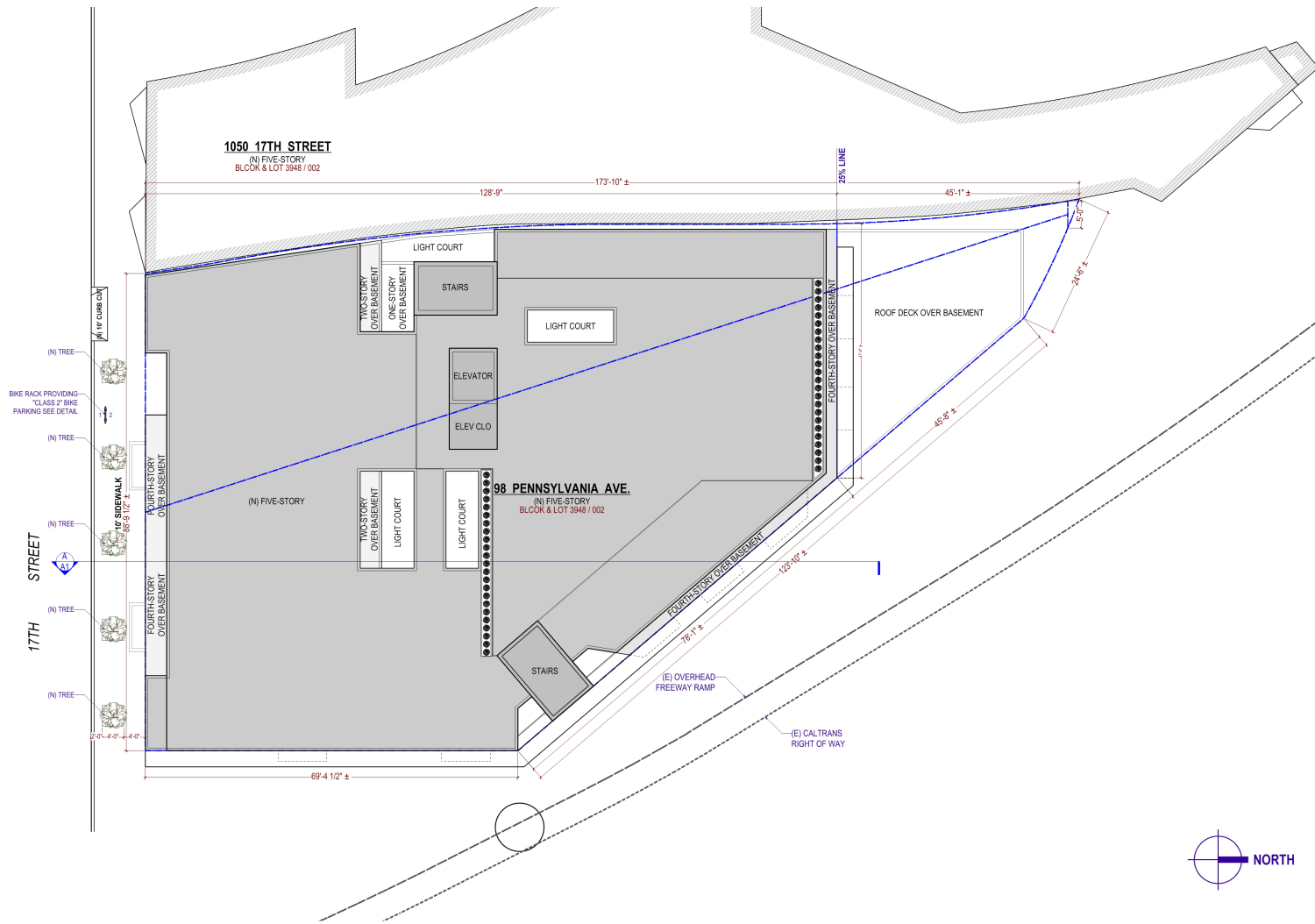
The proposed project involves the construction of a 48-foot-tall, five-story, 46-unit, residential building approximately 48,094 square feet in size with 31 off-street parking and 46 Class I bicycle spaces at the basement garage level. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

¹ San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR)*, August 7, 2008. Case No. 2004.0160E. Available at <http://www.sf-planning.org/index.aspx?page=1893>, accessed on January 13, 2016. This document also is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2004.0160E.

Figure 1: Project Location



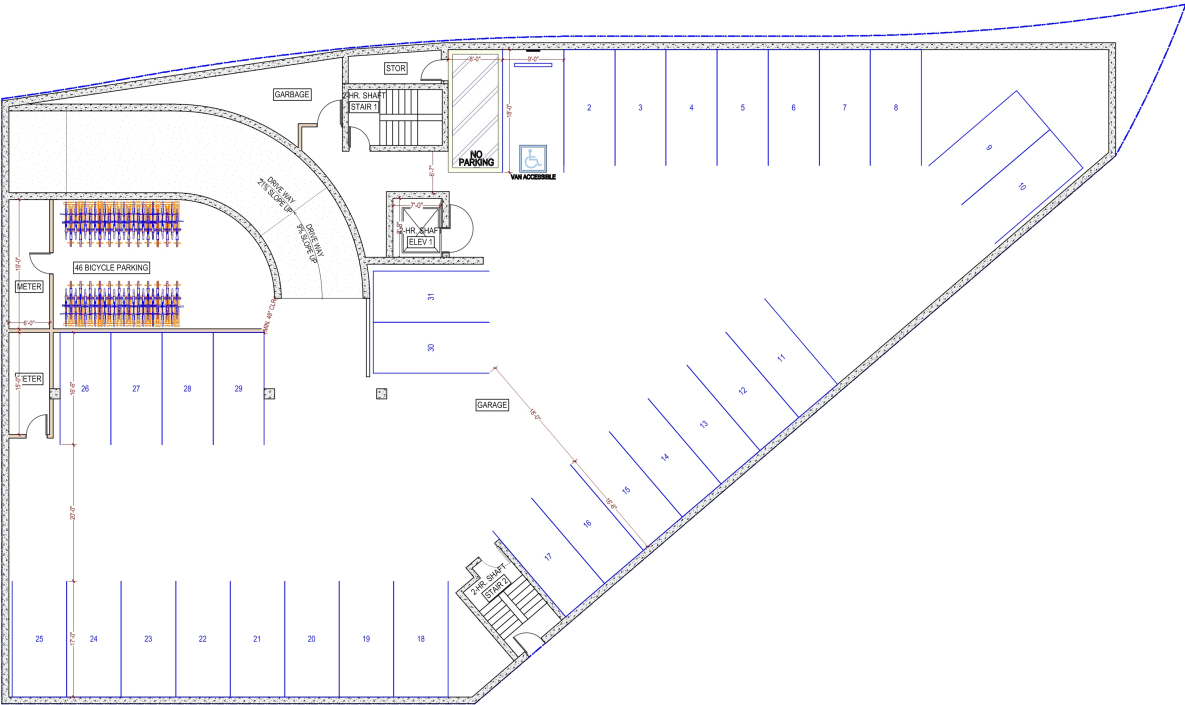
Figure 2: Proposed Site Plan



PROJECT NAME: 98 PENNSYLVANIA AVE. SAN FRANCISCO, CA
SITE PLAN 1/16" = 1'-0"
SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 922.0200 FAX: (415) 922.0203 WEBSITE: WWW. SIACONSULT.COM 

Comments: Not to Scale

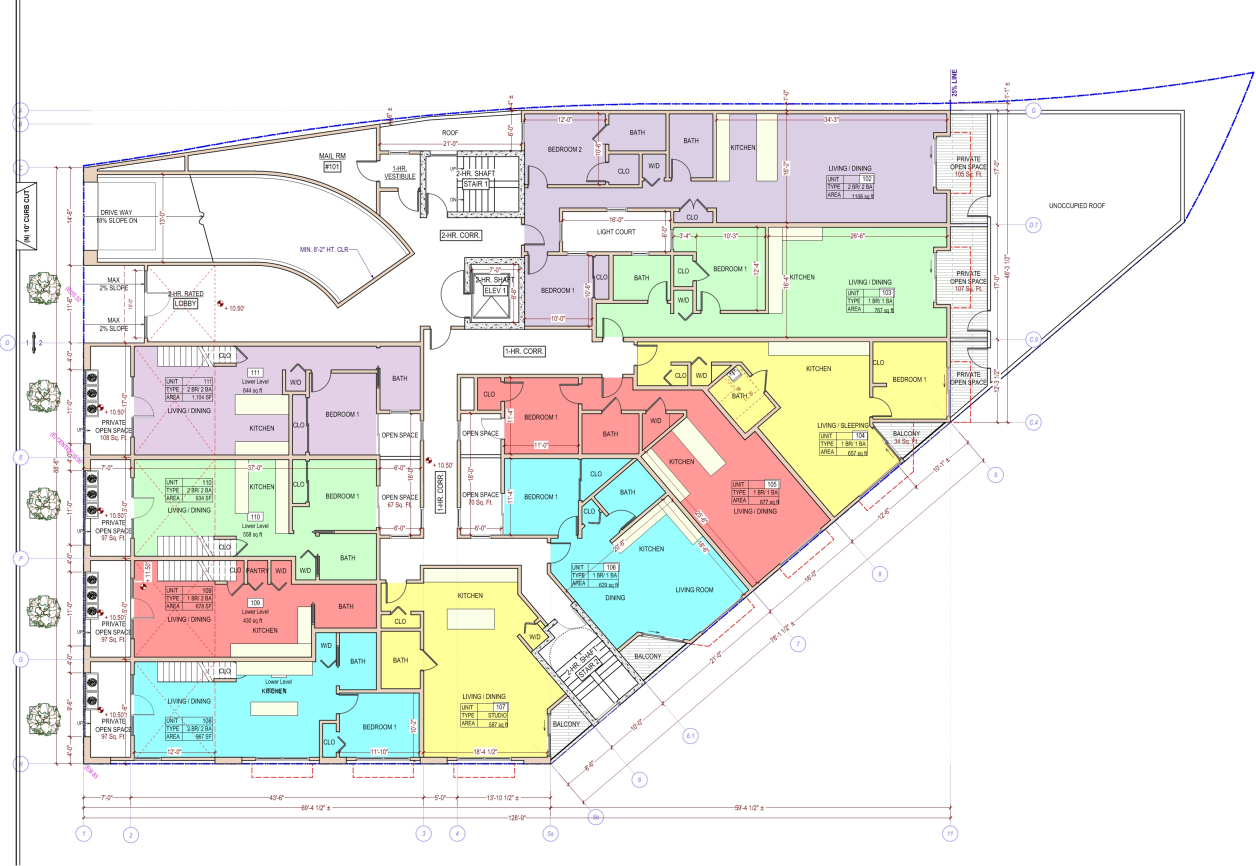
Figure 3: Proposed Basement Level



<p>SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 922.0200 FAX: (415) 922.0203 WEBSITE: WWW.SIACONSULT.COM</p>	<p>BASEMENT FLOOR PLAN 1/16" = 1'-0"</p>	<p>PROJECT NAME: 98 PENNSYLVANIA AVE. SAN FRANCISCO, CA</p>
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Comments: Not to Scale

Figure 4: Proposed Ground-Floor



PROJECT NAME:

98 PENNSYLVANIA AVE.

SAN FRANCISCO, CA

FIRST FLOOR PLAN

1/16" = 1'-0"

SIA CONSULTING CORPORATION

1256 HOWARD STREET

SAN FRANCISCO CA 94103

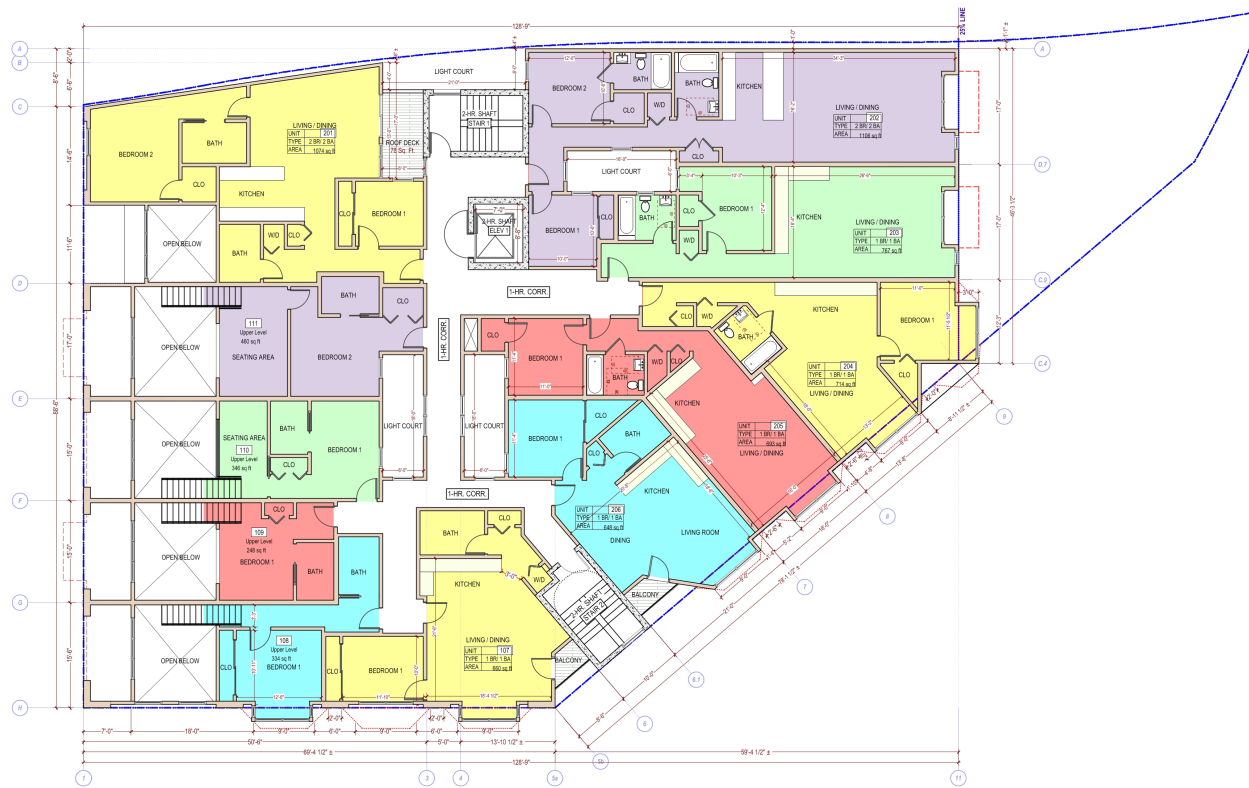
TEL: (415) 922.0200

FAX: (415) 922.0203

WEBSITE: WWW.SIACONSULT.COM

Comments: Not to Scale

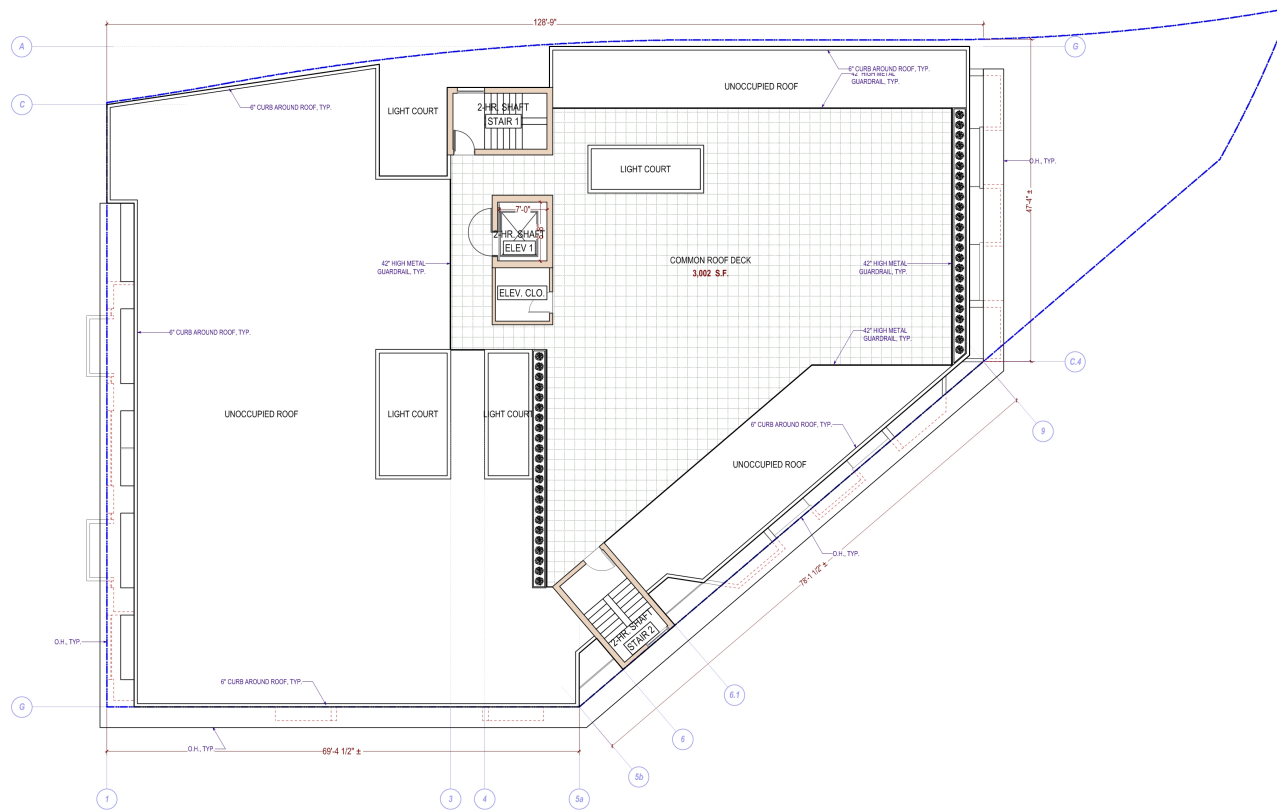
Figure 5: Proposed Upper Floor



 <p>SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 922.0200 FAX: (415) 922.0203 WEBSITE: WWW.SIACONSULT.COM</p>	<p>SECOND FLOOR PLAN 1/16" = 1'-0"</p>	<p>PROJECT NAME: 98 PENNSYLVANIA AVE. SAN FRANCISCO, CA</p>
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Comments: Not to Scale

Figure 6: Proposed Roof-top



PROJECT NAME:
98 PENNSYLVANIA AVE.
SAN FRANCISCO, CA

ROOF PLAN
1/16" = 1'-0"

SIA CONSULTING CORPORATION
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SAN FRANCISCO CA 94103
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Comments: Not to Scale

Figure 7: Proposed Elevations



Proposed Front Elevation (17th Street)



Proposed Right Elevation (Pennsylvania Ave)

PROJECT NAME: 98 PENNSYLVANIA AVE. SAN FRANCISCO, CA
ELEVATIONS (17TH STREET & PENNSYLVANIA) 1/16" = 1'-0"
SIA CONSULTING CORPORATION 1255 HOWARD STREET SAN FRANCISCO, CA 94103 TEL: (415) 922-0200 FAX: (415) 922-0203 WEBSITE: WWW.SIACONSULT.COM

Comments: Not to Scale

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 or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State statute regulating Aesthetics and Parking Impacts for Transit Priority Infill, effective January 2014 (see associated 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 process (see Checklist section “Transportation”);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section “Noise”);
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, effective December 2014 (see Checklist section “Air Quality”);
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see Checklist section “Recreation”);
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see Checklist section “Utilities and Service Systems”); and
- Article 22A of the Health Code amendments effective August 2013 (see Checklist section “Hazardous Materials”).

CHANGES IN THE PHYSICAL ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, as evidenced by the volume of development applications submitted to the Planning Department since 2012, the pace of development activity has increased in the Eastern Neighborhoods plan areas. The Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in a substantial amount of growth within the Eastern Neighborhoods Plan area, resulting in an increase of 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) throughout the lifetime of the Plan (year 2025).² The growth projected in the Eastern Neighborhoods PEIR was based on a soft site analysis (i.e., assumptions regarding the potential for a site

² Tables 12 through 16 of the Eastern Neighborhoods Draft EIR and Table C&R-2 in the Comments and Responses show 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, not projected growth totals from a baseline of the year 2000. Estimates of projected growth were based on parcels that were to be rezoned and did not include parcels that were recently developed (i.e., parcels with projects completed between 2000 and March 2006) or have proposed projects in the pipeline (i.e., projects under construction, projects approved or entitled by the Planning Department, or projects under review by the Planning Department or Department of Building Inspection). Development pipeline figures for each Plan Area were presented separately in Tables 5, 7, 9, and 11 in the Draft EIR. Environmental impact assessments for these pipeline projects were considered separately from the Eastern Neighborhoods rezoning effort.

to be developed through the year 2025) and not based upon the created capacity of the rezoning options (i.e., the total potential for development that would be created indefinitely).³

As of November 4, 2015, projects containing 9,426 dwelling units and 2,525,577 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review⁴ within the Eastern Neighborhoods Plan area. These estimates include projects that have completed environmental review (5,674 dwelling units and 1,603,988 square feet of non-residential space) and foreseeable projects, including the proposed project (3,752 dwelling units and 921,589 square feet of non-residential space). Foreseeable projects are those projects for which environmental evaluation applications have been submitted to the San Francisco Planning Department. Of the 5,674 dwelling units that have completed environmental review, building permits have been issued for 3,885 dwelling units, or approximately 68 percent of those units (information is not available regarding building permit non-residential square footage). An issued building permit means the buildings containing those dwelling units are currently under construction or open for occupancy.

Within the Showplace Square/Potrero Hill subarea, the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in an increase of 2,300 to 3,900 net dwelling units and 1,500,000 to 1,700,000 square feet of net non-residential space (excluding PDR gain) through the year 2025. As of November 4, 2015, projects containing 3,354 dwelling units and 889,357 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review within the list Showplace Square/Potrero Hill subarea. These estimates include projects that have completed environmental review (2,190 dwelling units and 631,768 square feet of non-residential space) and foreseeable projects, including the proposed project (1,164 dwelling units and 257,589 square feet of non-residential space). Of the 2,190 dwelling units that have completed environmental review, building permits have been issued for 1,105 dwelling units, or approximately 50 percent of those units.

Growth that has occurred within the Plan area since adoption of the Eastern Neighborhoods PEIR has been planned for and the effects of that growth were anticipated and considered in the Eastern Neighborhoods PEIR. Although the reasonably foreseeable growth in the residential land use category is approaching the projections within the Eastern Neighborhoods PEIR, the non-residential reasonably foreseeable growth is between approximately 38 and 78 percent of the non-residential projections in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods PEIR utilized the growth projections to analyze the physical environmental impacts associated with that growth for the following environmental impact topics: Land Use; Population, Housing, Business Activity, and Employment; Transportation; Noise; Air Quality; Parks, Recreation, and Open Space; Utilities/Public Services; and Water. The analysis took into account the overall growth in the Eastern Neighborhoods and did not necessarily analyze in isolation the impacts of growth in one land use category, although each land use category may have differing severities of effects. Therefore, given the growth from the reasonably foreseeable projects have not exceeded the overall growth that was projected in the Eastern Neighborhoods PEIR, information that was not known at the time of the PEIR has not resulted in new significant environmental impacts or substantially more severe adverse impacts than discussed in the PEIR.

³ San Francisco Planning Department, *Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook, Draft*, February 2003. This document is available at: <http://www.sf-planning.org/index.aspx?page=1678#background>.

⁴ For this and the Population and Housing section, environmental review is defined as projects that have or are relying on the growth projections and analysis in the Eastern Neighborhoods PEIR for environmental review (i.e., Community Plan Exemptions or Focused Mitigated Negative Declarations and Focused Environmental Impact Reports with an attached Community Plan Exemption Checklist).

AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet 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.⁵

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>
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 Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The proposed project would not remove any existing PDR uses and would therefore not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. While the project site was zoned M-2 prior to the rezoning of Eastern Neighborhoods, which is a use district that encouraged PDR uses, the project site never contained a PDR use. The project site was vacant and undeveloped land up until the early 1990's, when the project site was paved with asphalt and used as a parking lot. In 1999, the project site was used as a contractor's storage yard and parking lot, and the Regents Cab Company has occupied the project site since 2012. While implementation of the proposed project would preclude an opportunity for development of certain PDR uses that are allowed in the UMU Use District, due to the relatively small size of the project site (0.28 acres), the proposed project would not contribute considerably to any impact

⁵ San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 98 Pennsylvania Avenue*, December 21, 2015. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.0517E.

related to loss of PDR uses that was identified in the Showplace Square/Potrero Hill Area Plan of the Eastern Neighborhoods PEIR.

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 project 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 UMU District and is consistent with applicable bulk, density, and land uses as envisioned in the Showplace Square/Potrero Hill Area Plan. The proposed project falls within the "16th – 17th Street Corridor" generalized zoning district, which encourages a mix of existing PDR uses with new, higher density residential uses and small retail uses in acknowledgement of the 16th Street transit corridor. The plan also calls for transportation improvements and the reduction of parking to encourage alternatives to automobile travel. As a residential project with limited vehicle parking, the proposed project is consistent with this designation.^{6,7} The proposed project would not conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

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"/>

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

⁶ San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis*, 98 Pennsylvania Avenue, February 19, 2015.

⁷ San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis*, 98 Pennsylvania Avenue, December 30, 2015.

PEIR concluded that an increase in population in the Plan Areas is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in itself, result in adverse physical effects, but 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 result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

With implementation of the proposed project, 46 new dwelling units would be added to San Francisco's housing stock. As stated in the "Changes in the Physical Environment" section above, these direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Showplace Square/Potrero Hill Area Plan and evaluated in the Eastern Neighborhoods Plan Area PEIR.

For the above reasons, the proposed project would not result in either project-level or cumulative significant impacts on population and housing 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>
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 changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the

known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The PEIR identified three mitigation measures that were tasked to the Planning Department that could reduce the severity of impacts to historic resources as a result of development enabled under the Plan Areas (Mitigation K-1 to K-3). These mitigation measures were the responsibility of the Planning Department and do not apply to subsequent development projects. Demolition or substantial alteration of a historic resource typically cannot be fully mitigated; therefore, the PEIR concluded that the Eastern Neighborhoods Area Plan would have a significant and unavoidable impact on historic resources.

The project site is currently an undeveloped lot that includes a temporary, prefabricated trailer which is not considered a historic resource. In addition, the project site is not located within a historic district or adjacent to a potential historic resource. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

For these reasons, the proposed project would not result in significant project-level or cumulative 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 less than significant levels. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The proposed project at 98 Pennsylvania Avenue would involve approximately 14 feet of below ground surface excavation at its deepest for the elevator pit and foundation and approximately 1,742 cubic yards of soil disturbance in an area where no previous archaeological studies have been prepared. Therefore, the proposed project would be subject to Mitigation Measure J-2 (Project Mitigation Measure 1). In accordance with Mitigation Measure J-2, a Preliminary Archeological Review (PAR) was conducted by Planning Department staff archeologists, which determined that the Planning Department's first standard archeological mitigation measure (Accidental Discovery) would reduce the potential effect of the proposed project on archeological resources to a less-than-significant level.⁸ The project sponsor has agreed to implement the Accidental Discovery mitigation measure as Project Mitigation Measure 1 (full text provided in the "Mitigation Measures" section below).

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on archeological resources that were not identified in the Eastern Neighborhoods PEIR.

⁸ Randall Dean, San Francisco Planning Department. Archeological Review Log.

<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, emergency access, or construction. As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the Eastern Neighborhoods PEIR.

However, the Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership, and identified 11 transportation mitigation measures, which are described further below in the Traffic and Transit sub-sections. Even with mitigation, however, it was anticipated that the significant adverse cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

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

Trip Generation

The project site is currently used by Regents Cab Company as a surface parking lot. The proposed project involves the removal of the surface parking lot for the construction of a 48-foot-tall, five-story, 46-unit, residential building approximately 48,094 square feet in size with 31 parking spaces and 46 bicycle spaces

in the basement garage. The proposed mix of units would be 3 studios, 24 one-bedroom units and 19 two-bedroom units.

Trip generation of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.⁹ The proposed project would generate an estimated 393 person trips (inbound and outbound) on a weekday daily basis, consisting of 284 person trips by auto, 63 transit trips, 20 walk trips and 25 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 46 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

Traffic

Mitigation Measures E-1 through E-4 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant traffic impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. Since certification of the PEIR, SFMTA has been engaged in public outreach regarding some of the parking-related measures identified in Mitigation Measures E-2 and E-4: Intelligent Traffic Management, although they have not been implemented. Measures that have been implemented include traffic signal installation at Rhode Island/16th streets as identified in Mitigation Measure E-1 and enhanced funding as identified in Mitigation Measure E-3 through San Francisco propositions A and B passed in November 2014. Proposition A authorized the City to borrow \$500 million through issuing general obligation bonds in order to meet some of the transportation infrastructure needs of the City. These funds are allocated for constructing transit-only lanes and separated bikeways, installing new boarding islands and escalators at Muni/BART stops, installing sidewalk curb bulb-outs, raised crosswalks, median islands, and bicycle parking and upgrading Muni maintenance facilities, among various other improvements. Proposition B, which also passed in November 2014, amends the City Charter to increase the amount the City provided to the SFMTA based on the City's population, with such funds to be used to improve Muni service and street safety. Some of this funding may be applied to transportation projects within the Eastern Neighborhoods Plan area.

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 2,500 feet) that were analyzed in the Eastern Neighborhoods PEIR include Third Street/Mariposa Street, 16th Street/Third Street, Mariposa Street/I-280 NB off-ramp, and Mariposa Street/I-280 SB on-ramp intersections. Table 1 provides existing and cumulative LOS data gathered for these intersections, per the *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*.¹⁰

⁹ San Francisco Planning Department, *Transportation Calculations for 98 Pennsylvania Avenue*, December 17, 2015.

¹⁰ The *Eastern Neighborhoods Rezoning and Area Plans Transportation Study* is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2004.0160E.

Table 1: Existing and Cumulative Intersection LOS (Weekday PM Peak Hour)

<u>Intersection</u>	<u>Existing LOS (2007)</u>	<u>Cumulative LOS (2025)</u>
Third St./Mariposa St.	B	C
16 th St./Third St.	D	D
Mariposa St./I-280 NB off-ramp	C	B
Mariposa St./I-280 SB on-ramp	F	B

Source: *Eastern Neighborhoods Rezoning and Area Plans Transportation Study (2007)*

More recent intersection turning movements were collected for the above four intersections plus an additional intersection as part of the environmental review for the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 project.¹¹ Table 2 provides intersection LOS under current conditions (2015) and existing plus the Warriors development project conditions.

Table 2: Existing and Existing-Plus-Project Intersection LOS (Weekday PM Peak Hour)¹²

<u>Intersection</u>	<u>Existing LOS (2015)</u>	<u>Existing Plus Warriors Project</u>
Third St./Mariposa St.	D	D
16 th St./Third St.	C	C
Mariposa St./I-280 NB off-ramp	C	C
Mariposa St./I-280 SB on-ramp	B	B
Seventh St./Mississippi St./16 th Street	E	F

Source: *Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 DEIR (2015)*

The proposed 98 Pennsylvania Avenue project would generate an estimated 46 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 46 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' Plan projects. The proposed project would also not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

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

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, the City is currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding and Mitigation Measure E-11: Transportation Demand Management as part of

¹¹ Planning Department Case Number 2014.1441E

¹² The LOS data does not include when there is San Francisco Giants game.

the Transportation Sustainability Program.¹³ In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 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 10-Townsend, 22-Fillmore, 55-16th Street, and 14X-Mission Express. The proposed project would be expected to generate 63 daily transit trips, including eleven during the p.m. peak hour. Given the availability of nearby transit, the addition of eleven 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 on 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: 9-San Bruno, 22-Fillmore, 26-Valencia, 27-Bryant, 33-Stanyan, 48-Quintara/24th Street, and 49-Van Ness/Mission. Of those lines, the project site is located within a quarter-mile of Muni line 22-Fillmore.

The proposed project would not contribute considerably to these conditions as its minor contribution of eleven p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. Thus, the proposed project would not contribute

¹³ <http://tsp.sfplanning.org>

considerably to 2025 cumulative transit conditions and would not result in any significant cumulative transit impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transit and would not contribute considerably to cumulative transit 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 identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods PEIR noted that implementation of the Eastern Neighborhoods Area Plans and Rezoning would incrementally increase traffic-generated noise on some streets in the Eastern Neighborhoods plan areas and result in construction noise impacts from pile driving and other construction activities. The Eastern Neighborhoods PEIR therefore identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels.

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. Construction of the proposed building would require a deep foundation that would use driven piles that gain support in the soil beneath the Bay Mud. Because of the presence of rubble in the fill and the proximity of the adjacent

building to the west and the elevated I-280 to the east, the geotechnical report concluded that small displacement piles such as steel H-piles should be used to facilitate installation of piles and that it would be necessary to predrill through the fill if large piece of rubble are encountered. Since pile driving and heavy equipment are required, Mitigation Measure F-1 and F-2 are applicable. The project sponsor has agreed to implement Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 as Project Mitigation Measure 2 and 3, respectively (full text provided in the “Mitigation Measures” section below).

In addition, all construction activities for the proposed project (approximately 12 months) would be subject to and would comply with 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 that construction work 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 the Department of Public Works (DPW) 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 DPW 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 12 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 and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn) or near existing noise-generating uses. Since certification of the PEIR, San Francisco adopted Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance 70-15, effective June 19, 2015). The intent of the regulations is to address noise conflicts between residential uses and in noise critical areas, such as in proximity to highways, country roads, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. Residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design will limit exterior noise to the 45 decibels in any habitable room. The project site is not located within 300 feet of a Place of Entertainment.

The regulations and procedures set forth by the San Francisco Noise Regulations Relating to Residential Uses Near Places of Entertainment are consistent with the provisions of PEIR Mitigation Measure F-3 and F-4. In accordance with PEIR Mitigation Measure F-3 and F-4, the project sponsor has conducted an environmental noise study demonstrating that the proposed project can be feasibly designed to limit

exterior noise to 45 decibels in any habitable room as required per Title 24 standards.¹⁴ The project site's existing noise environment is primarily dominated by vehicle traffic along the elevated I-280 and trains passing the project site underneath I-280. The primary source of noise from trains passing the project site is the train horn, which sounds as the trains approach the at-grade crossing at 16th Street, which is about 250 feet from the project site. The close proximity of I-280 and the Caltrain rail system contribute to louder than typical noise levels. Surface street traffic is minimal compared to the levels generated by I-280 and the rail system. The noise study concluded that outdoor noise levels reach 84 dBA (Ldn) under current conditions. To meet the 45 dBA interior noise level, the noise study provided the following recommendations: the exterior windows on the south (primary) façade should provide an Outside-Inside Transmission Class (OITC) rating of 32 for the 1st to 4th floors and a rating of 29 for the 5th floor; the exterior windows on the east façade (nearest to train tracks) should provide an OITC rating of 44 for the 1st to 4th floors and a rating of 42 for the 5th floor; the exterior windows on the north façade should provide a rating of 29 for all floors; sections of all façades should contain a single layer of ½-inch-thick cement board between the stucco and plywood layers; and supplemental ventilation must be provided at all rooms for which acoustically-rated glazing assemblies are recommended. Based on the above, the noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the proposed project site vicinity. The proposed residential project would introduce new noise sensitive uses, but is not expected to generate excessive noise levels. In addition, any noise generated by the project including mechanical equipment would be subject to noise control requirements pursuant to the Noise Ordinance. Thus, Mitigation Measure F-5 is not applicable.

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise sensitive uses. The proposed project includes a common roof deck. Mitigation Measure F-6 is therefore applicable to the proposed project, and has been agreed to by the project sponsor as Project Mitigation Measure 6 (full text provided in the "Mitigation Measures" section below). The noise study prepared in accordance with Mitigation Measure F-4 (Project Mitigation Measure 5) addressed noise levels at the proposed roof-top open space. Noise levels at the proposed roof deck are expected to range from 76 to 80 dBA. The noise consultant recommended eight feet of shielding to reduce the expected noise exposure to 63 to 67 dBA. To achieve this, the proposed project would include the installation of four-foot-tall Plexiglas panels on top of a four-foot-tall parapet. This barrier would have no gaps between the Plexiglas panels or between the Plexiglas panels and the parapet. The barrier would have a minimum surface density of three pounds per square foot which is easily achieved with typical construction for the wall and a minimum thickness of 0.5 inches for the Plexiglas. The proposed building has been designed to adequately protect the users of the proposed open space from existing ambient noise levels.¹⁵

To determine whether the proposed project would expose people to excessive groundborne vibration or noise levels from the adjacent trains passing the project site at approximately 70 feet away, a groundborne

¹⁴ Wilson, Ihrig & Associates, *CCR Title 24 Noise Study, 98 Pennsylvania Multifamily Project, San Francisco, CA*, January 14, 2016.

¹⁵ Ibid.

noise and vibration study was conducted.¹⁶ Pursuant to the Federal Transit Administration (FTA) Guidance Manual¹⁷, the proposed project falls under “Category 2: Residences and buildings where people normally sleep.” The number of trains that pass the site each day is less than thirty which are considered “Infrequent Events” by the FTA. Therefore, the appropriate criteria for 98 Pennsylvania Avenue are 80 VdB¹⁸ for vibration and 43 dBA for groundborne noise. For comparison, the threshold of perception for vibration is approximately 65 VdB while ambient noise levels within quiet bedrooms are typically 30 to 35 dBA. The data indicates that the maximum projected vertical floor vibration velocity level is 71 VdB, which is below the recommended 80 VdB for maximum acceptable vibration velocity level. In addition, the maximum estimated groundbourne noise within the building is approximately 36 dBA, which is below the criterion of 43 dBA for maximum groundborne noise. Therefore, the study concluded that groundbourne noise and vibration from trains passing the project site would not expose new residences to excessive groundborne vibration or groundbourne noise.

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 project-level or cumulative noise impacts that were not identified in the Eastern Neighborhoods PEIR.

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

¹⁶ Wilson, Ihrig & Associates, *Groundborne Noise and Vibration Study at 98 Pennsylvania Avenue, San Francisco*, April 29, 2015.

¹⁷ FTA guidance manual FTA-VA-90-1003-06 summarizes the criteria used to determine impact from transit system related groundborne noise and vibration. The criteria represent maximum limits of acceptable noise and vibration levels and are dependent upon the land use and the number of “events” that occur per day, i.e. the number of trains that pass the site. Land use matters because of differences in the expectations of the occupants and differences in background levels of noise and vibration from other sources within those uses. Greater levels of noise and vibration are typically tolerated for events that occur less often.

¹⁸ Vibration is measured by velocity decibels (VdB).

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses¹⁹ 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, PEIR Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

Construction Dust Control

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

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

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.”²⁰ The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria²¹ 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

¹⁹ 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.

²⁰ 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.

²¹ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a five-story, 46-unit residential building which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). 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, effective 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 project site is 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.

Construction

As stated above, the project site is located within an Air Pollutant Exposure Zone as defined by Article 38 of the San Francisco Health Code. The proposed project would require heavy-duty off-road diesel vehicles and equipment during three months of the anticipated 12-month construction period. Thus, Project Mitigation Measure 7 Construction Air Quality has been identified to implement the portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 7 Construction Air Quality would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.²² Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 7 Construction Air Quality. The full text of Project Mitigation Measure 7 Construction Air Quality is provided in the Mitigation Measures Section below.

Siting Sensitive Land Uses

For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation

²² PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application to DPH.²³ The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. These requirements supersede the provisions of Eastern Neighborhoods PEIR Mitigation Measure G-2. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-2 Air Quality for Sensitive Land Uses is no longer applicable to the proposed project, and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

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 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 Central Waterfront 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

²³ Application for Article 38 Compliance Assessment, 98 Pennsylvania Avenue, December 18, 2015.

of CO₂E²⁴ per service population,²⁵ 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.

Regulations outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy.²⁶ Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on greenhouse gas emissions (including cumulative impacts) 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>
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. The proposed 48-foot-tall building (up to 64 feet including the elevator penthouse) would be two stories taller than the immediately adjacent building to the west and would be similar in height to the newly constructed five-story building across 17th Street to the south of the project site. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

²⁴ 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.

²⁵ 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.

²⁶ San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 98 Pennsylvania Avenue*, January 22, 2015.

Shadow

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

The proposed project would construct an approximately 48-foot-tall building (up to 64 feet including the elevator penthouse). Therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks. The shadow fan analysis prepared by the Department found the project as proposed would not cast shadows on Recreation and Parks Department parks or other public parks.²⁷

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

For the above reasons, the proposed project would not result in significant project-level and cumulative 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"/>

²⁷ San Francisco Planning Department, *Shadow Analysis*, 98 Pennsylvania Avenue, December 16, 2015.

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR.

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 proposed new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17th and Folsom, are set to open in 2015 and 2016, respectively. 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).

As the proposed project would not degrade recreational facilities and is within the development projected 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% 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 within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

Because the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional project-level or cumulative impacts on public services beyond those analyzed in the Eastern Neighborhoods PEIR.

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

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) 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 Showplace Square/Potrero Hill 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"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
b) 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 a development of a five-story building on the project site.²⁸ Test borings on the project site found that the site is blanketed by five to nine feet of sand and gravel fill with varying amounts of silt which is underlain by six to ten feet of clay to gravelly clay fill. The fill contains debris such as wood, glass, concrete and brick. Underlying the fill is a layer of weak, compressible clay, locally referred to as Bay Mud that ranges from about four to seven feet in thickness. Beneath the Bay Mud is about 30 feet of medium dense to very dense sand/clayey sand and stiff clay with sand that extends to depths of approximately 54 to 62 feet below ground surface where very stiff clay was encountered. Groundwater was encountered at depths of 8 and 12 feet bgs.

The most significant geotechnical concern for development on the project site is the presence of heterogeneous fill and the weak compressible clay which could compress and consolidate, respectively, under new loads. These layers are not capable of supporting the building loads without excessive settlement, and a shallow building foundation would not be acceptable. Furthermore, a shallow foundation system could influence the performance of the adjacent building foundation or surcharge the piles supporting the elevated I-280. Therefore, a deep foundation using driven piles that gain support in the soil beneath the Bay Mud should be used. Because of the presence of rubble in the fill and the proximity of the adjacent building and the elevated I-280, the geotechnical report concluded that small

²⁸ Treadwell & Rollo, Inc., *Geotechnical Investigation, 17th and Pennsylvania Streets, San Francisco, California*, March 20, 2001.

displacement piles such as steel H-piles should be used to facilitate installation of piles and that it would be necessary to predrill through the fill if large piece of rubble are encountered.

The proposed 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 impact related to seismic and geologic hazards and would not result in significant project-level or cumulative impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR. 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"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The amount of impervious surface coverage on the project site would not change with implementation of the proposed project as the entire project site is currently covered with asphalt. As a result, the proposed project would not increase stormwater runoff beyond what was studied in the Eastern Neighborhoods PEIR.

Therefore, the proposed project would not result in any significant project-level or cumulative 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 checked="" 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 checked="" 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 impacts to less-than-significant levels. Because the proposed project would not include demolition or renovation of an existing building, Mitigation Measure L-1 would not apply.

Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate

handling, treatment, disposal and when necessary, mitigation 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 is located within the Article 22A (Maher) area and would involve up to approximately 14 feet of excavation below ground surface and approximately 1,742 cubic yards of soil disturbance. 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.

The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA²⁹ to DPH.³⁰ Based on the Phase I ESA, the project site was vacant and undeveloped land up until the early 1990's, when the project site was paved with asphalt and used as a parking lot. In 1999, the project site was used as a contractor's storage yard and parking lot, and the Regents Cab Company has occupied the project site since 2012. The Phase I ESA did not find any evidence that vehicle repair was conducted at the project site.

The 1900 Sanborn Map shows the project site to be vacant and that neighboring areas surrounding the project site were generally vacant and undeveloped except for a few residential structures that are depicted south and southwest of the project site. In addition, railroad spurs running northwest to southeast were present north and east of the project site. The 1914 Sanborn Map shows railroad spurs located directly adjacent to and west of the project site while parcels south of the project site were occupied by the Berger and Carter Company (a heavy industrial hardware business). The Pacific Refining & Roofing Company print mill was present northwest of the project site. The 1977 aerial photograph shows Interstate 280, which is located immediately adjacent to the northern and eastern perimeter of the project site.

The Phase I ESA found several recognized environmental conditions (RECs) at and within the neighboring area of the project site. The RECs include the following: potential impacts from activities associated with the former railroad spurs; the proximity of the project site to Interstate 280; and the artificial fill materials on the project site. A review of regulatory records for the project site indicated that there were no violations at the project site.

Since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would

²⁹ Innovative & Creative Environmental Solutions, *Phase I Environmental Site Assessment*, 98 Pennsylvania Avenue, San Francisco, CA, September 12, 2012.

³⁰ Russell Yim, SFDPH, email to Don Lewis, 98 Pennsylvania Avenue, December 18, 2015.

not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

For the above reasons, the proposed project would not result in significant impacts related to hazards or hazardous materials 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>
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.

Because the proposed project is within the development projected 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"/>
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.

Because the proposed project is within the development projected 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

Archeological Resources

Project Mitigation Measure 1 – Procedures for Accidental Discovery of Archeological Resources (Eastern Neighborhoods Mitigation Measure J-2)

This mitigation measure is required to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c).

The project sponsor shall distribute the San Francisco Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); and to utilities firms involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the “ALERT” sheet is

circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The project sponsor shall provide the ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firms) to the ERO confirming that all field personnel have received copies of the "ALERT" sheet.

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

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

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

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

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

Noise***Project Mitigation Measure 2 – Construction Noise (Eastern Neighborhoods Mitigation Measure F-1)***

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

Project Mitigation Measure 3 – Construction Noise (Eastern Neighborhoods Mitigation Measure F-2)

Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

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

Project Mitigation Measure 4 – Interior Noise Levels (Eastern Neighborhoods Mitigation Measure F-3)

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation

features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

Project Mitigation Measure 5 – Siting of Noise-Sensitive Uses (Eastern Neighborhoods Mitigation Measure F-4)

To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

Project Mitigation Measure 6 – Open Space in Noisy Environments (Eastern Neighborhoods Mitigation Measure F-6)

To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

Air Quality

Project Mitigation Measure 7: Construction Air Quality (Implementing Eastern Neighborhoods PEIR Mitigation Measure G-1)

The project sponsor or the project sponsor's Contractor shall comply with the following

A. Engine Requirements.

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental

Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.

2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers.

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative

1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. *Monitoring.* After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Parcel Map

BLOCK 3948

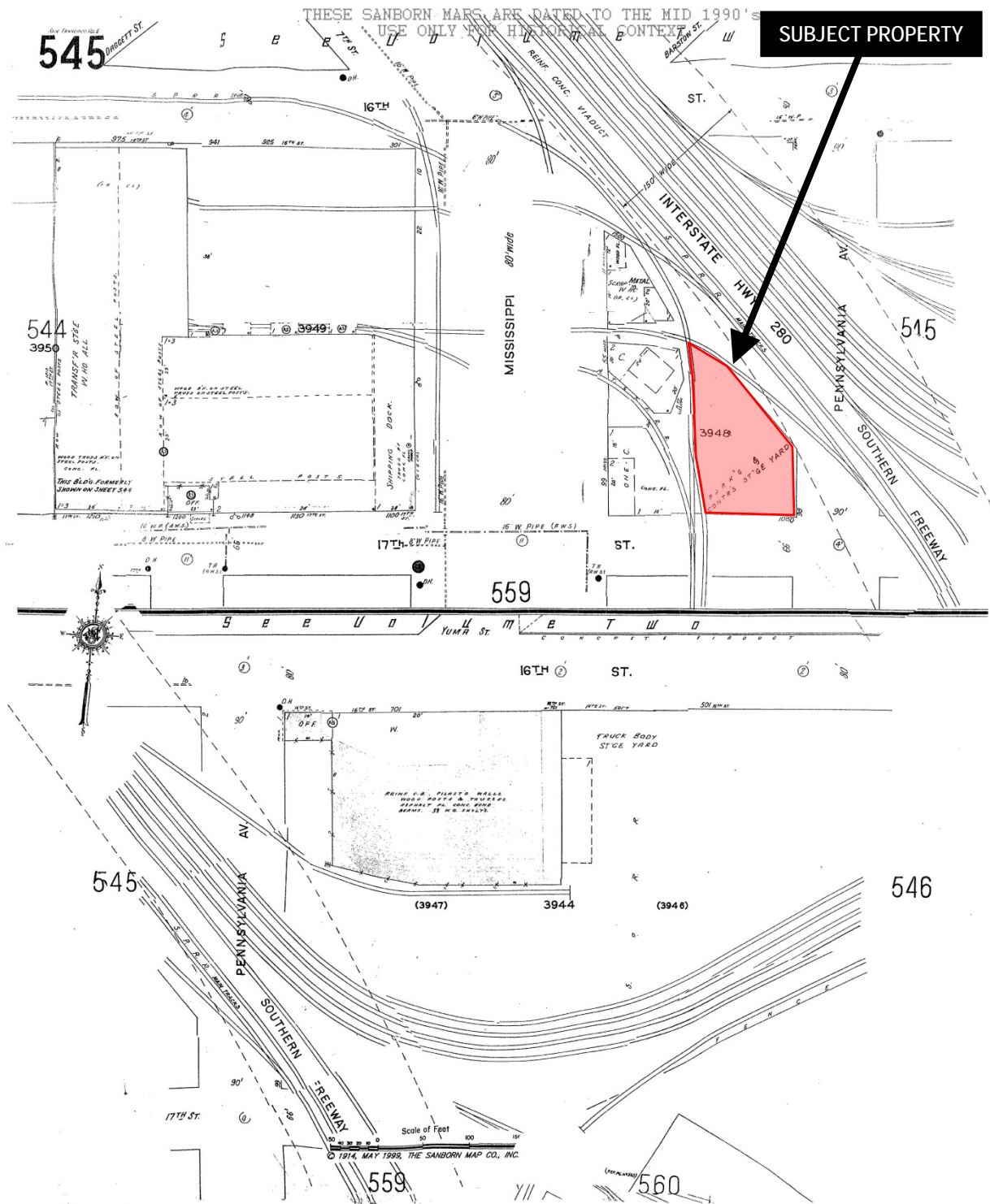


0 100 Feet



Large Project Authorization
Case Number 2013.0517X
98 Pennsylvania Street

Sanborn Map*



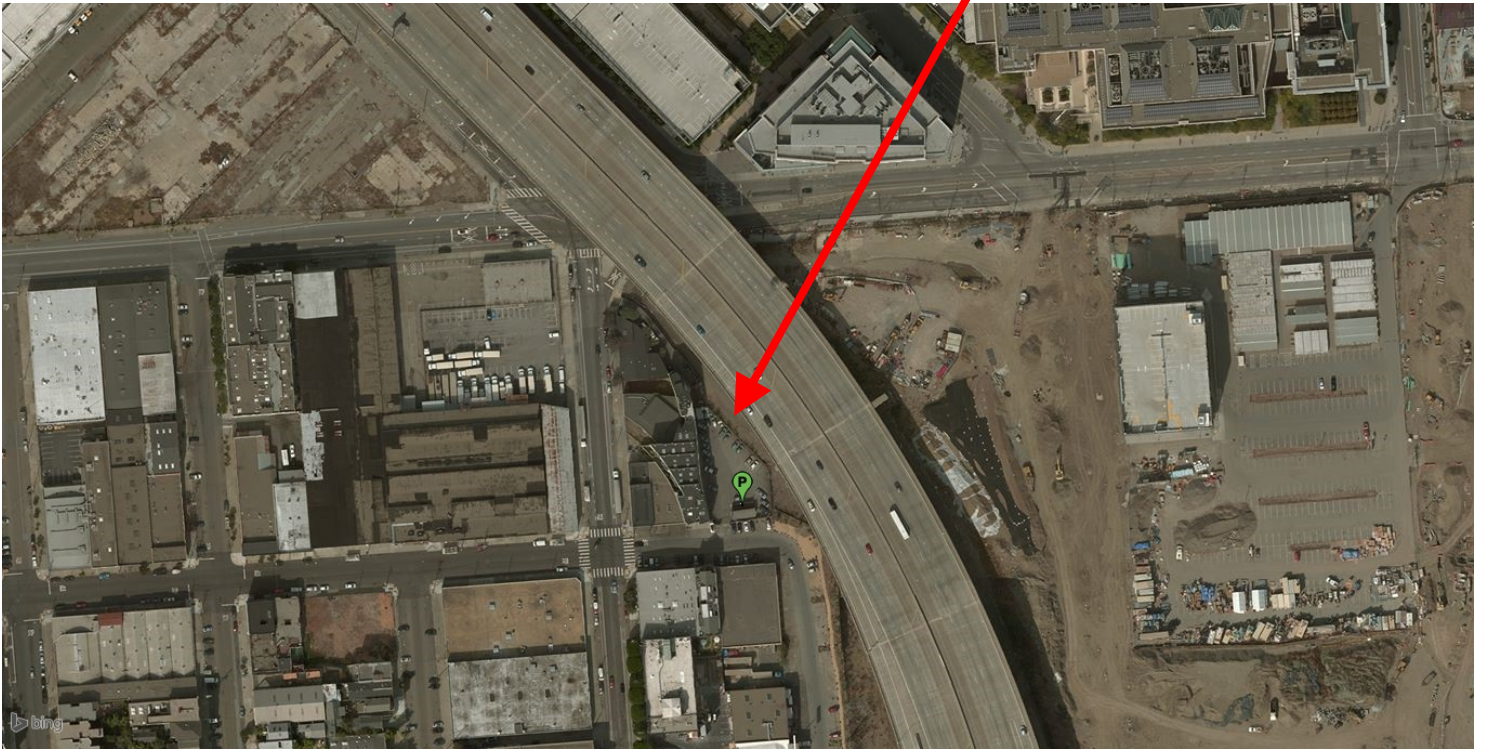
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Large Project Authorization
Case Number 2013.0517X
98 Pennsylvania Street

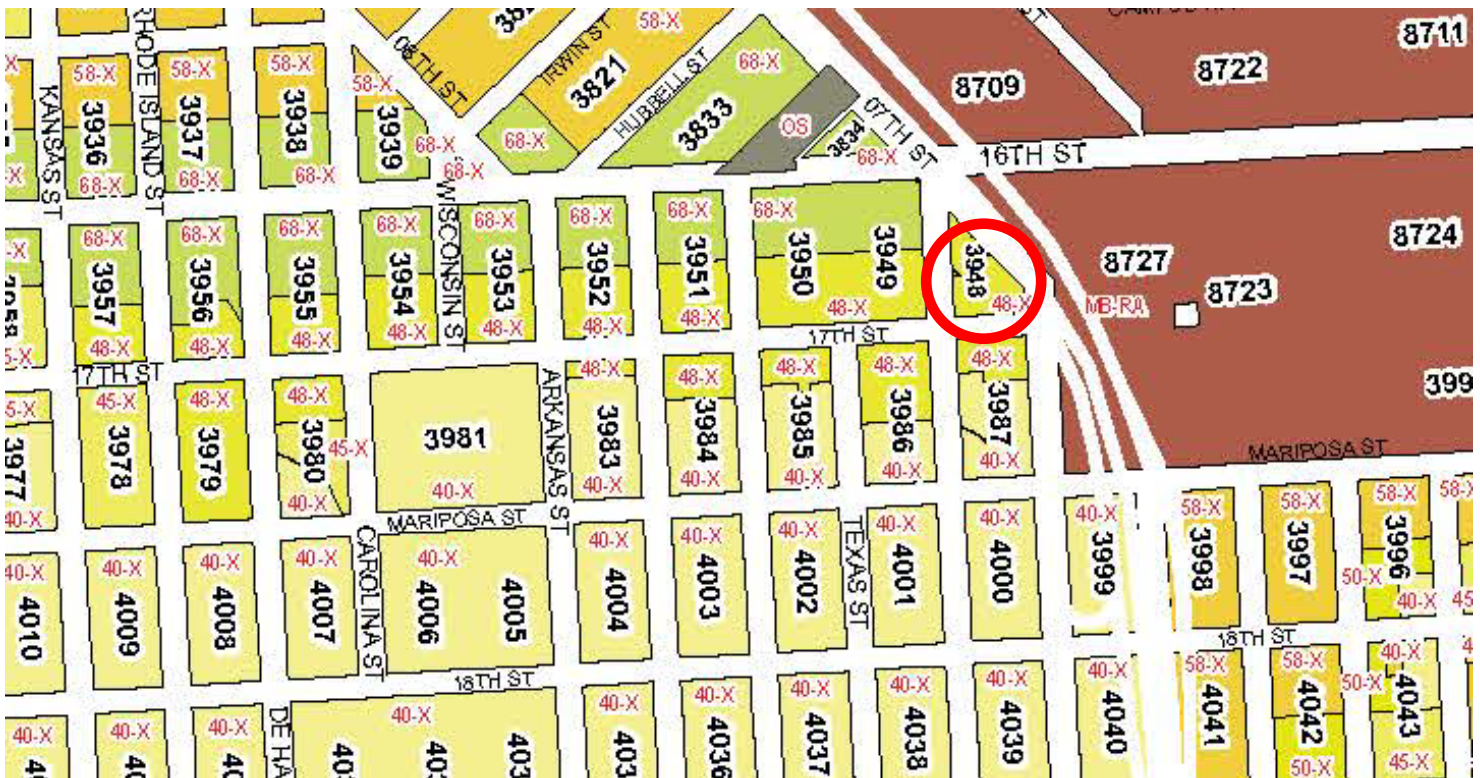
Aerial Photo

SUBJECT PROPERTY



Large Project Authorization
Case Number 2013.0517X
98 Pennsylvania Street

Zoning & Height Maps



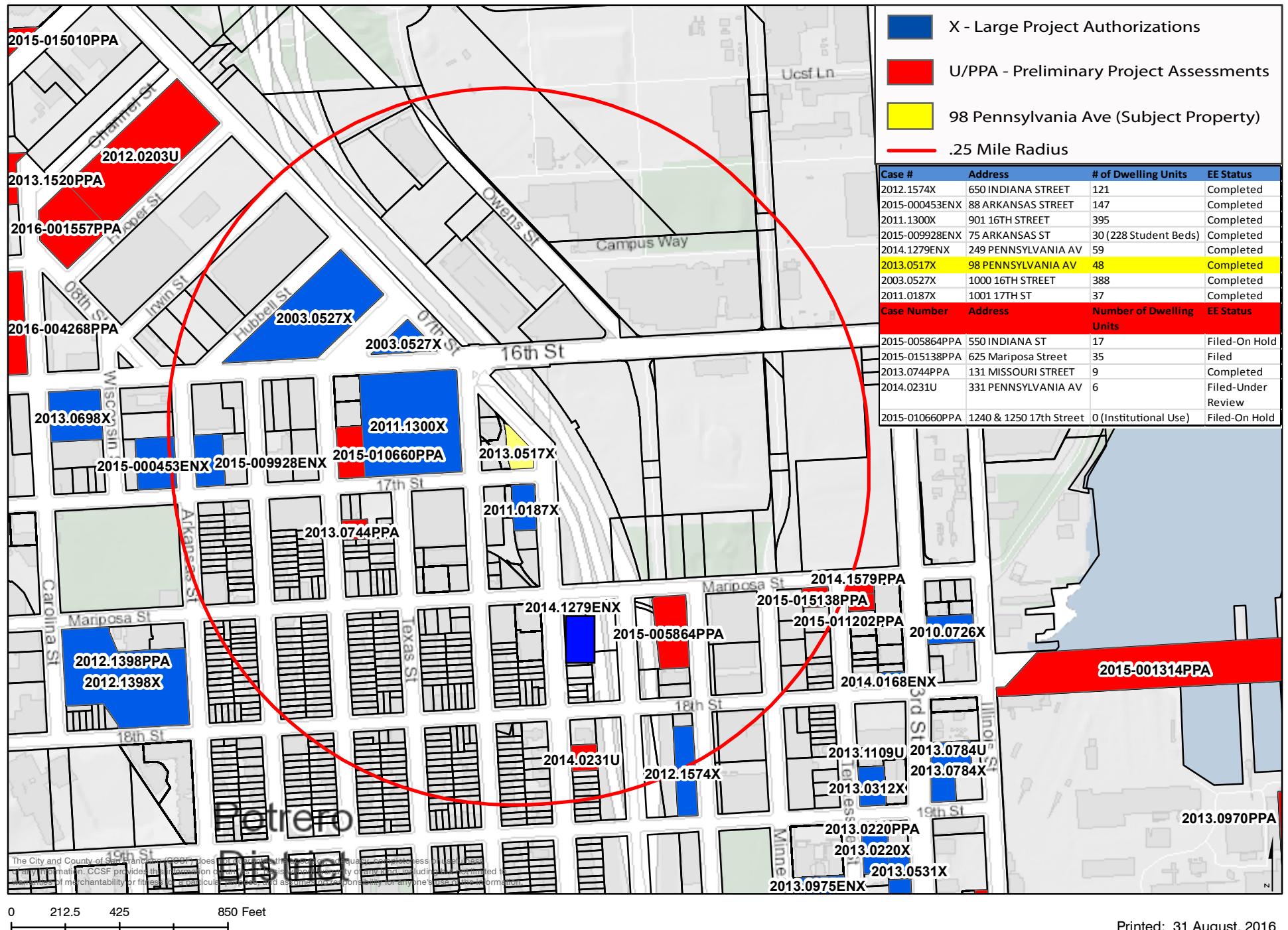
Large Project Authorization
Case Number 2013.0517X
98 Pennsylvania Street

Site Photo



Large Project Authorization
Case Number 2013.0517X
98 Pennsylvania Street

98 Pennsylvania- Major Projects within .25 Miles



277 Porterfield Court
Mountain View CA 94040
650-961-5064

RECEIVED

JUN 24 2014

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

June 17, 2014

San Francisco Planning Department
ATTN: Julian Banales
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

RE: Proposed Residential Development
98 Pennsylvania Ave., San Francisco
(Block 3948, Lot 002)

Dear Sir/Madam:

Property owner Kiernan Harty has recently held a Pre-Application Meeting to discuss a development proposal at 98 Pennsylvania Avenue. We are the owners of the property located at 99 Mississippi Street which is located within 300 feet of the proposed residential development. Our commercial property is leased to San Francisco Scrap Metal which recycles and resells scrap metal.

As you may be aware, the area involved was zoned as an Industrial Protection Zone for more than 15 years but was recently rezoned for "urban mixed use."

Kiernan Harty is proposing a 45-unit residential development on an existing commercial parking lot. The street is a substandard street with limited parking, directly adjacent to the elevated Highway 280, the Caltrain railroad tracks,, and the Commercial-Industrial Zone which is part of the Mission Bay Development. As a result, the area is subject to significant noise, light, traffic and other industrial impacts. It is not conducive to residential development. In fact, as the owners of an industrial building, we question whether new residents who might be arriving with proposed new residential housing such as is proposed will eventually force nearby industrial users to close down and relocate outside of the City.

The proposed development is within a high groundwater zone and in close proximity to an existing area with soil and groundwater contamination. These conditions may be acceptable for an industrial zone but present serious concerns when residences are contemplated. We believe BAAQMD should be involved to conduct a full study of air quality and its effect on future residents before any further steps are taken.

Additionally, industrial pollutants and potential ground contaminants which are present would suggest that a full Environmental Impact Report should also be undertaken.

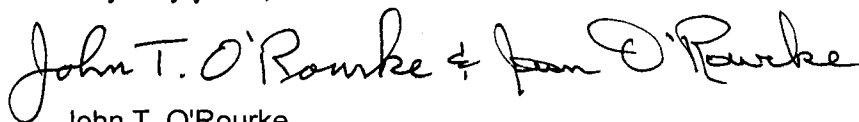
Lastly, we and our tenant have grave concerns as to parking, traffic, and accessibility for our tenant's customers and recycling business. The proposal for 45 residential units only allows for 36 parking spaces. Aerial photographs of this area show that there is not a single available on-street parking space within a half miles radius of this property. We believe the street parking is currently being taken up by the residents of the existing residential units and Art Institute students. The developer proposes 22 bicycle spaces in lieu of parking but we would suggest

that it is overly optimistic to assume that tenants or owners of the proposed residences would not need or have a car. The site is not in a public transit priority area or within half a mile of a major transit stop. A lack of available parking will severely impact our tenant's business which relies on customers dropping off scrap metal materials for recycling purposes.

The business on our premises, which engages in recycling of metals, conducts activities that render an important green use—a use which aligns with San Francisco's renowned recycling program. It would be a shame to negatively affect such a needed business.

Thank you for your consideration of the above.

Very truly yours,

Handwritten signatures of John T. O'Rourke and Joan C. O'Rourke in cursive script.

John T. O'Rourke
Joan C. O'Rourke

cc: Supervisor Malia Cohan
Jessica Range, S.F. Planning Commission
Melinda Hue, S.F. Planning Commission
Pat Curtis, San Francisco Metals
Kiernan Harty, c/o John Kevlin, Rueben Junius & Rose LLP
Michele Trausch, Hanson Bridgett, Attorneys at Law

REUBEN, JUNIUS & ROSE, LLP

September 9, 2016

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 98 Pennsylvania Avenue
Planning Case No. 2013.0517X
Hearing Date: September 22, 2016
Our File No.: 8506.01

Dear President Fong and Commissioners,

This office represents Ciaran and Patrick Harty, the Project Sponsor of a new residential building at 98 Pennsylvania Street (the “Property”). The Property is located on the southeast corner of Pennsylvania and 17th Streets, directly adjacent to Interstate 280 and is currently a vacant lot. The Project Sponsor is proposing the construction of a new five-story, 48,716 square foot residential building (the “Project”) featuring:

- 48 new rental dwelling units, including five units that open directly onto 7th and 17th Streets;
- Seven below-market-rate units;
- 3,854 square feet of open space, including a 3,254 square-foot common roof deck; and
- Development of the unimproved portion of 7th Street beneath Interstate 280 into a pedestrian-friendly public space.

The Project will transform an underutilized vacant lot into a small-scale residential development. In order to accommodate 48 new dwelling units, the Project is requesting an exception from the rear yard requirements of Section 134 for two units that front 7th Street. We respectfully request the Planning Commission grant the approvals, because:

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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827 Broadway, Suite 205, Oakland, CA 94607
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www.reubenlaw.com

- **The Project will create a vibrant ground-floor street frontage.** The 7th Street façade has been designed in anticipation of the possible demolition of Interstate 280 – it will immediately provide an active ground-level experience that will activate the street. This façade features five units that open directly onto the street, three of which are duplexes. Two one-story studio units are located at the northern end of the site and are accessed directly from 7th Street. They are open and inviting while providing sufficient privacy for the residents. For renderings of the proposed facades, see **Exhibit A**. The 17th Street façade has four townhouse-style duplex units, each with private open space. The result is a building with an active ground floor, providing an engaging experience for the residents and public.
- **The Project proposes to improve 7th Street.** The Property is a fenced-in surface parking lot with no access to 7th Street, which is unimproved. Currently, 17th Street does not extend east beneath Interstate 280 but curves to the south onto Pennsylvania Street, creating a termination point at this intersection that is used as street parking. The Project proposes to open up this area by developing the unimproved portion of 7th Street along the Property, constructing sidewalks and installing street trees. The Project has been designed with the possibility of the raised portion Interstate 280 being demolished and the street-level surface becoming an active transit thoroughfare. In this vein, the Project Sponsor has committed to working with city agencies to incorporate public realm elements into the Project along 7th Street. Photos of the existing condition on 7th Street are attached as **Exhibit B**.
- **The design is compatible with the adjacent properties and neighborhood.** The proposed building has three street-facing facades and each has been thoughtfully designed so that it engages with the street. The design is in keeping with the two adjacent residential buildings – 1050 17th Street constructed in 2002, and 1001 17th Street, constructed in 2016. The height and massing does not overwhelm the neighborhood, which consists of one-to-four story buildings. The overall design of the fenestration, materials, and massing creates a new building that compliments the evolving neighborhood.
- **The Project will provide seven below-market-rate rental units.** It is important to the Project Sponsor that the Project provide new rental units to the city's housing stock. The Project will include 48 new units and seven of these will be BMR units. In order to make this feasible, two studio units are being proposed at the northern end of 7th Street facade. These will be one-story in height and have entrances directly off the street. Due to the odd-shaped lot, the northern end terminates in a point, limiting the ability to provide a Code-complying rear yard area for these two units. The remainder of the 48 units (46 total) are Code-complying. The Project is providing a

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large open roof deck area for the tenants that these units can utilize, and there is direct access to the street from the two units.

In sum, the Project will add to the existing housing stock that has recently been constructed in the vicinity and increase the residential population in the neighborhood. It has been thoughtfully designed and is opening up an unimproved portion of 7th Street. Of the 48 rental units, nine units will open to the street, engaging with the public realm and creating a vibrant environment in what is currently an underutilized portion of the city. For these reasons, we urge you to support this project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

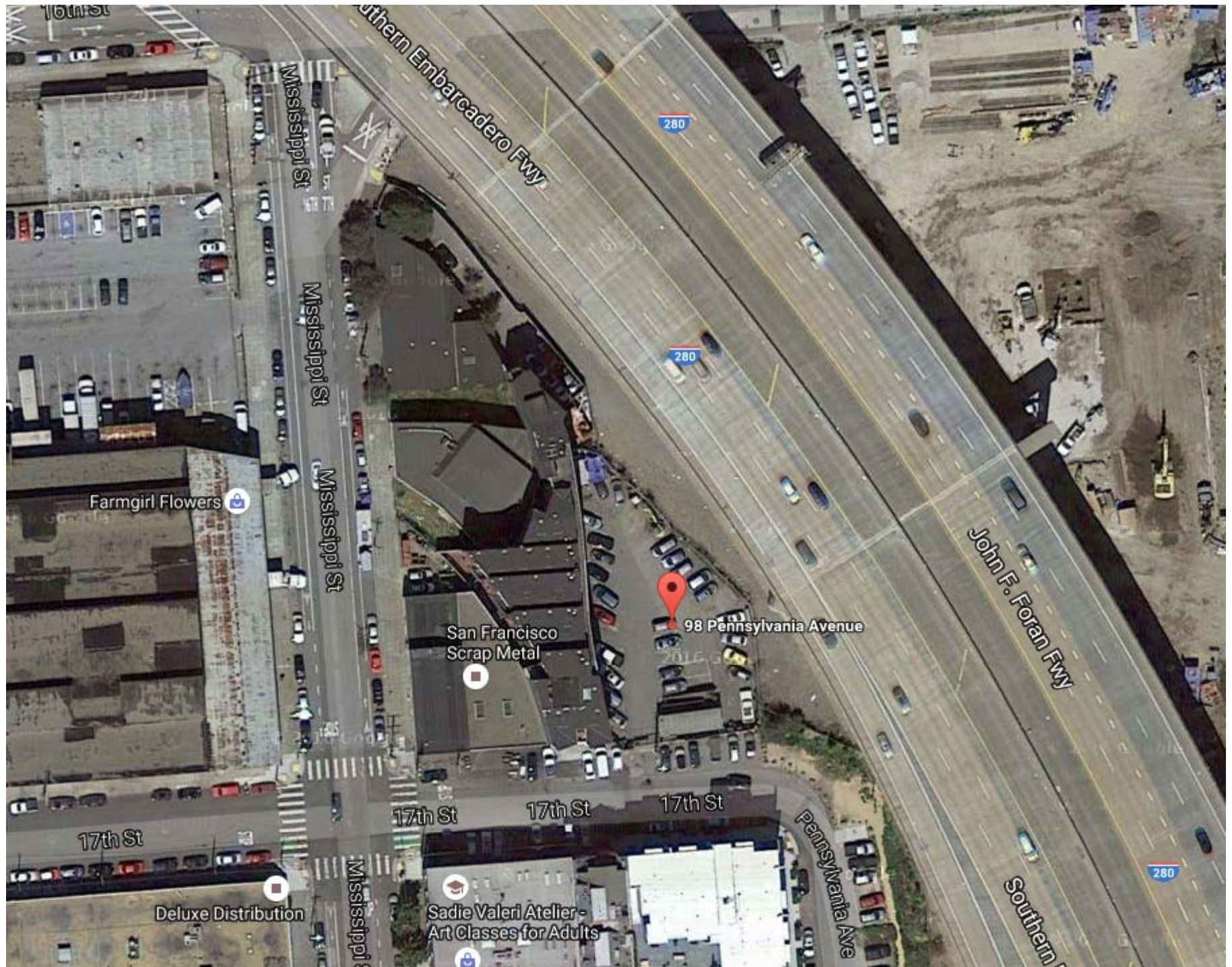
cc: Vice-President Dennis Richards
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Jonas P. Ionin – Commission Secretary
John Rahaim – Planning Director
Kimberly Durandet – Project Planner

Exhibit A: Renderings Looking South on 7th Street



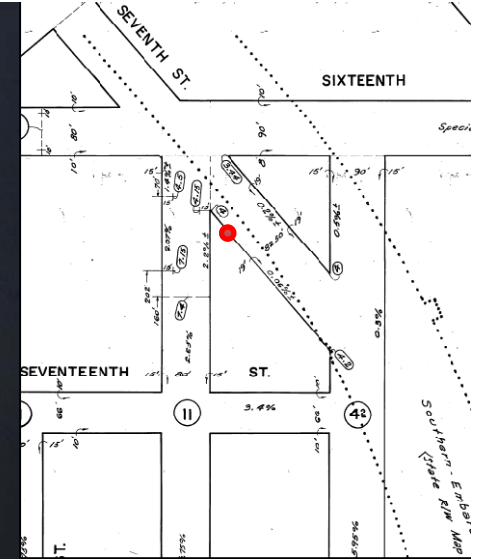
Exhibit A: Renderings Looking North on 7th Street



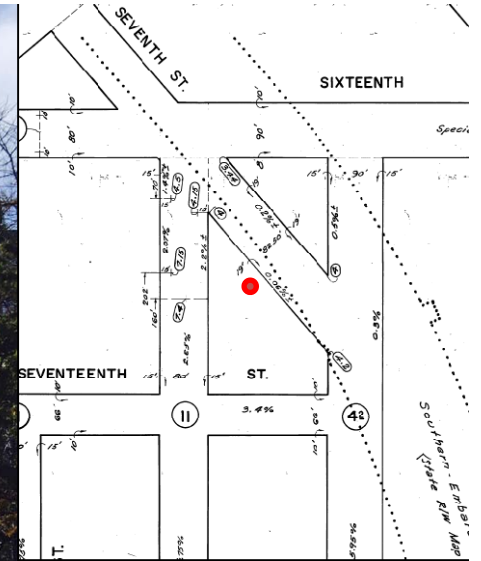
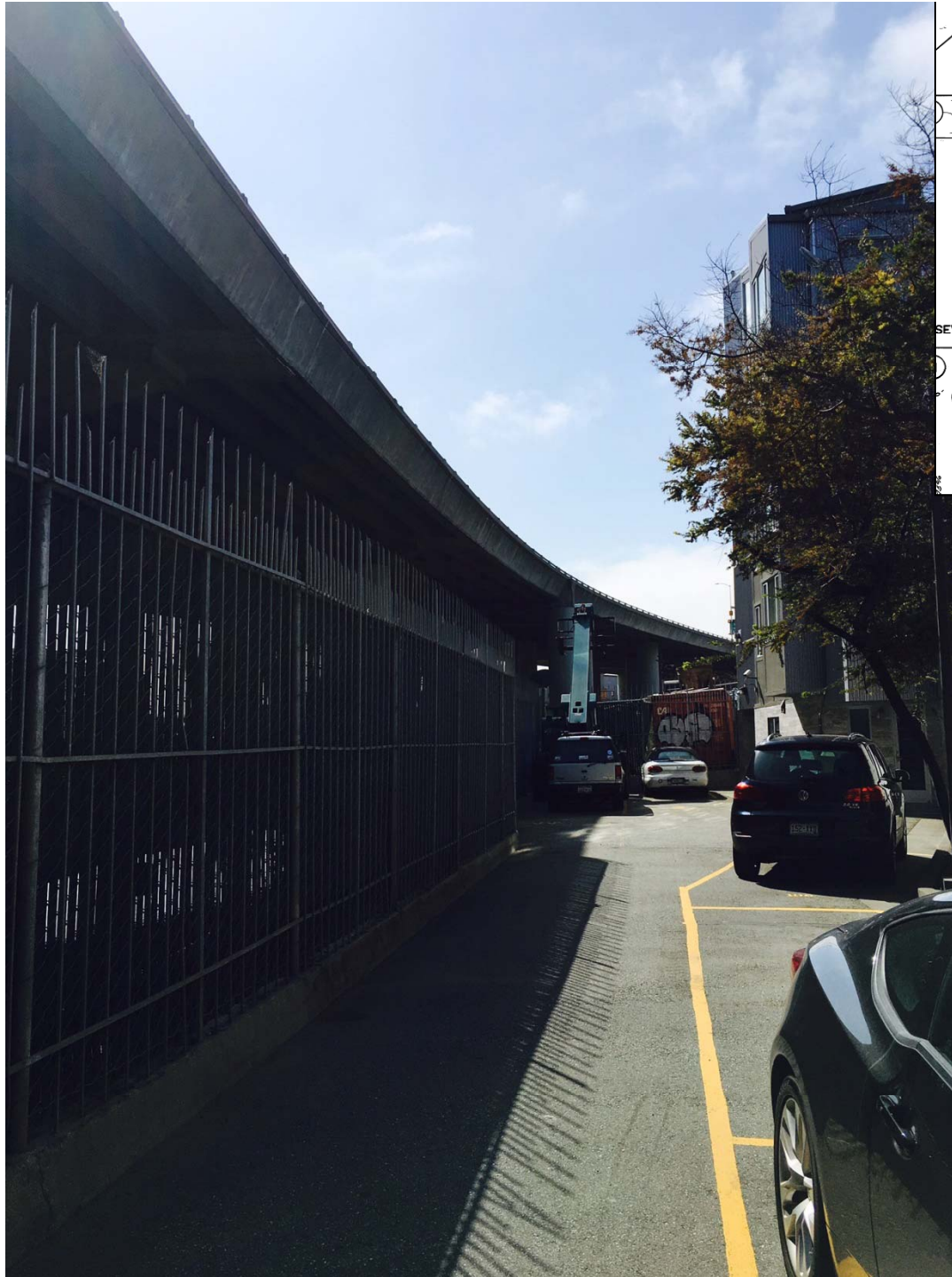


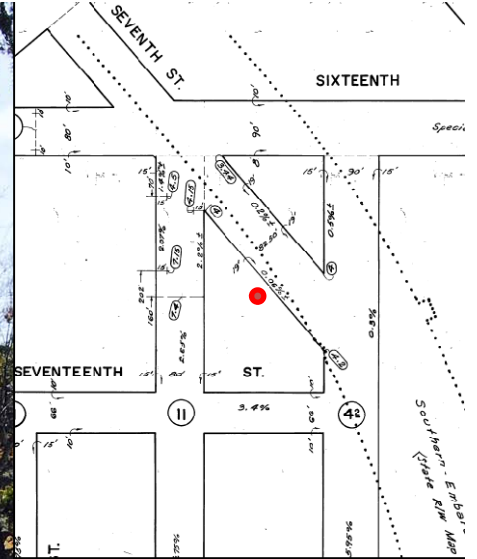




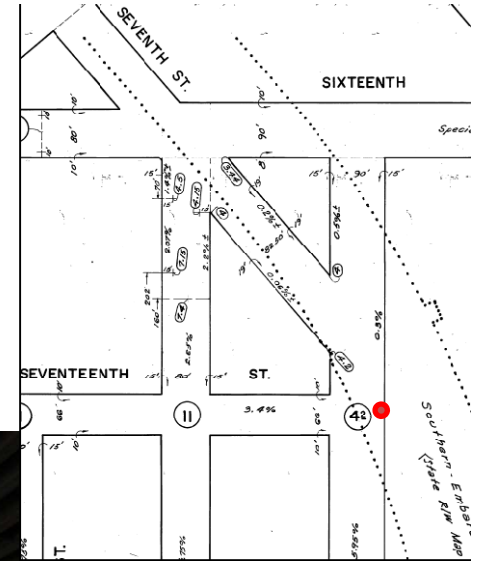














SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

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

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
+* BW dk's [SEdW		%&!"\$	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
@af kMxW	\$' #92' #J	F46	
PROJECT SPONSOR	MAIN CONTACT	PHONE	
5[SdS : Sdk	aZ =W	/8# fi' ()Z'''	
ADDRESS			
DWITW g' [ge~ DaeW>>Bl A` WigeZ EfdW EglfW'''			
CITY, STATE, ZIP		EMAIL	
ES' 8dS Uelal 53 +8#" &		Y W 2 dWTSi 1a_	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
&	"	48y 5 Floors	
ANTICIPATED START DATE			

Section 2: First Source Hiring Program Verification

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

Continued...

Section 3: First Source Hiring Program – Workforce Projection

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

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

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

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

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?
2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?
3. Will hiring and retention goals for apprentices be established?
4. What is the estimated number of local residents to be hired?


YES NO

☐ ☒

☐ ☒

☐ ☒

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
CARAN HARTY	HARTY-HARTYPRO@a4Hoo.com	415 724- 2425
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)	(DATE)	
	4-22-16	

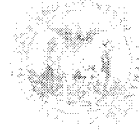
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

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

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



San Francisco
Planning

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

September 12, 2016

Date

I, Ciaran Harty
do hereby declare as follows:

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

98 Pennsylvania Avenue

Address

3948/002

Block / Lot

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

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

2013.0517

Planning Case Number

N/A

Building Permit Number

This project requires the following approval:

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

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

Kimberly Durandet

Planner Name

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

☒ Yes Tier A ☐ No

(If yes, please indicate Affordable Housing Tier)

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

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

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

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

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

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

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

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

¹ California Civil Code Section 1954.50 and following.

F Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:
7	100%	55%

No. of Affordable Units:	% Affordable Units:	AMI Level:

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

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

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

Executed on this day in:

SAN FRANCISCO
Location

9-13-16
Date

Sign Here

CARAN HART
Signature

CARAN HART
Name (Print), Title

415-724-2425
Contact Phone Number

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

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
48		4	25	19	

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

☒ **On-site Affordable Housing Alternative** Planning Code Section 415.6): calculated at **15.4** % of the unit total.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
7		1	4	2	

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

Number of Affordable Units to be Located OFF-SITE:

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

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

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

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:

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

3. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:

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

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

19th Street Investments, LLC

Company Name

Ciaran Harty

Name (Print) of Contact Person

1254 41st Ave.

Address

(415) 724-2425

Phone / Fax

San Francisco, CA 94122

City, State, Zip

harty_hartyprop@yahoo.com

Email

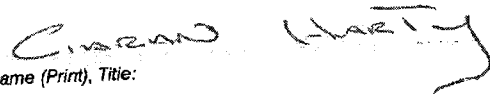
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:



Name (Print), Title:



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

Company Name

Name (Print) of Contact Person

Address

Phone / Fax

City, State, Zip

Email

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

Sign Here

Signature:

Name (Print), Title:

Free Recording Requested Pursuant to
Government Code Section 27383

When recorded, mail to:
San Francisco Planning Department
1650 Mission Street, Room 400
San Francisco, California 94103
Attn: Director

Lot 002 in Assessor's Block 3948

**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN
THE CITY AND COUNTY OF SAN FRANCISCO AND 19TH STREET
INVESTMENTS, LLC, RELATIVE TO THE DEVELOPMENT KNOWN AS 98
PENNSYLVANIA AVENUE**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS ("Agreement") dated for reference purposes only as of this ___ day of _____, 201_, is by and amongst the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the "City"), acting by and through its Planning Department, 19TH STREET INVESTMENTS, LLC, a California limited liability company ("Developer"), with respect to the project approved for 98 Pennsylvania Avenue (the "Project"). City and Developer are also sometimes referred to individually as a "Party" and together as the "Parties."

RECITALS

This Agreement is made with reference to the following facts:

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

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco at Assessor's Block 3948 Lot 002, located on the north side of 17th Street at the intersection of 17th Street and

Pennsylvania Avenue (hereinafter "Property"). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to construct a new five-story-over-basement residential building at the corner of 17th Street and Pennsylvania Avenue, immediately west of Interstate 280. The new building would include 48 dwelling units, with 4 studios, 25 1-bedroom units, and 19 2-bedroom units (the "Project"). A below-grade garage would consist of 30 off-street parking spaces and 48 bicycle parking spaces. A number of the units will have private decks or balconies, and a roof deck will provide 3,254 square feet of common open space. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site. The Project would fulfill its inclusionary affordable housing requirement by providing 15.4% of the dwelling units, or 7 below-market rate (BMR) units, on-site, assuming that 48 residential units are constructed.

On _____, 201____, pursuant to Motion No. _____, the Planning Commission issued a Large Project Authorization for the Project under Section 329 (the "Large Project Authorization") to allow exceptions for the rear yard, dwelling unit exposure, and permitted obstructions pursuant to Planning Code Sections 134, 140 and 136 respectively. A Notice of Special Restrictions containing Conditions of Approval of the Large Project Authorization was recorded against the Property on _____ 201__ (NSR No. _____).

The Large Project Authorization is referred to herein as the "Project Approval". The dwelling units that are the subject of this Agreement are the Project's on-site inclusionary units representing fifteen and four-tenths percent (15.4%) of the Project's dwelling units, which assuming that 48 dwelling are constructed, would total 7 inclusionary units (the "Inclusionary Units"). The dwelling units in the Project that are not Inclusionary Units, representing eighty-four and six-tenths percent (84.6%) of the Project's dwelling units, which assuming that 48 units are constructed would total 41 units, are referred to herein as the "Market Rate Units."

This Agreement is not intended to impose restrictions on the Market Rate Units, any portions of the Project other than the Inclusionary Units, or any future development at the Property that is not a part of the Project. This Agreement relates solely to the Inclusionary Units and shall have no legal effect in the event that the Project is not constructed. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the "Affordable Housing Program") provides that developers of any housing project consisting of ten or more units must pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code, for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

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

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

G. Project's Compliance with CEQA. Pursuant to section 15183 of the CEQA Guidelines, California Public Resources Section 21083.3, and Chapter 31 of the San Francisco Administrative Code, the Planning Department published a Certificate of Exemption ("CPE") from Environmental Review for the Project on _____, 201__. The Planning Commission subsequently reviewed and concurred with the information contained in the CPE at a noticed public hearing on _____, 201__ (Motion No. _____).

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

AGREEMENT

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

1. GENERAL PROVISIONS

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

2. CITY'S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.

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

2.1.1 Project Approval and Density Bonus. The Project Approval included the Large Project Authorization allowing exceptions for the rear yard, dwelling unit exposure and permitted obstructions pursuant to Planning Code Section 134, 140 and 136 respectively. This Project Approval permitted development of the Project at a greater density than would otherwise have been permitted under the Planning Code.

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

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

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

3. COVENANTS OF DEVELOPER

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approval, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide fifteen and four-tenths percent (15.4%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 48 units comprising the Project, a total of 7 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and

incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

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

3.4 No Obligation to Construct. By entering into this Agreement, Developer is not assuming any obligation to construct the Project, and the covenants of Developer hereunder become operative only in the event Developer elects to proceed with construction of the Project.

4. MUTUAL OBLIGATIONS

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

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

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

5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Property to the terms of this Agreement, and that all other persons

holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

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

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

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

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

officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

6. AMENDMENT; TERMINATION

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of the Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement and any amendment to the Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

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

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

7.1 Agreement Runs With The Land. City acknowledges that Developer may assign or transfer its rights, duties and obligations under the Project Approval and this Agreement and/or convey any interest it owns in the Property to another person or entity without City consent. Any assignee or successor to Developer's rights to the Project Approval and/or Property shall be referred to herein as a "Transferee". Any Transferee may also subsequently assign or transfer its rights, duties and obligations under this Agreement and/or convey any interest it owns in the Property to another person or entity. As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses or similar agreements to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting one or more leasehold interests in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the Project Approval shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer's obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an "Assignment and Assumption Agreement"), but not thereafter. The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City's enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this Agreement by the Developer prior to the date of

transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

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

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

7.5.2 Subject to the provisions of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approval and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a "Request for Special Notice") with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, but no obligation, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion;

provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority. Nothing in this Agreement shall impair the foreclosure rights of any mortgagee.

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

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

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation,

or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

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

9. MISCELLANEOUS PROVISIONS

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

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, following recordation of this Agreement all of its provisions shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

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

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

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

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

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

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

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

To City:

John Rahaim
Director of Planning
San Francisco Planning Department
1650 Mission Street

San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.
City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Attn: Elizabeth Anderson, Dep. City Attorney

To Developer:

19th Street Investments, LLC
1254 41st Avenue
San Francisco, CA 94122
Attn: Patrick Harty

and a copy to:

Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Tel: (415) 567-9000
Fax: (415) 399-9480
E-mail: jkevin@reubenlaw.com
Attn: John Kevlin

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

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

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

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law

(Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.

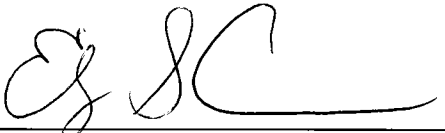
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY

CITY AND COUNTY OF SAN
FRANCISCO,
a municipal corporation

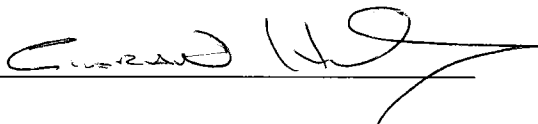
Approved as to form:
Dennis J. Herrera, City Attorney

By: _____
John Rahaim
Director of Planning

By:  _____
Elizabeth S. Anderson
Deputy City Attorney

DEVELOPER

19TH STREET INVESTMENTS, LLC
a California Limited Liability Company

By:  _____
Its: owner

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

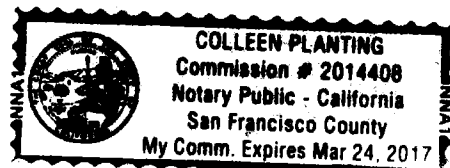
On 9/13/16 before me, Colleen Planting, Notary Public

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

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

WITNESS my hand and official seal.

Colleen Planting
Signature of Notary Public



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

COUNTY OF _____

On _____ before me, _____

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

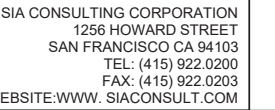
I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

EXHIBIT A
Legal Description of Property

1	2	3	4	5	6	7	8	9	10					
ASSESSOR'S MAP			DRAWING INDEX			SCOPE OF WORK			PROJECT NAME					
			<div><div>A-0.1</div><div>COVER SHEET</div></div> <div><div>A-0.2</div><div>VICINITY MAP</div></div> <div><div>A-0.3</div><div>SITE PICTURES</div></div> <div><div>A-0.4</div><div>MASSING STUDY</div></div> <div><div>A-1.0</div><div>SURVEY</div></div> <div><div>A-1.1</div><div>SITE PLANS, & NOTES</div></div> <div><div>A-2.1</div><div>BASEMENT FLOOR PLAN</div></div> <div><div>A-2.2</div><div>FIRST FLOOR PLAN</div></div> <div><div>A-2.3</div><div>SECOND FLOOR PLAN</div></div> <div><div>A-2.4</div><div>THIRD FLOOR PLAN</div></div> <div><div>A-2.5</div><div>FOURTH FLOOR PLAN</div></div> <div><div>A-2.6</div><div>FIFTH FLOOR PLAN</div></div> <div><div>A-2.7</div><div>ROOF PLAN</div></div> <div><div>A-3.1</div><div>BUILDING ELEVATIONS</div></div> <div><div>A-3.2</div><div>BUILDING ELEVATIONS</div></div> <div><div>A-3.3</div><div>MATERIAL BOARD</div></div> <div><div>A-4.1</div><div>BUILDING SECTION</div></div> <div><div>A-5.0</div><div>WINDOW DETAILS</div></div>			PROPOSED CONSTRUCTION OF A NEW FIVE-STORY 48 UNITS RESIDENTIAL BUILDING.			PROJECT DATA			 <div>SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 922.0200 FAX: (415) 922.0203 WEBSITE:WWW.SIACONSULT.COM</div>		
						<div>PLANNING DATA</div> <div>ADDRESS: 98 PENNSYLVANIA AVENUE</div> <div>LOT AREA: 12,195 ± S.F.</div> <div>BLOCK / LOT: 3948 / 002</div> <div>BUILDING HEIGHT: 48-X</div> <div>ZONING: UMU</div> <div>GROSS FLOOR AREA - PER PLANNING CODE</div> <div>BASEMENT (PARKING GARAGE & RESIDENTIAL): 10,672 ± S.F. TOTAL</div> <div>9,203 ± S.F. (PARKING GARAGE & STORAGE)</div> <div>1,469 ± S.F. (RESIDENTIAL)</div> <div>9,204 ± S.F.</div> <div>1ST FLOOR (RESIDENTIAL): 9,320 ± S.F.</div> <div>2ND FLOOR (RESIDENTIAL): 9,777 ± S.F.</div> <div>3RD FLOOR (RESIDENTIAL): 9,777 ± S.F.</div> <div>4TH FLOOR (RESIDENTIAL): 9,777 ± S.F.</div> <div>5TH FLOOR (RESIDENTIAL): 9,169 ± S.F.</div> <div>TOTAL GROSS RESIDENTIAL: 48,716 ± S.F.</div> <div>USABLE OPEN SPACE</div> <div>REQUIRED: 3,840 S.F. (80 S.F. PER DWELING UNIT, TOTAL 48 UNITS)</div> <div>PROVIDED: 3,854 S.F. TOTAL</div> <div>600 S.F. (PRIVATE) @ FIRST FLOOR</div> <div>3,254 S.F. (COMMON) @ ROOF TOP</div> <div>PARKING SUMMARY</div> <div>CAR PARKING: 30 CARS</div> <div>CLASS I BICYCLE PARKING: 48 BICYCLE PARKING (ONE PER DWELING)</div> <div>CLASS II BICYCLE PARKING: 2 @ SIDE WALK (ONE PER EVERY 20 UNITS)</div> <div>BMR UNITS</div> <div>14.4% B.M.R UNITS REQ: 7 UNITS REQUIRED</div> <div>BUILDING CODE SUMMARY</div> <div># OF STORIES 5 OVER BASEMENT</div> <div>CONSTRUCTION TYPE TYPE "V-A" OVER "I-A"</div> <div>OCCUPANCY GROUP R-2, S-2</div> <div>APPLICABLE CODES</div> <div>2013 CALIFORNIA CODES EDITIONS</div> <div>W/ SAN FRANCISCO AMENDMENTS</div>						SHEET TITLE		
						Cover Sheet								
									These documents are property of SIA CONSULTING and are not to be produced changed or copied without the expressed written consent of SIA CONSULTING ENGINEERS.					
									ISSUES / REVISIONS					
						NO. DATE DESCRIPTION								
						DRAWN R.L.								
						DESIGN R.K.								
						DATE 04/04/2013								
						REVISED DATE 09/09/2016								
						JOB NO. 13-1571								
						SHEET NO.								
						A-0.1								
1	2	3	4	5	6	7	8	9	10					



Vicinity Map



ALL DATA IS BASED ON SAN FRANCISCO
PLANNING DEPT. PROPERTY INFORMATION MAP



ALL DATA IS BASED ON SAN FRANCISCO
PLANNING DEPT. PROPERTY INFORMATION MAP



SUBJECT PROPERTY



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NO.	DATE	DESCRIPTION
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DRAWN R.L.

DESIGN R.K.

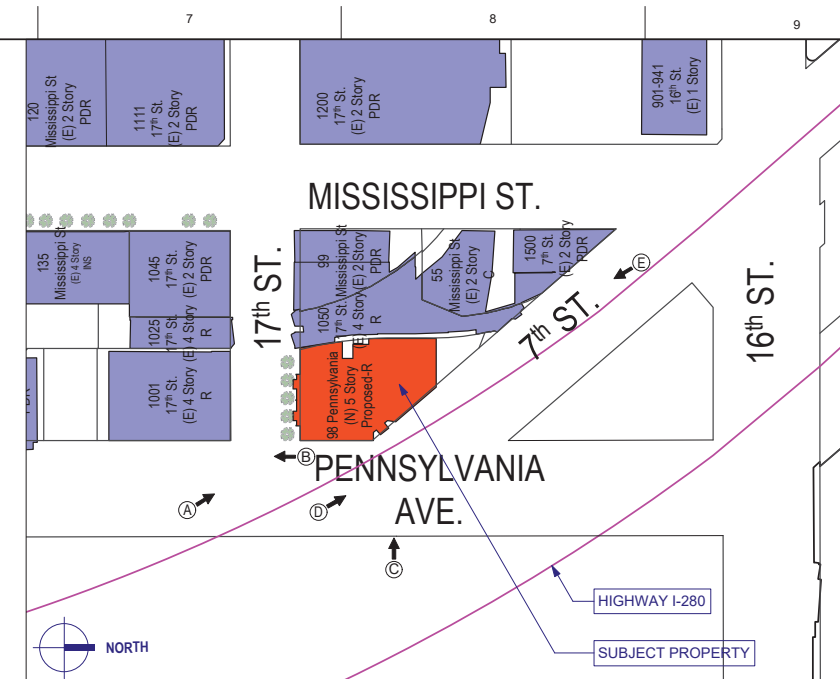
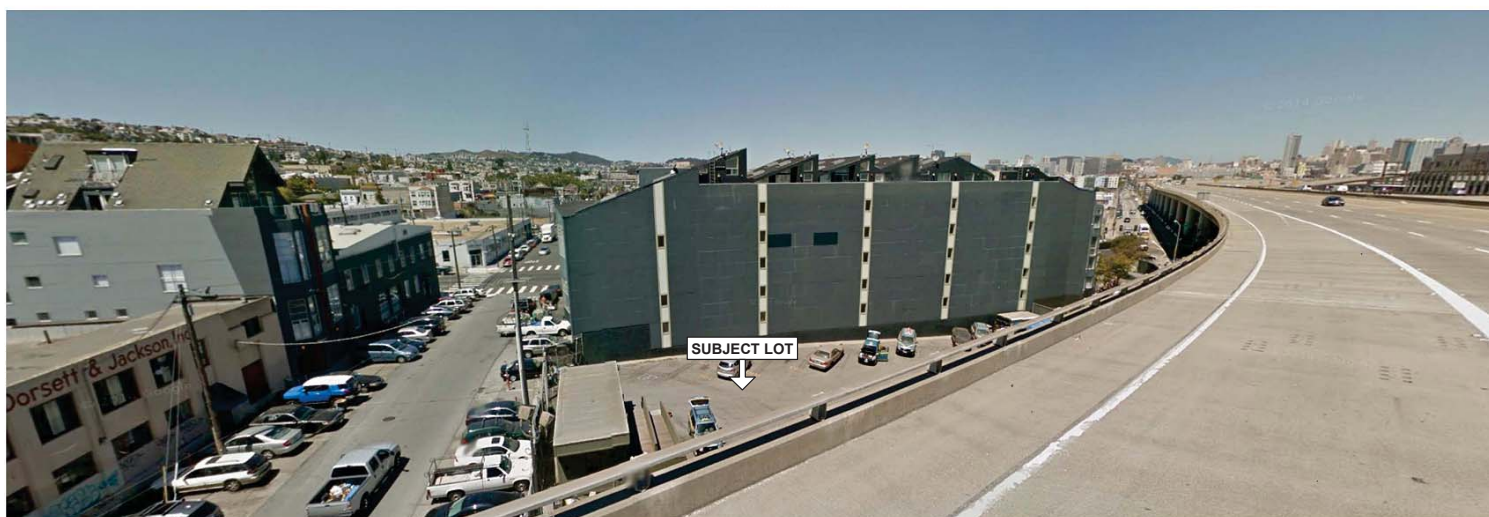
DATE 04/04/2013

REVISÉ DATE 09/09/2016

JOB NO. 13-1571

SHEET NO.

A-0.2



PROJECT NAME

98 PENNSYLVANIA AVE
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW.SIACONSULT.COM

SHEET TITLE

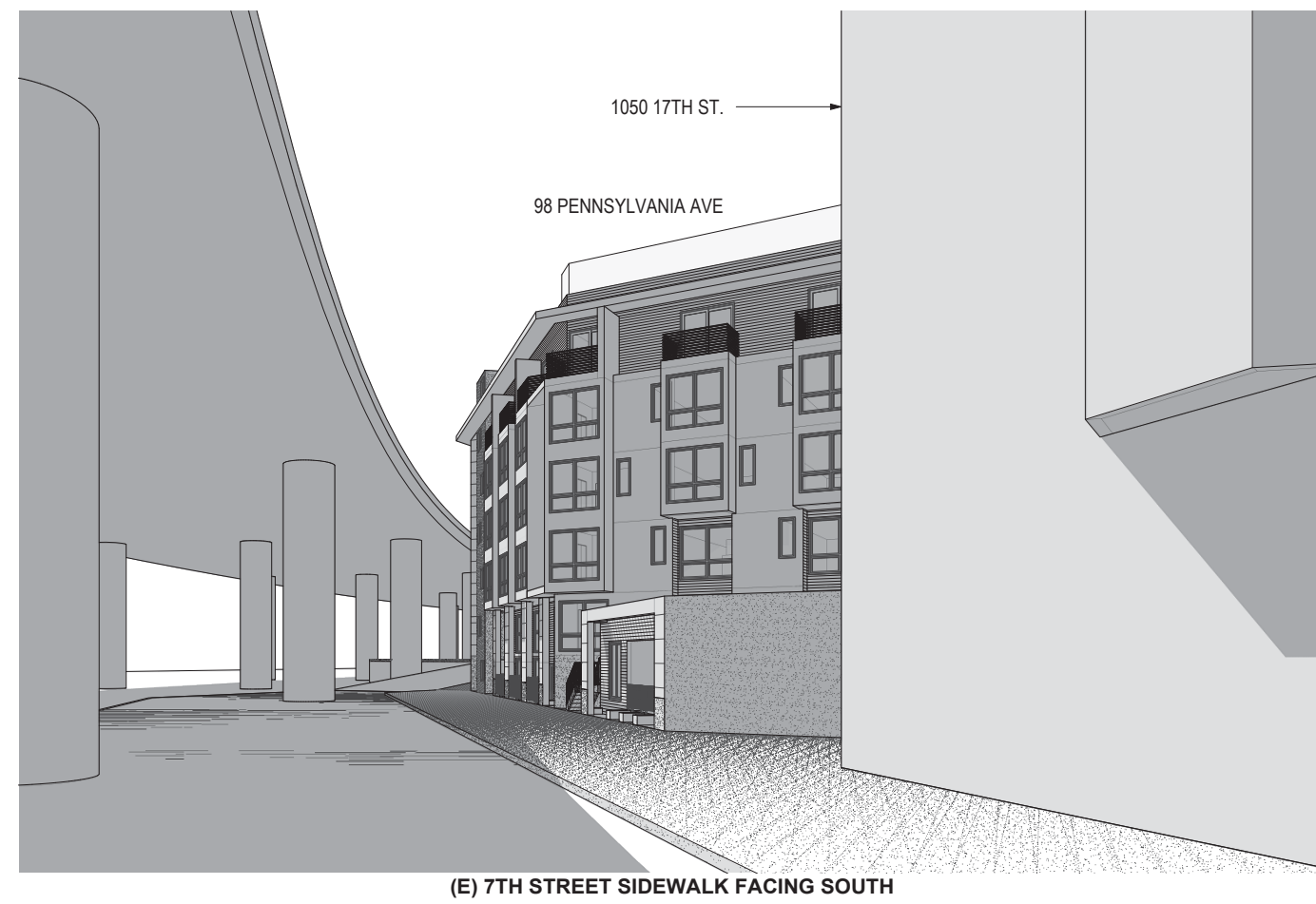
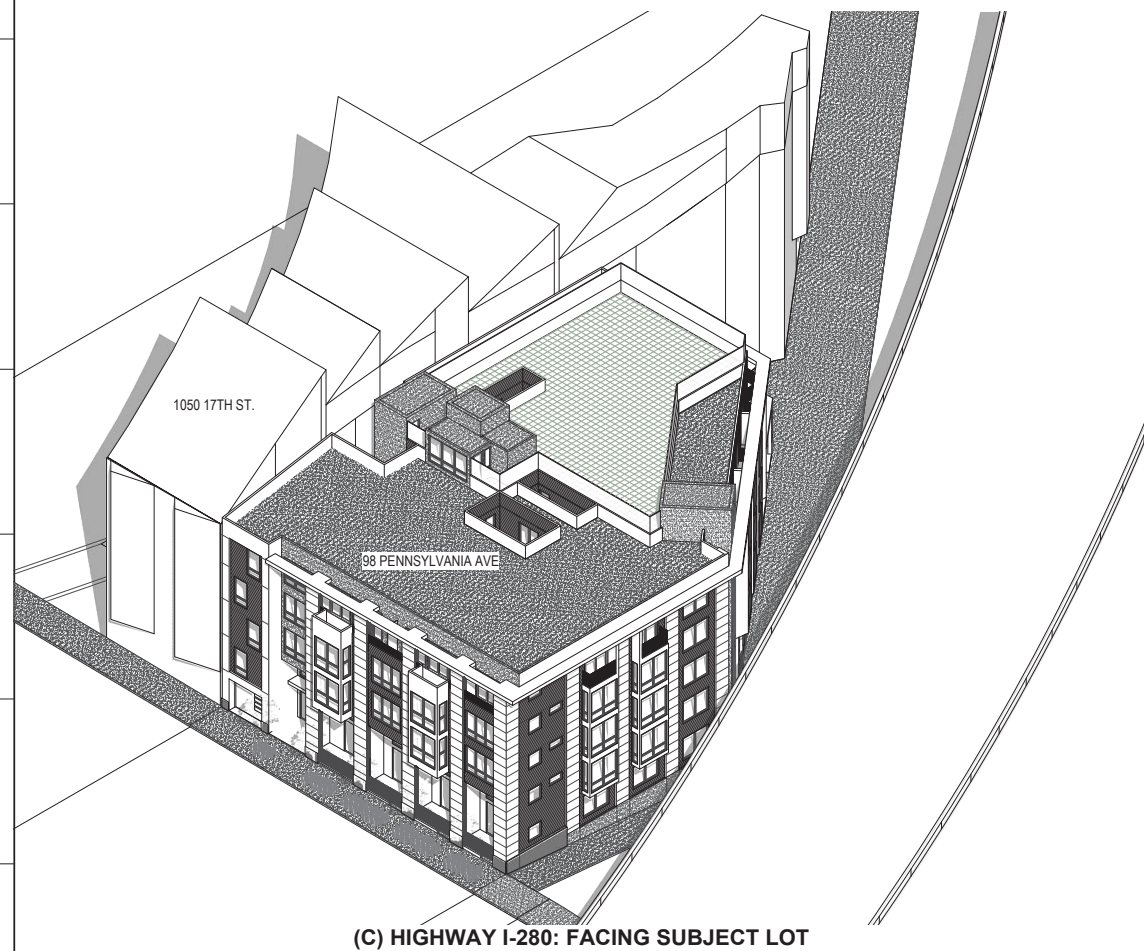
Site Pictures

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
DRAWN		R.L.
DESIGN		R.K.
DATE		04/04/2013
REVISED DATE		09/09/2016
JOB NO.		13-1571
SHEET NO.		

A-0.3



PROJECT NAME	
98 PENNSYLVANIA AVE	
SAN FRANCISCO, CA	



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Massing Study

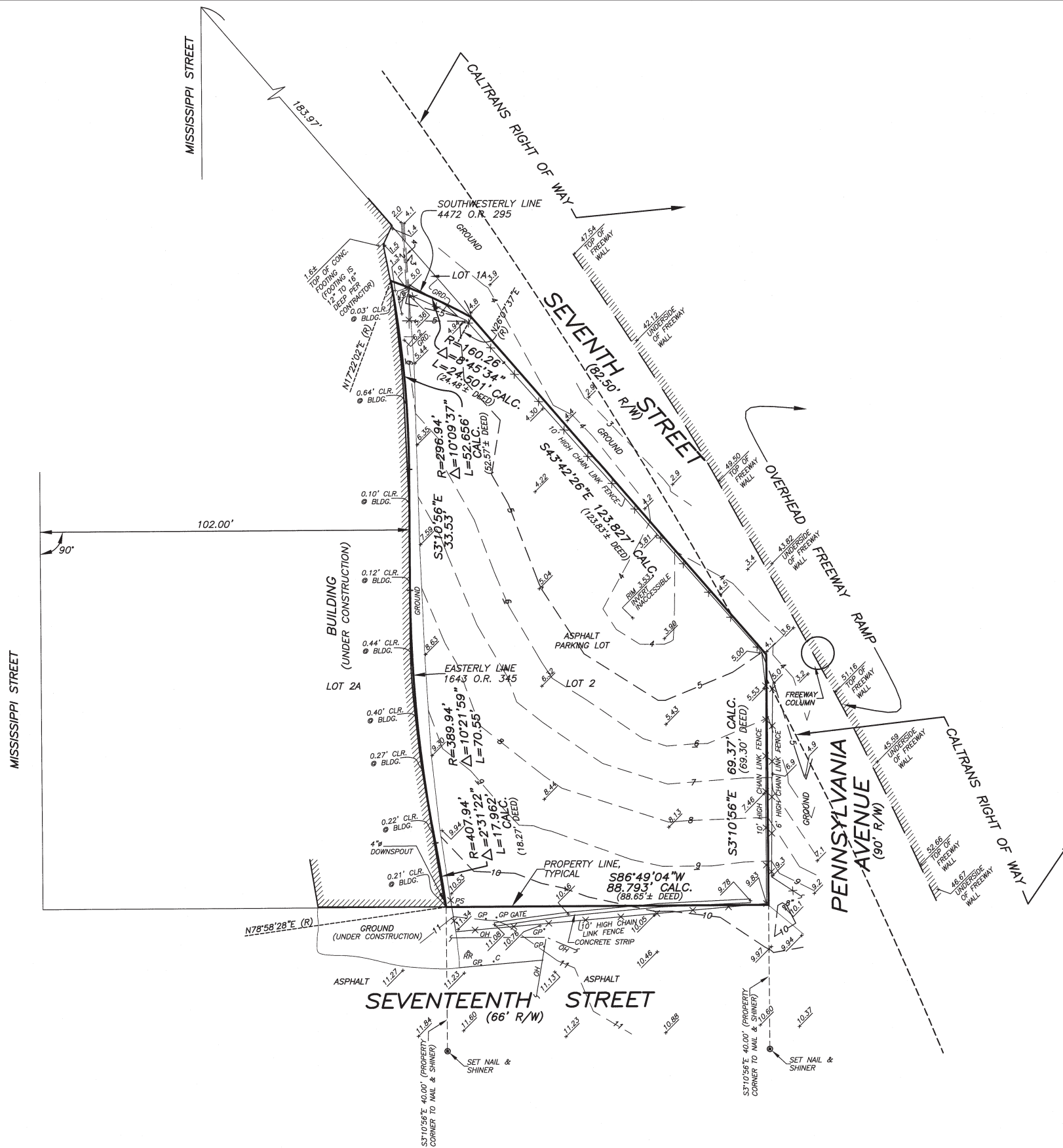
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ISSUES / REVISIONS

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DESIGN		R.K.
DATE	04/04/2013	
REVISED DATE	09/09/2016	
JOB NO.	13-1571	

SHEET NO.

A-0.4



LEGEND

- CONC. CONCRETE
GRD. GROUND
GB GRADE BREAK
R/W RIGHT OF WAY
(R) RADIAL
CALC. CALCULATED
GP GUARD POST
5'EM 5' HIGH ELECTRIC METER
ES PARKING SIGN
RR 12' HIGH, 5" RAILROAD POST
C GATE CODEBOX, 4' HIGH
JP JOINT POLE W/ (2) RISERS & ELECTROLIER
- EGBR ELECTRIC GATEBOX
EPCB ELECTRIC PULLBOX
L LIGHT
8" TREE
SM SEWER MANHOLE
OH OVERHEAD WIRES

SURVEY REFERENCE

CHICAGO TITLE COMPANY PRELIMINARY REPORT NO. 6043165-SH
DATED DECEMBER 28, 2000.

THE FOLLOWING IS AN EXCEPTION TO TITLE WITHIN THE ABOVE REFERENCED
PRELIMINARY TITLE REPORT:

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE
RECORDED MAY 4, 1989, IN REEL E863, IMAGE 852, OFFICIAL RECORDS.

BASIS OF SURVEY

CITY OF SAN FRANCISCO MONUMENT MAP NO. 324 ON FILE IN THE OFFICE OF
THE CITY ENGINEER.

ELEVATION NOTE

ELEVATIONS ARE ON SAN FRANCISCO CITY DATUM.

NOTE

DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.

SITE AREA = 12,103± SQ.FT.
OR 0.278± ACRES



SURVEY
OF A PORTION OF ASSESSOR'S BLOCK NO. 3948
FOR
MICHAEL STRUNSKY

SAN FRANCISCO

CALIFORNIA

SCALE: 1" = 16'
DATE: 2/14/01

MARTIN M. RON ASSOCIATES

SURV: JM
DES:

PROJECT NAME
98 PENNSYLVANIA AVE
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
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WEBSITE: WWW.SIACONSULT.COM

SHEET TITLE

Site Plan & Notes

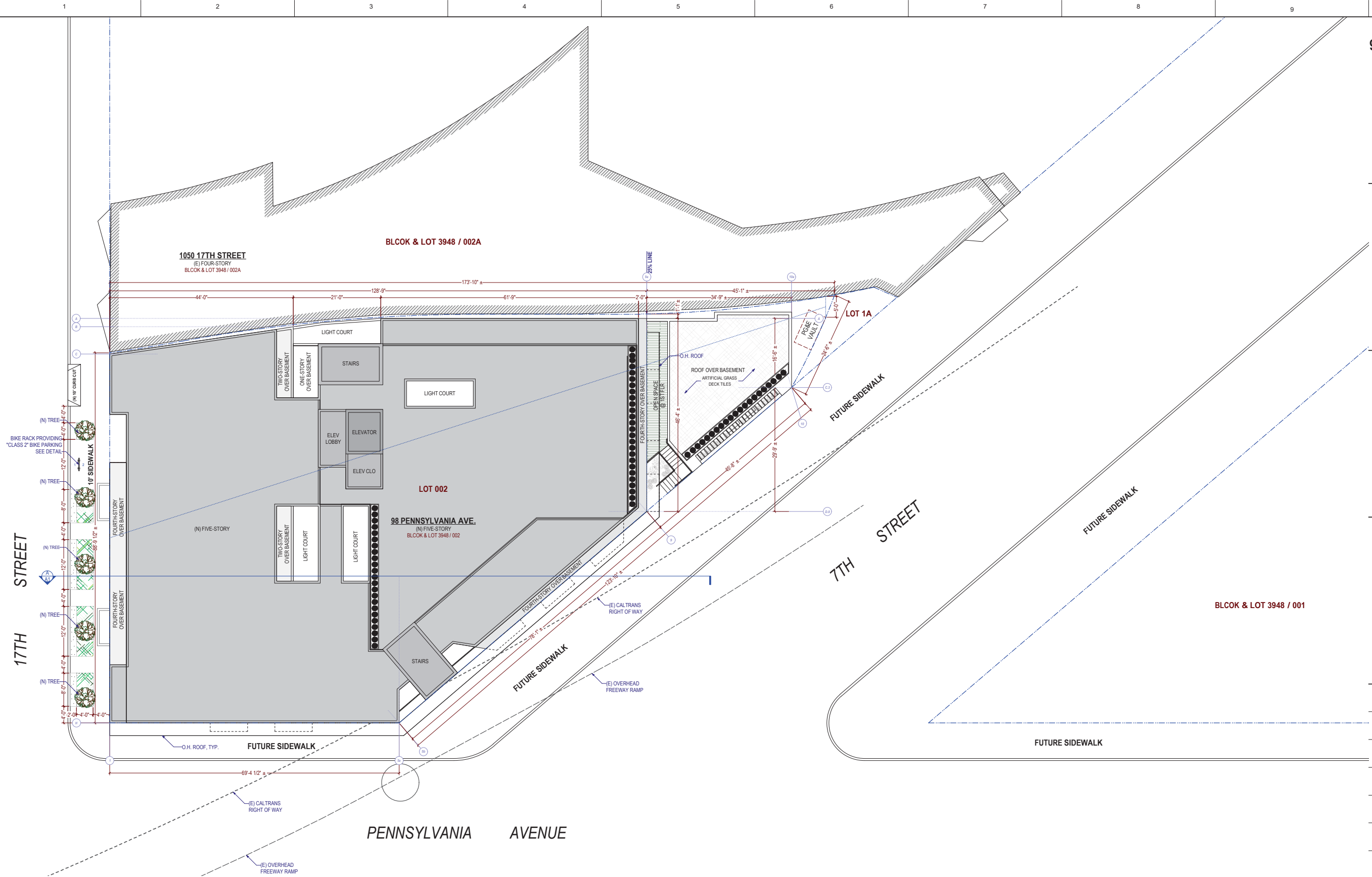
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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
DESIGN	R.K.
DATE	04/04/2013
REVISED DATE	09/09/2016
JOB NO.	13-1571
SHEET NO.	

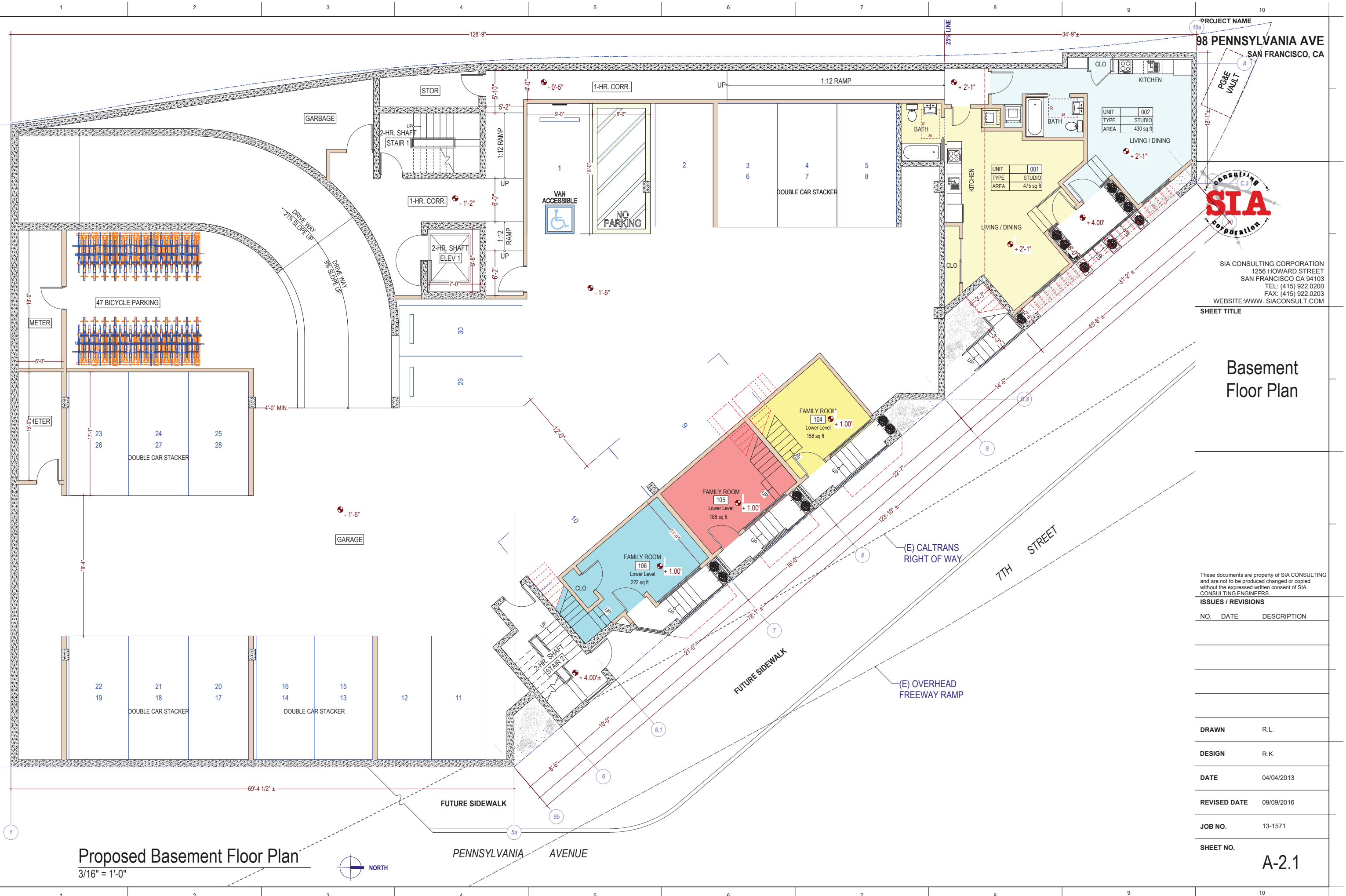
A-1.1

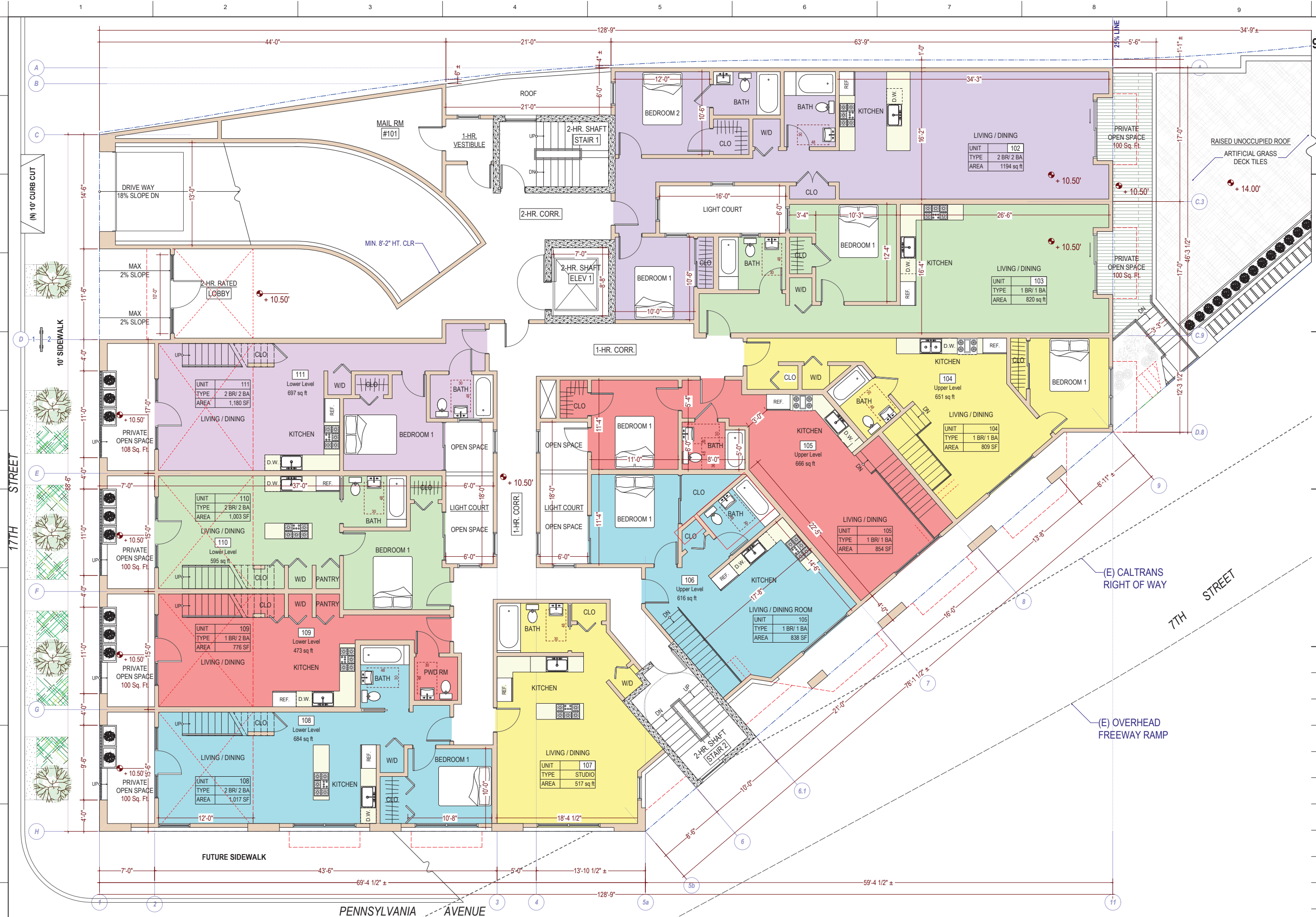


Proposed Site Plan
3/32" = 1'-0"



---	PROPERTY LINE
-----	---------------





PROJECT NAME
98 PENNSYLVANIA AVE
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE: WWW.SIACONSULT.COM

SHEET TITLE

First Floor Plan

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN R.L.

DESIGN R.K.

DATE 04/04/2013

REVISED DATE 09/09/2016

JOB NO. 13-1571

SHEET NO.

A-2.2

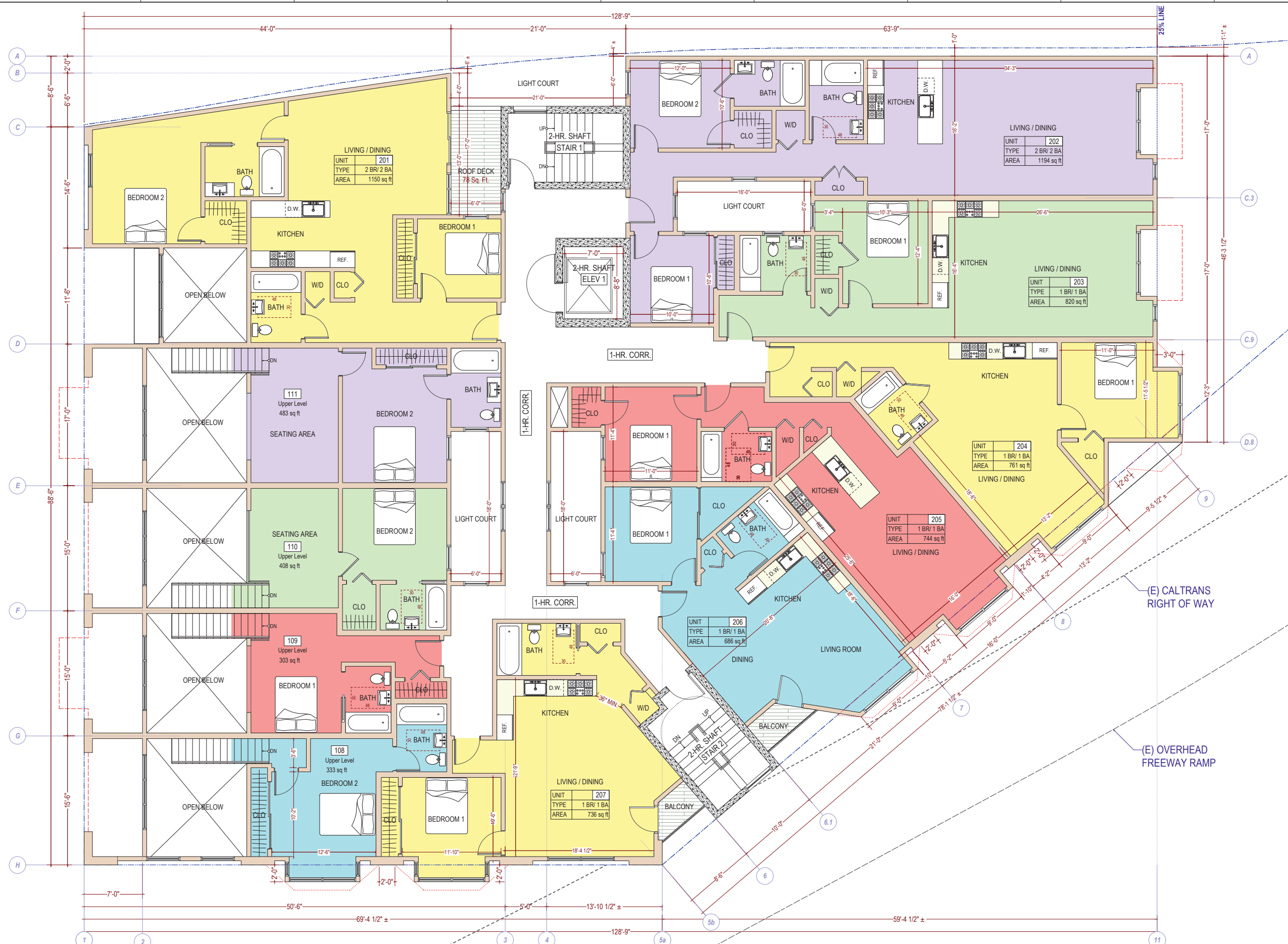
Proposed First Floor Plan
3/16" = 1'-0"

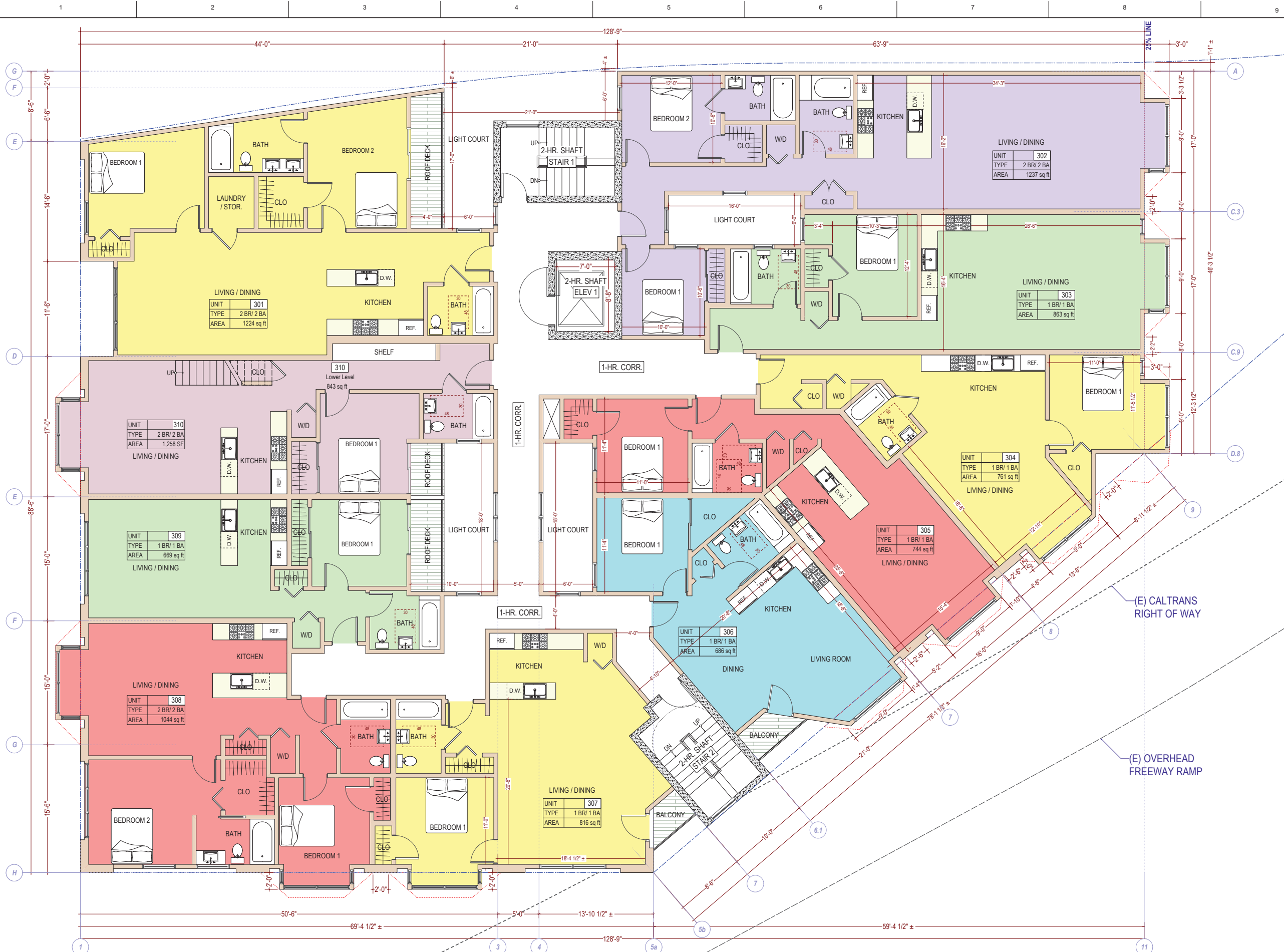
SHEET TITLE

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SHEET NO. A-2.3


$$\frac{3}{16}'' = 1'-0''$$

PROJECT NAME
98 PENNSYLVANIA AVE
SAN FRANCISCO, CA



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
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WEBSITE: WWW.SIACONSULT.COM

SHEET TITLE

Third Floor Plan

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
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DRAWN	R.L.
DESIGN	R.K.
DATE	04/04/2013
REVISED DATE	09/09/2016
JOB NO.	13-1571
SHEET NO.	A-2.4

Proposed Third Floor Plan
3/16" = 1'-0"



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Fifth Floor Plan

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
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DRAWN	R.L.
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DESIGN	R.K.
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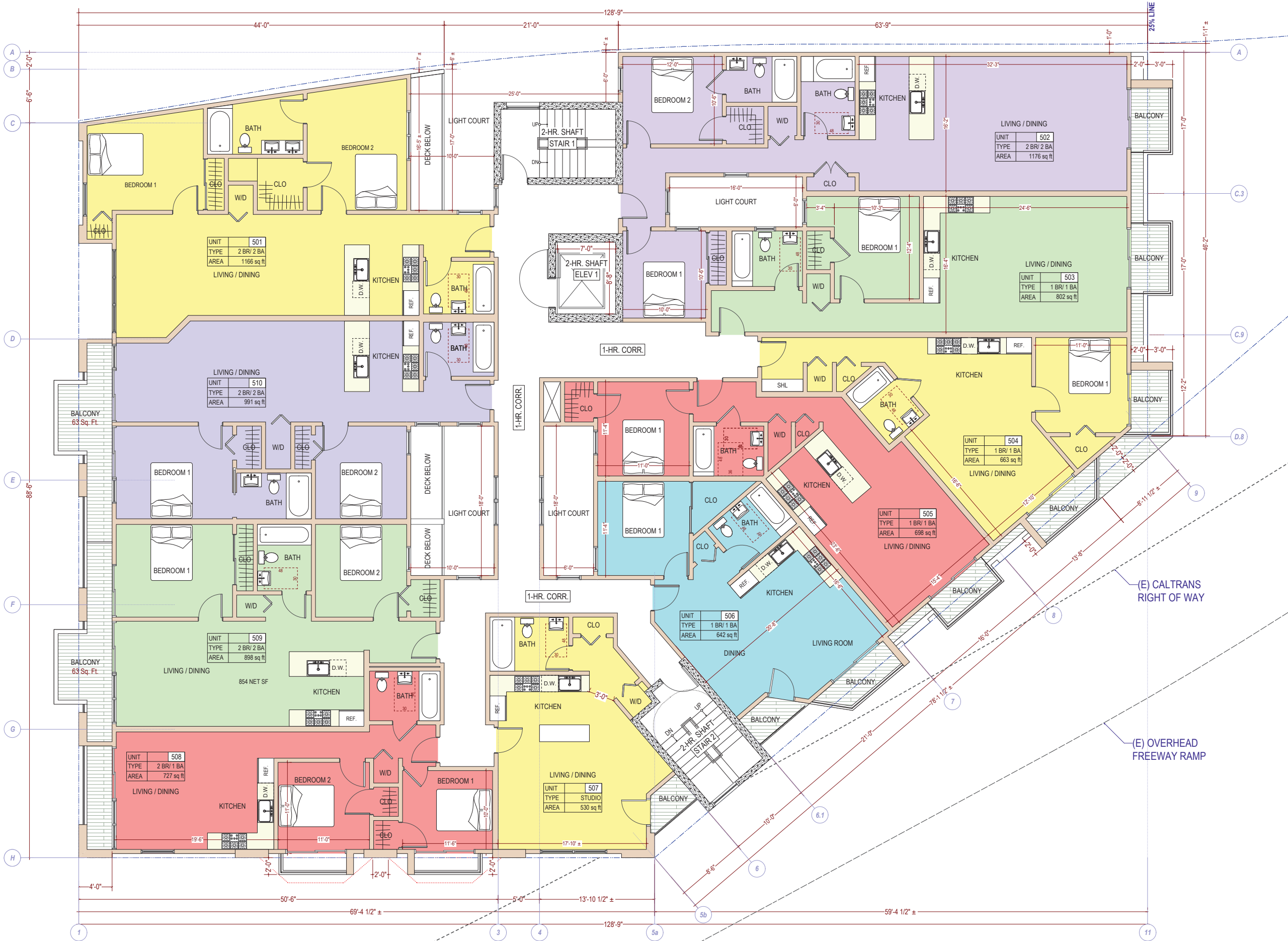
DATE	04/04/2013
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REVISED DATE	09/09/2016
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JOB NO.	13-1571
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SHEET NO.

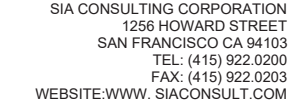
A-2.6



Proposed Fifth Floor Plan

3/16" = 1'-0"





SHEET TITLE

Roof Plan

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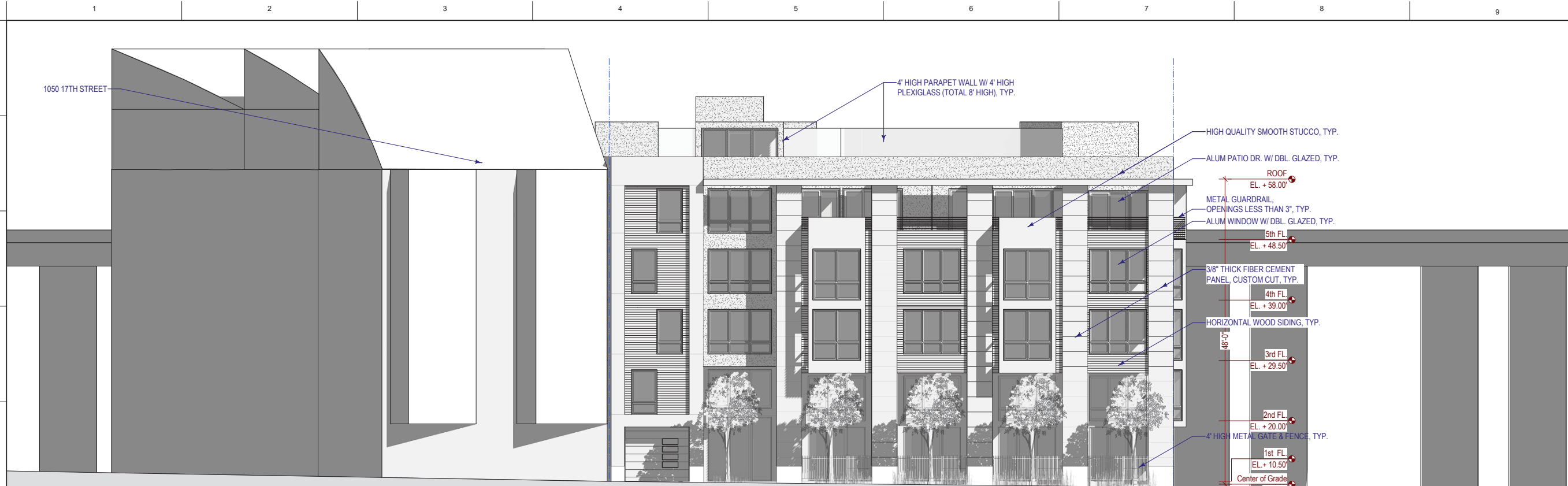
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
DRAWN	R.L.	
DESIGN	R.K.	
DATE	04/04/2013	
REVISED DATE	09/09/2016	
JOB NO.	13-1571	
SHEET NO.		

A-2.7

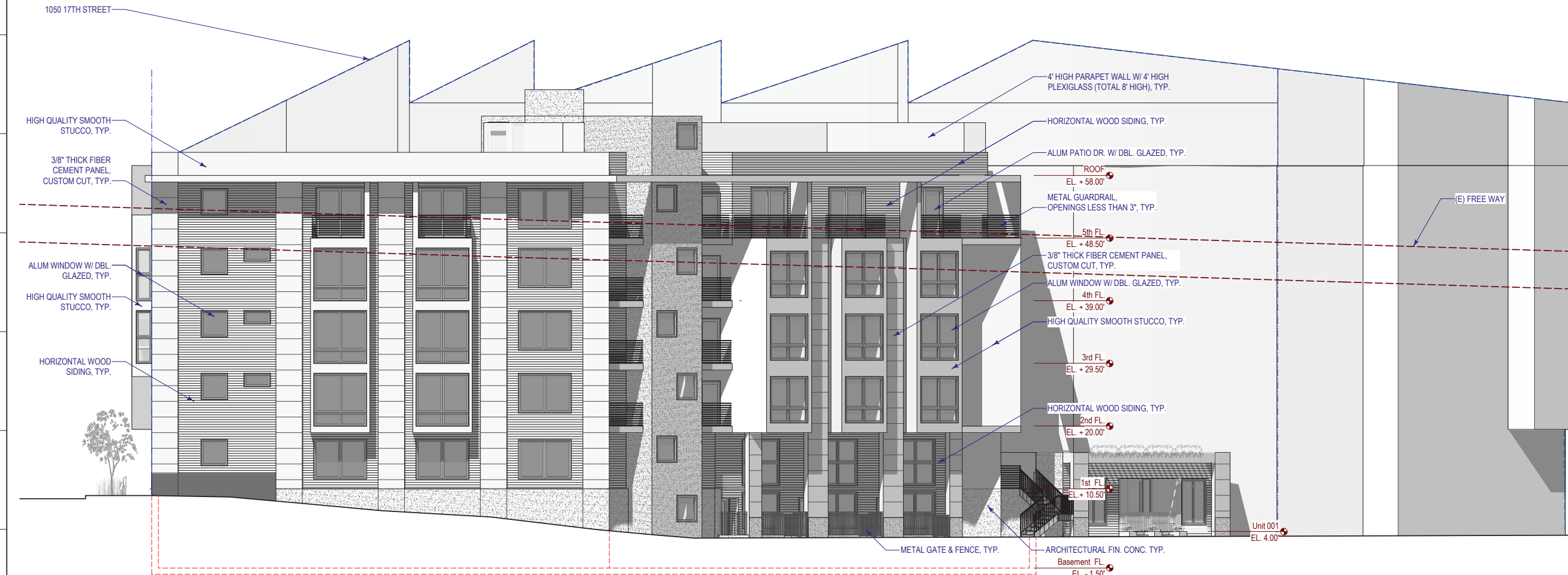
Proposed Roof Plan

$$\overline{3/16'' = 1'-0''}$$

Proposed Front Elevation (17th Street)

1/8"=1'-0"



Proposed Right Elevation (Pennsylvania Ave)

1/8"=1'-0"

PROJECT NAME

98 PENNSYLVANIA AVE
SAN FRANCISCO, CA



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SHEET TITLE

ELEVATIONS
(17th Street &
Pennsylvania)

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
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DESIGN	R.K.
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DATE	04/04/2013
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REVISED DATE	09/09/2016
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SHEET NO.

A-3.1



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ELEVATIONS (NORTH & WEST)

ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

DRAWN R.L.

DESIGN R.K.

DATE 04/04/2013

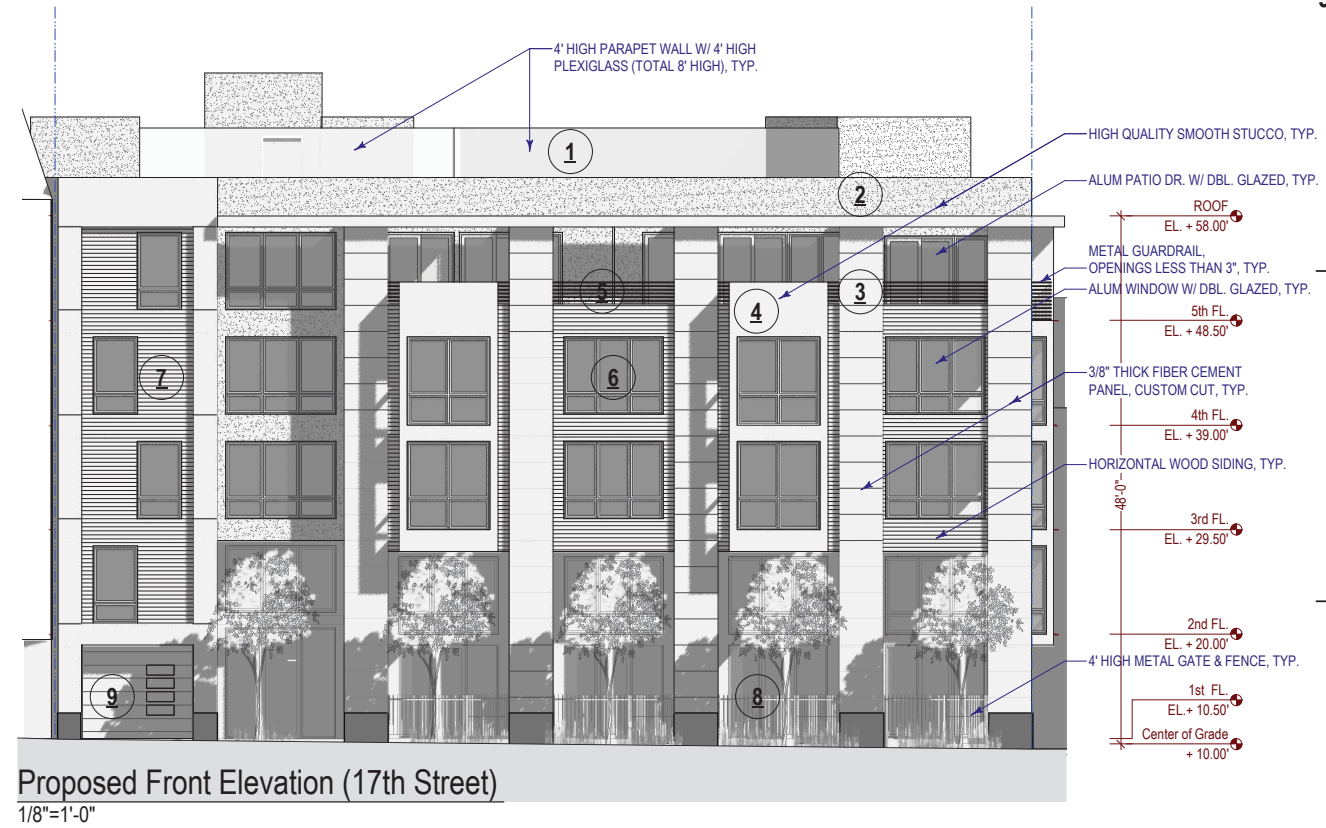
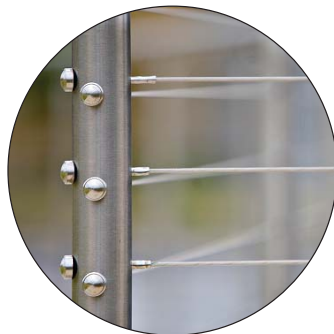
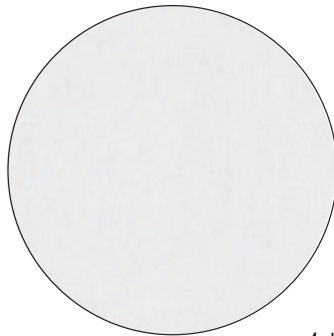
REVISÉ DATE 09/09/2016

JOB NO. 13-1571

SHEET NO.

A-3.2





PROJECT NAME

98 PENNSYLVANIA AVE
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SHEET TITLE

Material Board

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ISSUES / REVISIONS

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DRAWN R.L.DESIGN R.K.

DATE 04/04/2013

REVISÉ DATE 09/09/2016

JOB NO. 13-1571

SHEET NO.

A-3.3



Proposed Section A-A
3/16" = 1'-0"

PROJECT NAME
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SAN FRANCISCO, CA



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SHEET TITLE

Building Section

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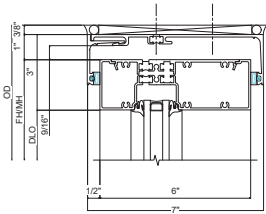
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
DESIGN	R.K.
DATE	04/04/2013
REVISED DATE	09/09/2016
JOB NO.	13-1571
SHEET NO.	

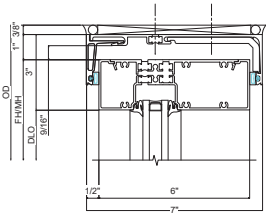
A-4.1

DETAIL 1B
HEAD
WITH RECEPTOR



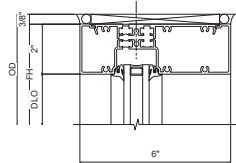
601TVG570 HEAD RECEPTOR W/ WEATHERING
451VG572 RECEPTOR FACE W/ WEATHERING
601TCG001 MULLION / HEAD / JAMB
601TCG026 FLAT FILLER

DETAIL 1C
HEAD
WITH HD RECEPTOR



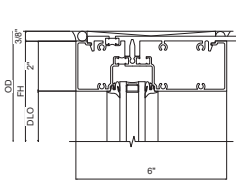
601TVG570 HEAD RECEPTOR W/ WEATHERING
451VG573 RECEPTOR FACE W/ WEATHERING
601VG374 HEAD RECEPTOR REINFORCING CLIP
601TCG001 MULLION / HEAD / JAMB
601TCG026 FLAT FILLER

DETAIL 1
HEAD



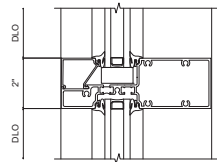
601TCG216 FLAT FILLER
601TCG001 MULLION / HEAD / JAMB

DETAIL 1A
HEAD
WITH STRAP ANCHOR



601TCG521 STRAP ANCHOR
601TCG001 MULLION / HEAD / JAMB

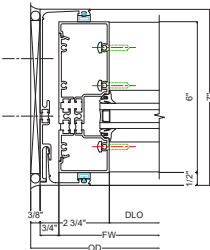
DETAIL 2
HORIZONTAL



451CG004 GLASS STOP
601TCG021 HORIZONTAL

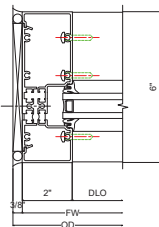
DETAIL 4A
JAMB
WITH STRAP ANCHOR

601TVG570 HEAD RECEPTOR W/ WEATHERING
451VG572 RECEPTOR FACE W/ WEATHERING
601TCG026 FLAT FILLER
601TCG001 MULLION / HEAD / JAMB
028856 #12 x 1-1/8" PHTF AB

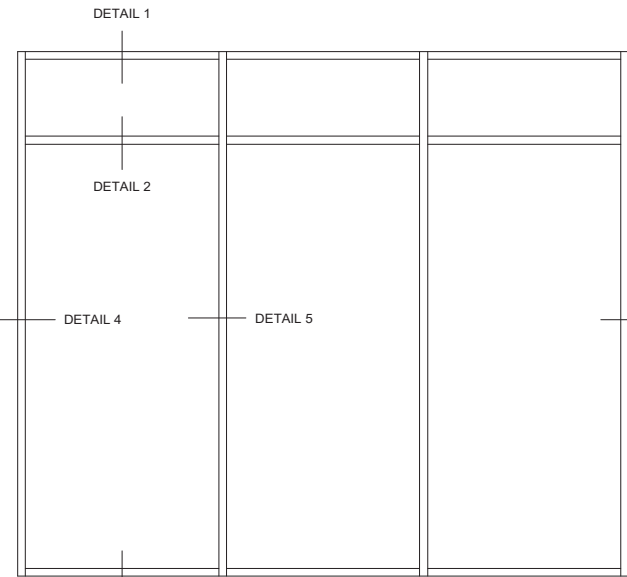


DETAIL 4B
JAMB
WITH RECEPTOR

601TCG001 MULLION / HEAD / JAMB
601TCG216 FLAT FILLER
028856 #12 x 1-1/8" PHTF AB

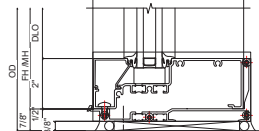


DETAIL 4
JAMB



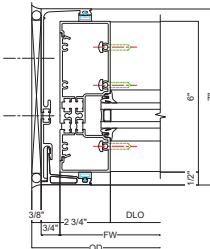
TYPICAL ELEVATION
(NTS)

DETAIL 3
SILL



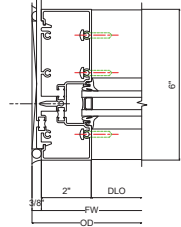
601TCG014 SILL
451CG004 GLASS STOP
601TCG037 FLASHING
128369 1/4 x 7/16" PHTCMS DF (SILL TO SILL FLASHING)
601CG315 END DAM (SHOWN DASHED)
028808 #8 x 1/2" PHTF AB (AT END DAM)

601TVG570 HEAD RECEPTOR W/ WEATHERING
451VG573 RECEPTOR FACE W/ WEATHERING
601TCG026 FLAT FILLER
601TCG001 MULLION / HEAD / JAMB
028856 #12 x 1-1/8" PHTF AB

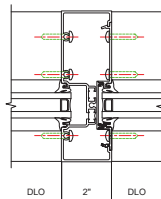


DETAIL 4C
JAMB
WITH HD RECEPTOR

601TCG001 MULLION / HEAD / JAMB
601TCG521 STRAP ANCHOR
028856 #12 x 1-1/8" PHTF AB

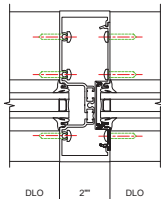


601TCG001 MULLION / HEAD / JAMB
601TCG002 POCKET FILLER
028856 #12 x 1-1/8" PHTF AB



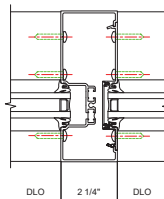
DETAIL 5
VERTICAL MULLION

601TCG013 HEAVY WEIGHT MULLION
601TCG002 POCKET FILLER
028856 #12 x 1-1/8" PHTF



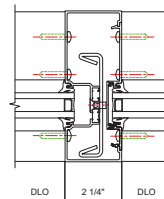
DETAIL 5A
HEAVY WEIGHT
VERTICAL MULLION

601TCG1122-1/4" MULLION
601TCG002 POCKET FILLER
028856 #12 x 1-1/8" PHTF AB



DETAIL 5B
2-1/4" VERTICAL
MULLION

601TCG1122-1/4" MULLION
601TCG002 POCKET FILLER
028856 #12 x 1-1/8" PHTF AB
450110 REINFORCING STEEL
128307 1/4" x 20 x 5/8" FHMS
(STEEL ATTACHMENT)

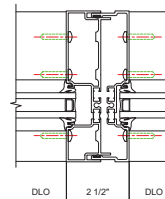


DETAIL 5C
2-1/4" VERTICAL
MULLION
WITH STEEL

NOTE:
CONSULT APPLICATION
ENGINEERING FOR PROPER
STEEL SIZE & ATTACHMENT PER
JOB REQUIREMENTS.

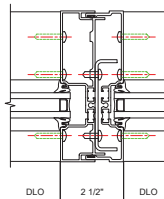
STEEL BAR LOCATED AS SHOWN IN
MULLION
STEEL LENGTH = MULLION HEIGHT - 12"

601TCG010 FEMALE HALF EXP. MULLION
601TCG540 MALE HALF EXP. MULLION
028856 #12 x 1-1/8" PHTF AB



DETAIL 5D
EXPANSION MULLION

601TCG010 FEMALE HALF EXP. MULLION
601TCG540 MALE HALF EXP. MULLION
028856 #12 x 1-1/8" PHTF AB
400110 REINFORCING STEEL
128307 1/4" x 20 x 5/8" PHTF
(STEEL ATTACHMENT)



DETAIL 5E
EXPANSION MULLION
WITH STEEL

NOTE:
CONSULT APPLICATION
ENGINEERING FOR PROPER
STEEL SIZE & ATTACHMENT PER
JOB REQUIREMENTS.

STEEL BAR LOCATED AS SHOWN IN MULLION
STEEL LENGTH = MULLION HEIGHT - 12"



TRIFAB™ 601T
SCREW SPLINE ASSEMBLY
CENTER PLANE / 1" INFILL
TYPICAL FRAMING DETAILS
OUTSIDE GLAZED

Typical Window Details (Alum. Finish)
N.T.S.

PROJECT NAME

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SHEET TITLE

Window Details

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION
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DRAWN	R.L.
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DESIGN	R.K.
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DATE	04/04/2013
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REVISED DATE	09/09/2016
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JOB NO.	13-1571
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SHEET NO.	
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A-5.0