



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JULY 6, 2017

Continued From: May 11, 2017 & June 8, 2017

Date: June 29, 2017
Case No.: **2013.1404DRP**
Project Address: **1298 VALENCIA STREET**
Permit Application: 2015.02.19.8775
Zoning: Valencia Street Neighborhood Commercial Transit (NCT) District
55-X Height and Bulk District
Block/Lot: 3644/021
Project Sponsor: Ian Birchall, Ian Birchall & Associates
251 South Van Ness Ave, Suite 300
San Francisco, CA 94103
Staff Contact: Jonathan DiSalvo – (415) 575-9182
Jonathan.DiSalvo@sfgov.org

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project includes the demolition the existing one-story, 1,758 square foot automotive service station (dba 76) and construction of a six-story, 55-foot tall, 42,612 gross square foot mixed-use building that includes one retail space measuring 1,457 square feet, a community arts space measuring 530 square feet, and a community room measuring 880 square feet at the ground floor, and 35 residential units on the second through sixth floors. The Project would include eight off-street parking spaces, 37 Class I bicycle parking spaces, and six Class II bicycle parking spaces. The Project includes a dwelling unit mix consisting of fourteen (14) two-bedroom units, twenty (20) one-bedroom units, and one (1) studio unit. Open space for building residents would be provided in private terraces connected to individual dwellings, a common roof deck measuring 2,330 square feet, and a common rear yard measuring 840 square feet. The Project also includes an approximately 16-foot tall elevator penthouse above roof. The Project would remove the existing gas station driveway curb cuts on Valencia Street and 24th Street and would provide new sidewalk with a width of approximately 15 feet.

BACKGROUND

On May 11, 2017, the Planning Commission continued the Discretionary Review hearing for 1298 Valencia Street to June 8, 2017. On June 8, 2017, the Planning Commission continued the Discretionary Review hearing for 1298 Valencia Street to July 6, 2017.

CURRENT PROPOSAL

Since May 11, 2017, the Project Sponsor has updated the Project and Commission packet as follows:

- On September 10, 2015, the Department of Public Works (DPW) accepted a Vesting Tentative Map Application submitted by the Project Sponsor on July 22, 2015; therefore, the Project is entitled to 20 percent Inclusionary Affordable Housing Fee rate, or a 12 percent On-Site Inclusionary Affordable Housing rate, instead of a 27.5 percent Inclusionary Affordable Housing Fee rate, or a 13.5 percent On-Site Inclusionary Affordable Housing rate based upon the submittal of the Environmental Evaluation Application.
- The Project Sponsor is proposing to meet Inclusionary Affordable Housing requirements via a combination of payment of \$2,325,959 of the Affordable Housing Fee, and by providing one On-Site Below Market Rate (BMR) Unit.
- The Project Sponsor has submitted an updated Affidavit of Compliance with the Inclusionary Affordable Housing Program dated June 23, 2017.

RECOMMENDATION: Do Not Take DR and Approve the Project as Proposed.

Attachments:

Affidavit of Compliance with the Inclusionary Affordable Housing Program



COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1890 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2478
MAIN: (415) 858-6378 SFPLANNING.ORG

Date: August 16, 2016

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

From: San Francisco Planning Department

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

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

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

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

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

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

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

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

The Project contains:	35 UNITS	The zoning of the property is: Valencia NCT	Complete EEA was submitted on: 1st: March 1, 2008; 2nd: April 14, 2014
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CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

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

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

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

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

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419

**San Francisco
Planning**

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

June 23, 2017

Date

 I, Wisfe Aish
 do hereby declare as follows:

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

1298 Valencia Street

Address

3633/021

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:

Planning Case Number
2015.02.19.8775
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:

Jonathon DiSalvo

Planner Name

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

☐ Yes ☒ 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):
- ☐ 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:

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:

Location

June 23, 2017

Date

Sign Here

Signature

Wisfe Aish

Name (Print), Title

650-589-7722

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:
35	0	1	20	14	0

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

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

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

☐ 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:
1	0	0	1	0	0

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

Company Name

Wisfe Aish

Name (Print) of Contact Person

1435 Huntington Avenue., Suite 210

Address

650-589-7722

Phone / Fax

South San Francisco, CA 94089

City, State, Zip

wisfe@doubleaa.corp

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:

Wisfe Aish, President

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

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

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

Sign Here

Signature:

Name (Print), Title:



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE MAY 11, 2017

Date: May 4, 2017
Case No.: 2013.1404DRP
Project Address: 1298 VALENCIA STREET
Permit Application: 2015.02.19.8775
Zoning: Valencia Street Neighborhood Commercial Transit (NCT) District
55-X Height and Bulk District
Block/Lot: 3644/021
Project Sponsor: Ian Birchall, Ian Birchall & Associates
251 South Van Ness Ave, Suite 300
San Francisco, CA 94103
Staff Contact: Jonathan DiSalvo – (415) 575-9182
Jonathan.DiSalvo@sfgov.org
Recommendation: **Do not take DR and approve the Project as proposed.**

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

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PROJECT DESCRIPTION

The Project includes the demolition the existing one-story, 1,758 square foot automotive service station (dba 76) and construction of a six-story, 55-foot tall, 42,612 gross square foot mixed-use building that includes one retail space measuring 1,457 square feet and one community arts space measuring 535 square feet at the ground floor, and 35 residential units on the second through sixth floors. The Project would include eight off-street parking spaces, 37 Class I bicycle parking spaces, and six Class II bicycle parking spaces. The Project includes a dwelling unit mix consisting of fourteen (14) two-bedroom units, twenty (20) one-bedroom units, and one (1) studio unit. Open space for building residents would be provided in private terraces connected to individual dwellings, a common roof deck measuring 2,330 square feet, and a common rear yard measuring 840 square feet. The Project also includes an approximately 16-foot tall elevator penthouse above roof. The Project would remove the existing gas station driveway curb cuts on Valencia Street and 24th Street and would provide new sidewalk with a width of approximately 15 feet.

SITE DESCRIPTION AND PRESENT USE

1298 Valencia Street is located on the northwest corner of 24th and Valencia Streets. The project site has 107 feet of frontage along Valencia Street, 90 feet of frontage along 24th Street, and 107 feet of frontage along Poplar Street and is currently occupied by a one-story, 1,758 square foot automotive service and repair station (dba 76). The lot slightly slopes up from Valencia Street along 24th Street. The parcel totals 9,630 square-feet in size (approximately 0.22 acres) and is located in the Valencia Street Neighborhood Commercial Transit (NCT) Zoning District and a 55-X Height and Bulk District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the southwest portion of the Mission neighborhood, which is characterized by residential uses and neighborhood commercial uses, including restaurants, bars, cafes, and a variety of retail establishments. The project site is bordered by mixed-use commercial and residential uses to the north on Valencia Street, mixed-use commercial and residential uses to the south on Valencia Street and residential uses to the west on 24th Street. The Buena Vista Horace Mann School is located across the street from the project site on Valencia Street, and the Bethel Christian Church is diagonal to the project site at the southeast corner of the intersection of 24th and Valencia Streets. The Valencia Street NCT Zoning District is predominantly characterized by buildings with upper story residential units and ground-floor neighborhood serving commercial uses, including the subject block. Properties surrounding the project site are located within RH-3 (Residential-House, Three Family), RM-2 (Residential-Mixed, Moderate Density), P (Public), and RTO-M (Residential Transit Oriented - Mission) Zoning Districts and a mixture of 40-X, 55-X, and 45-X Height and Bulk Districts. Building heights are generally one to four-stories, with a mix of architectural styles and mainly at-grade, entrances. Numerous public transit routes are located within a two block radius of the project site including MUNI bus routes 12, 14, 14R, 27, 48, 49 and 67, and the 24th Street Mission BART Station.

ISSUES AND CONSIDERATIONS

- Pursuant to Planning Commission Resolution No. 19548, the proposed Project is not subject to the Mission Interim Controls because the Project is not located within the boundaries of the Mission Interim Control Area.
- The Project includes the removal of 1,758 square feet of Production, Distribution and Repair (PDR) use. Under Planning Code Section 202.8 (also known as Proposition X), the Project is not subject to the requirement for the replacement of PDR use because Planning Code Section 202.8 does not apply to the Valencia St NCT Zoning District.
- The Project is located within the area of the ongoing Mission Action Plan (MAP) 2020 process that addresses concerns about the declining population of working class and Latino communities through the increasing cost of housing and displacement of low and moderate income residents, reduction in its mix of residential, commercial, PDR and arts uses, loss of community-serving businesses and organizations, and the loss of the Mission's lively neighborhood commercial districts and rich cultural offerings. The MAP 2020 plan will respond to these concerns and will contain policies that aim to stabilize vulnerable households, businesses, and organizations within the neighborhood.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	November 30, 2016 – December 30, 2016	December 30, 2016	May 11, 2017	133 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 1, 2017	May 1, 2017	10 days
Mailed Notice	10 days	May 1, 2017	May 1, 2017	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	1	1	0

The Project has completed the Section 312 notification. During the Section 312 notification period, a Discretionary Review was filed on December 30, 2017. A Discretionary Hearing date was scheduled for May 11, 2017.

DR REQUESTOR

The DR Requestor is Rick Hall, on behalf of Mission Economic Development Agency (MEDA), which is located at 2301 Mission Street, Suite 301 in San Francisco, California.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestor states the Project is in direct conflict with the General Plan and Planning Code Priority Policy #1, which states that existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced. The proposed building would include luxury units located in the heart of a working-class neighborhood, and eliminate a neighborhood-serving PDR/retail business similar to other automotive repair shops that have been removed in the neighborhood for luxury housing. An alternative that complies with this Policy would maintain significant PDR use on the premises and the employment it provides.

Issue #2: The DR Requestor states the Project is in direct conflict with the General Plan and Planning Code Priority Policy #2, which states that existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods. This Project comprised of luxury housing would be occupied by wealthy residents that will negatively impact the character of this working-class neighborhood and directly and indirectly contribute to displacement impacts that threaten the community's cultural and economic diversity. The Project would create economic pressures on surrounding commercial and residential tenants leading to evictions and pricing out of nearby community-serving businesses. An alternative that complies

with this Policy would be a development that includes a much more significant contribution to affordable housing in this neighborhood.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

PROJECT SPONSOR'S RESPONSE

Issue #1: The Project Sponsor states that the existing gas station is going out of business. Current gas station employees will be given jobs at other gas stations owned by Mr. Aish, who is both the owner of the existing gas station and is the Project Sponsor. As stated by the Project Sponsor, many people in the San Francisco support the shift away from petroleum-powered vehicles, and toward use of public transit. Ground floor space in the Project has been set aside for community arts space, as well as ground floor retail as allowed in NCT Districts. The DR Requestor errs in requesting PDR uses at the Project Site, as PDR uses are not permitted in the Valencia NCT Zoning District.

Issue #2: The Project Sponsor is not a developer, and is a life-long member of the community in the Mission, and is therefore very sensitive to maintaining the character of the Mission. The Project Sponsor will continue to own the building and will rent or sell the units with the intention of maintaining the cultural and economic diversity in the neighborhood. The Project will contribute 35 residential units to the City's housing stock. As stated by the Project Sponsor, there are currently no residences at the Project Site. The Project is allowed as a matter of right by the Planning Code, is appropriately sized, is in context with the block, and will contribute to the City's housing stock. As further stated by the Project Sponsor, gentrification is a broad policy matter that is a legitimate concern and hopefully will be addressed through the Mission 2020 Plan, Board of Supervisors consideration, adoption of amendments to the Housing Element of the City's General Plan, and adoption of amendments to the Planning Code. The Project Sponsor states that the DR Requestor failed to demonstrate that there are any exceptional or extraordinary circumstances in this case.

Please reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

Department staff reviewed the DR Requestor's concerns with the proposed project and presents the following comments:

Issue #1: The Department finds that the demolition of the existing automotive service and gas station would not preserve a neighborhood-serving retail use. The automotive service and gas station is a nonconforming use that cannot be expanded or intensified without receiving a Conditional Use Authorization (CUA) from the Planning Commission. There are three gas stations and four automotive repair shops located within a one-half mile radius of the Project. The proposed development includes residential over ground floor commercial retail and community arts uses that are principally permitted in the Valencia Street NCT under Planning Code Section 726. Thus, the Project is compatible with General Plan and Planning Code Priority Policy #1.

Issue #2: The Department finds that the Project would replace an automotive repair shop with a new mixed-use residential building that would be similar to other developments in the Valencia Street NCT District, and is more compatible with the development patterns intended for this neighborhood under Planning Code Section 726 and the Mission Area Plan. The Project complies with General Plan and Planning Code Priority Policy #2 because it will not remove any housing, it will conserve and protect the neighborhood character by adding ground floor commercial retail and upper floor residential uses, and enhance the public realm by removing existing curb cuts and adding new streetscape improvements. The Project would be visually compatible with the neighborhood because it is consistent with the Valencia Street NCT District's dominant mixed-use development pattern. The Project also promotes alternative transportation along this corridor by providing only eight off-street parking spaces as compared to the 37 Class I and six Class II bicycle parking spaces the Project provides. The Project would potentially enhance the cultural and economic diversity of the neighborhood by providing new opportunities for locally-owned and operated businesses offering net new and accessible employment that currently do not exist on the property.

Although the Project would result in the elimination of a PDR use, it will be replaced with a mixed-use development that is more compatible with the long-term goals of the Valencia Street NCT District, as defined in the Mission Area Plan. The Project also complies with the remaining General Plan and Planning Code Priority Policies by adding net new employment opportunities, providing affordable housing by paying the Affordable Housing Fee, supporting the City's Transit First Policy under Transportation Code Section 8A.115, being constructed to meet current seismic standards, and not negatively impacting a historic resource or public parks and open space. On balance, the proposed Project at 1298 Valencia Street is significantly more compatible and desirable than the existing automotive repair and gas station use.

ENVIRONMENTAL REVIEW

On October 9, 2015, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3 as described in the Certificate of Determination contained in the Planning Department files for this Project (Case No. 2013.1404E).

RESIDENTIAL DESIGN TEAM REVIEW

The proposed project is not located within a residential zoning district, and is not subject to the Residential Design Guidelines. Therefore, the proposed project was not reviewed by the Residential Design Team.

URBAN DESIGN ADVISORY TEAM REVIEW

On March 29, 2017, the Urban Design Advisory Team (UDAT) reviewed the response to the Request for Discretionary Review. The Planning Department's UDAT provides design review for projects not subject to the Residential Design Guidelines and determined the Project's intended uses to be compatible with the neighborhood and consistent with the General Plan and design policies and guidelines of the Mission Area Plan.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this Project involves new construction.

BASIS FOR RECOMMENDATION

- The Project complies with the Planning Code and advances the policies of the General Plan and Mission Area Plan.
- The Project is in an appropriate in-fill development that will eliminate a nonconforming use to add 35 new dwelling units to the City's housing stock, 1,457 square feet of commercial retail space, and 535 square feet of community arts space in an area that encourages maximum development in keeping with neighborhood character.
- The Project fully respects the character of the adjacent neighborhood commercial, mixed use and residential neighborhoods.
- The Project is supportive of the City's transit first policies by providing less than the maximum allowed number of off-street parking spaces (eight) and the appropriate number of bicycle parking spaces.
- The Project will comply with the Inclusionary Affordable Housing Program and will pay the applicable Affordable Housing Fee prior to the first building permit issuance.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls and will pay the appropriate development impact fees
- There are no exceptional or extraordinary circumstances that would necessitate Discretionary Review or modification of the Project.

RECOMMENDATION:	Do not take DR and approve the project as proposed.
------------------------	--

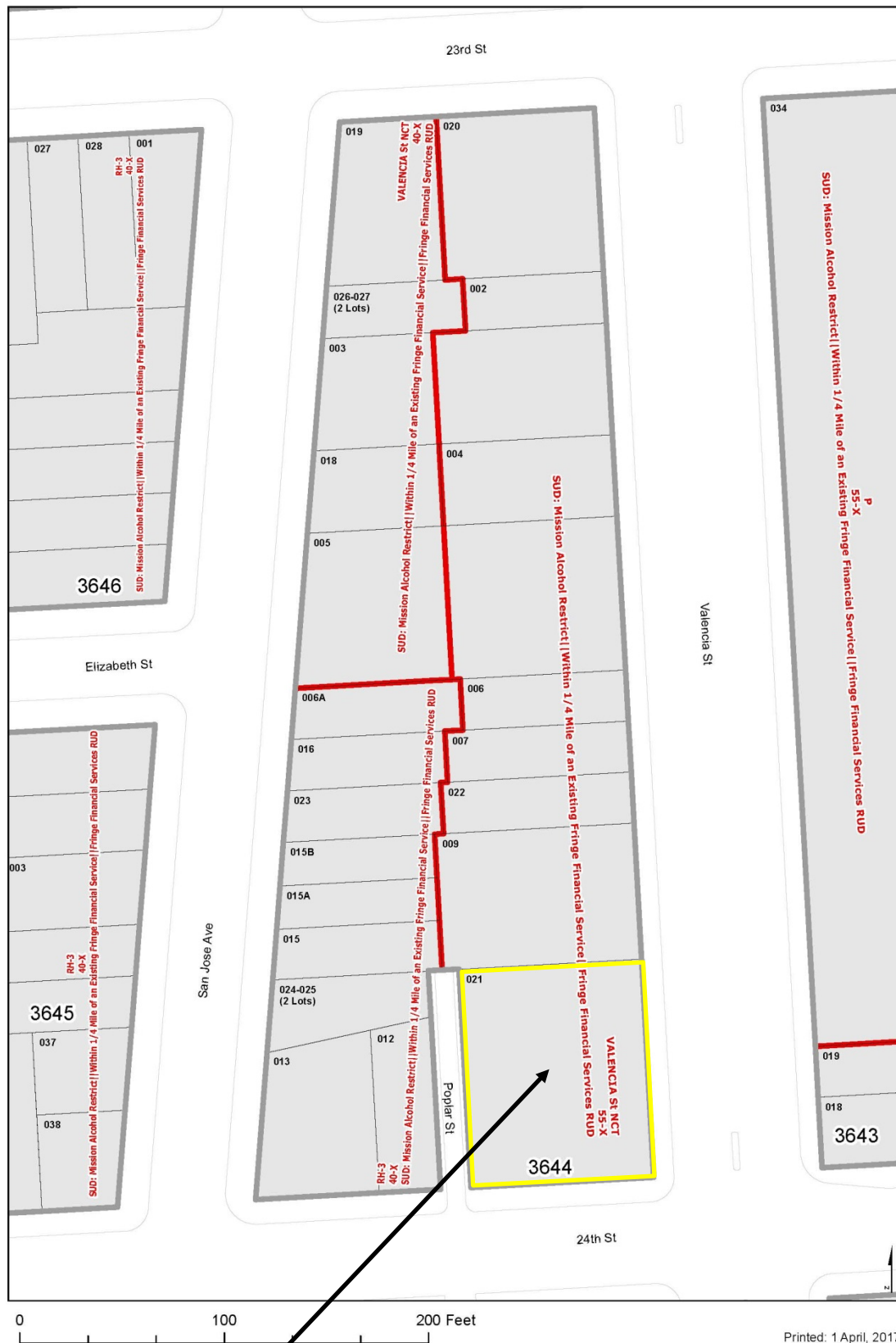
Attachments:

Block Book Map
Sanborn Map
Zoning Map
Height and Bulk Map
Aerial Photograph
Context Photos
Section 312 Notice
DR Application with Supplemental Letter
Response to DR Application with Supplemental Letter
Reduced Plans
Environmental Determination
Shadow Analysis

JD: I:\Current Planning\SE Team\Jonathan DiSalvo\DR\1298 Valencia\2013.1404DRP

BLOCK 3644

Block Book Map



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street

Sanborn Map*



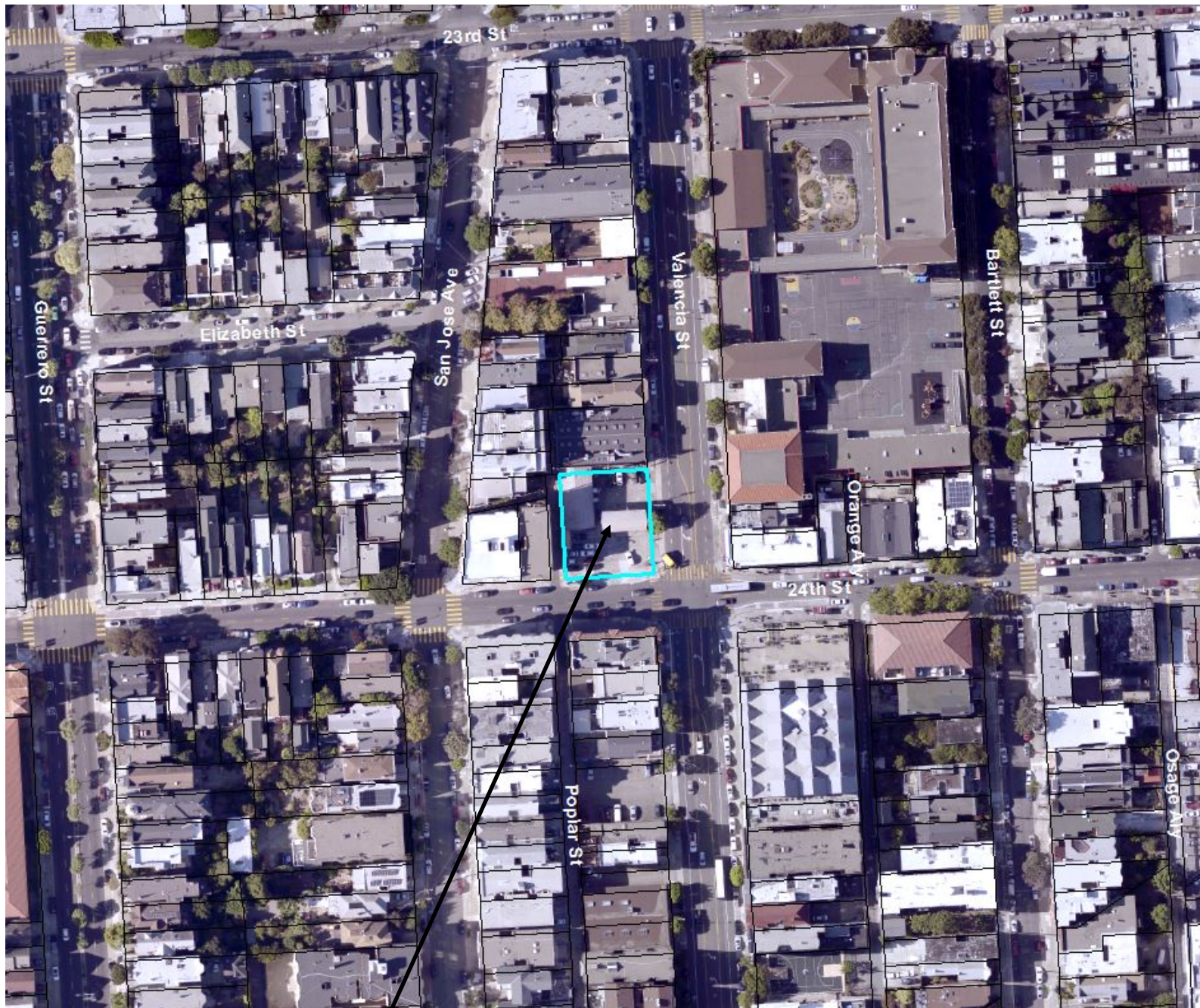
*The Sanborn Maps in San Francisco have not been updated since 1996, and this map may not accurately reflect existing conditions.

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street

Aerial Photo

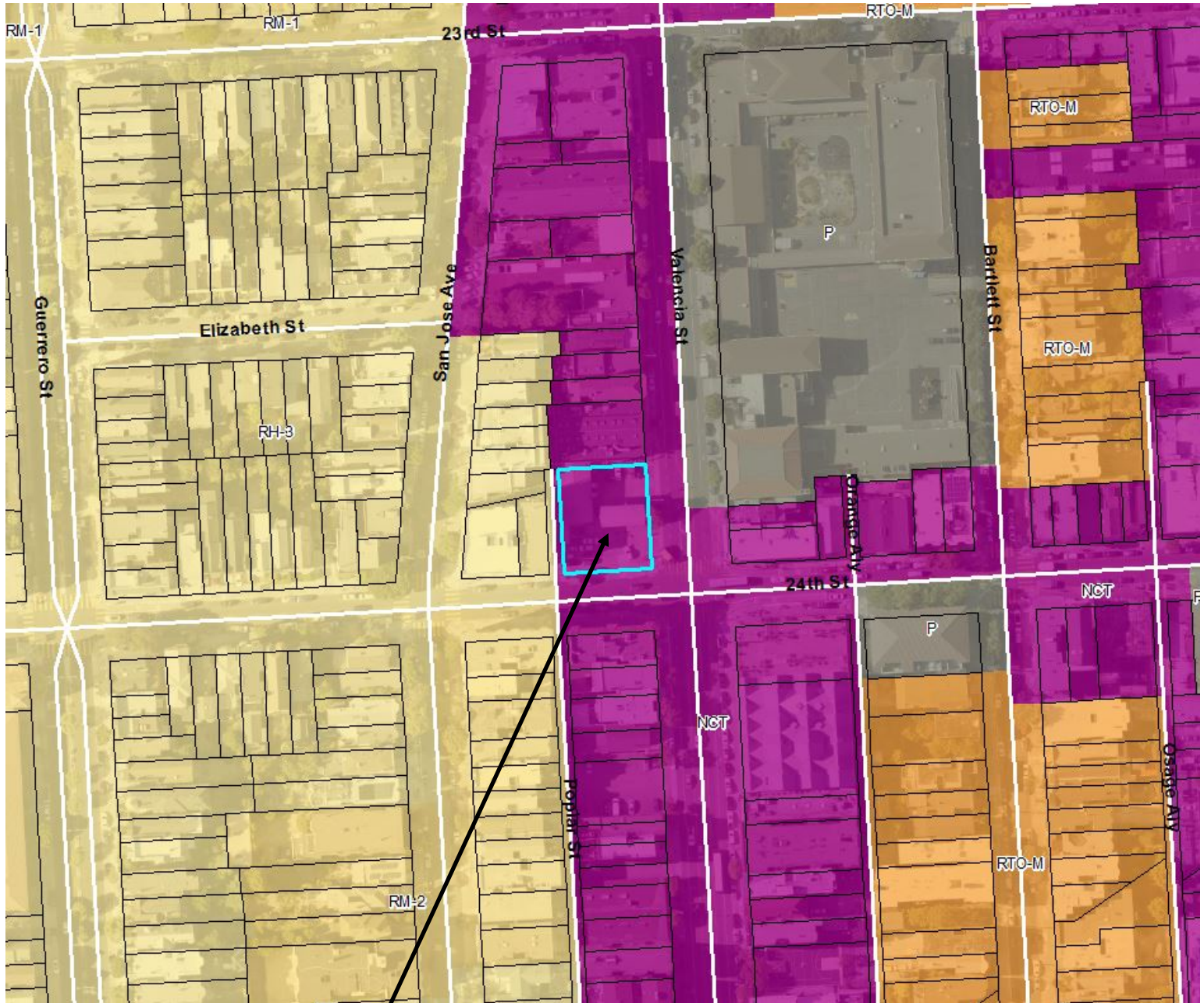


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street

Zoning Map

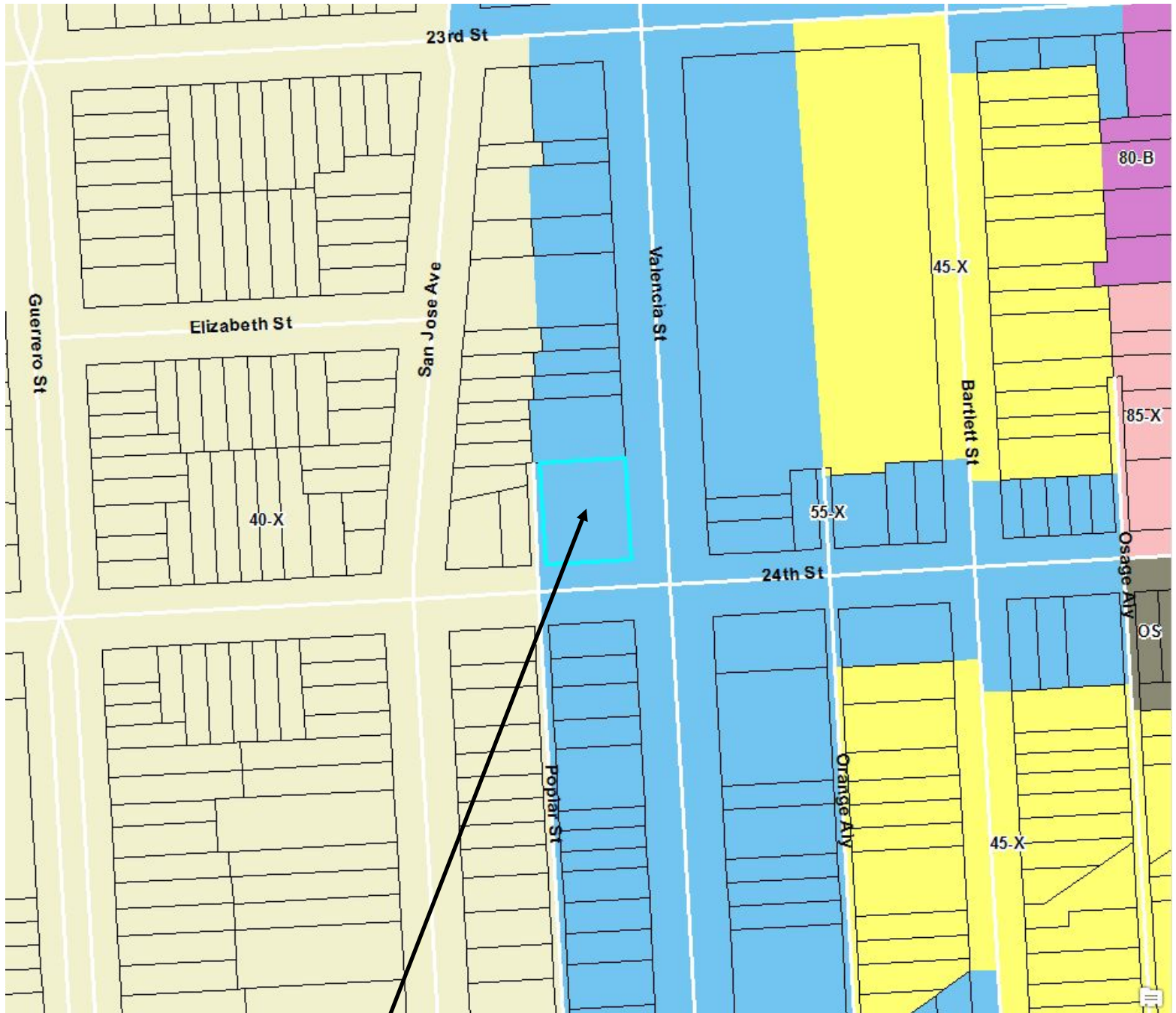


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.1458DRP, DRP-02
198 Valencia Street

Height and Bulk Map



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street

Site Photo



SUBJECT PROPERTY
(VALENCIA STREET)



Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street

Site Photo



SUBJECT PROPERTY
(24TH AND POPLAR STREETS)



Discretionary Review Hearing
Case Number 2013.1404DRP
1298 Valencia Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **February 19, 2015**, the Applicant named below filed Building Permit Application No. **2015.02.19.8775** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1298 Valencia Street	Applicant:	Ian Birchall
Cross Streets:	24th and Poplar Streets	Address:	251 South Van Ness Ave, Suite 300
Block/Lot No.:	3644/021	City, State:	San Francisco, CA 94103
Zoning District(s):	Valencia Street NCT / 55-X	Telephone:	(415) 512-9660

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input checked="" type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Automotive Service Station	Residential, Community Arts, Retail
Front Setback	Approximately 58 feet	None
Side Setbacks	See Plans	None
Building Depth	Approximately 90 feet	90 feet
Rear Yard	None	22.5 feet
Building Height	Approximately 20 feet	55 feet
Number of Stories	1	6
Number of Dwelling Units	0	35
Number of Parking Spaces	11	8
PROJECT DESCRIPTION		
<p>The proposed project would demolish the existing one-story, 1,758 square foot automotive service station (dba 76) and construct a six-story, 55 foot tall, 42,612 gross square foot mixed-use building that includes one retail space totaling 1,457 square feet and one community arts space totaling 535 square feet at the ground story and 35 residential units on the second through sixth stories. The proposed building would also include an approximately 9 foot tall elevator penthouse above roof, and complies with all other applicable provisions of the Planning Code. Please see attached plans.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Jonathan DiSalvo
 Telephone: (415) 575-9182
 E-mail: jonathan.disalvo@sfgov.org

Notice Date: 11/30/16

Expiration Date: 12/30/16

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: RICK HALL		
DR APPLICANT'S ADDRESS: 2940 16TH ST #200-1 SAN FRANCISCO CA 94103	ZIP CODE: 94103	TELEPHONE: (415) 307-0273
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: IAN BIRCHALL		
ADDRESS: 251 SOUTH VAN NESS AVE, SUITE 300 SAN FRANCISCO 94103	ZIP CODE: 94103	TELEPHONE: (415) 512-9660
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS: 	ZIP CODE: 	TELEPHONE: (415) 307-0273
E-MAIL ADDRESS: RCLISTAD@GMAIL.COM		

2. Location and Classification

STREET ADDRESS OF PROJECT: 1298 VALENCIA STREET		ZIP CODE: 94110
CROSS STREETS: 24TH AND POPLAR STREETS		
ASSESSORS BLOCK/LOT: 3644 1021	LOT DIMENSIONS: 	LOT AREA (SQ FT):
ZONING DISTRICT: VALENCIA ST NCT		HEIGHT/BULK DISTRICT: SS-X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☒ Alterations ☐ Demolition ☒ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☐ Side Yard ☐Present or Previous Use: **AUTOMOTIVE SERVICE STATION**Proposed Use: **RESIDENTIAL, COMMUNITY ARTS, RETAIL**Building Permit Application No. **2015.02.19.8775**Date Filed: **11/30/16**

RECEIVED

DEC 30 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P/C

4. Actions Prior to a Discretionary Review Request

Prior Action *	YES	NO
Have you discussed this project with the permit applicant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

* REPORTED COMMUNITY REQUESTS AT PPA MEETING WERE
IGNORED BY DEVELOPER

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

(ATTACHED)

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

(ATTACHED)

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

(ATTACHED)

1298 Valencia St Discretionary Review Request

1. What are the reasons for requesting Discretionary Review?

1. This 35-unit building would provide only the minimum 12% affordable housing (4 units) and thus have a displacement and gentrifying effect on the neighborhood. This project is neither “necessary” nor “desirable.”

2. This project is in direct conflict with the City’s General Plan and many of the Planning Code’s Priority Policies, and chiefly:

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

This 1298 Valencia St project is in clear conflict with Priority Policy I.

This project would *demolish a neighborhood-serving PDR jobs retail use*—yet one more auto shop in a long list of them that have been converted recently for luxury housing. This is in clear conflict with Policy I.

3. This project is in direct conflict with Priority Policy II.

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

This luxury project, comprised of large, high-end units that will be occupied by wealthy residents, does not maintain the character of this working-class neighborhood in its destruction of much-needed blue collar jobs use, and that it will both directly and indirectly contribute to displacement impacts on the block and threaten the cultural and economic diversity of this community.

Additionally, this project will create upward price pressures on surrounding commercial and residential tenants and this will likely result in additional changes to “neighborhood character” through evictions and the pricing out of nearby community-serving businesses.

Finally, the cumulative impact of this and the 60+ other projects proposed for the Mission right now will have a hugely negative impact on this working-class neighborhood.

3. What alternatives or changes to the proposed project...would reduce the adverse effects noted above in question #1?

This project should make a significant contribution to affordable housing in this neighborhood in order to remain in adherence with Priority Policies.

This project should maintain significant PDR use and jobs on the premises in order to remain in adherence with Priority Policies.

Cumulative impacts of this and the 60+ surrounding projects should be considered by the Planning Department to reduce direct and indirect harm to the working-class residents and “preserve the cultural and economic diversity” of the neighborhood.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent ~~of the owner of this property.~~
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____



Date: _____

12/30/16

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

Rick Hall

Owner (Authorized Agent circle one)

Owner

RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco
Planning**

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

Project Information

Property Address: **1298 Valencia Street**

Zip Code: **94110**

Building Permit Application(s): **2015.02.19.8775**

Record Number:

Assigned Planner: **Jonathan DiSalvo**

Project Sponsor

Name: **Wisfe Aish**

Phone:

Email: **wisfe@doubleaacorp.com**

Required Questions

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

Please see attachment

-
2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

Please see attachment

-
3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

Please see attachment

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	0	35
Occupied Stories (all levels with habitable rooms)	0	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	12	8
Bedrooms	0	49
Height	0	55
Building Depth	0	90 ft.
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature: 	Date:
Printed Name: David Silverman	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

**Before the
San Francisco Planning Commission**

**PROJECT SPONSOR'S SUBMITTAL IN OPPOSITION TO APPLICATION
FOR DISCRETIONARY REVIEW**

1298 Valencia Street

Project Sponsor:

Wisfe Aish

Building Permit Application 2015.02.19.8775

Hearing Date: May 11, 2017

Attorneys for Project Sponsors:

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

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A. INTRODUCTION

Wisfe Aish (“Project Sponsor”) proposes to construct infill housing in an established residential neighborhood comprising 35 residential units with ground floor community arts and retail space (“Project”) at 1298 Valencia Street (“Project Site”). The gas station currently located on the site is owned by the Project Sponsor, who is a life-long Mission community member. The Project will fill in a gap in the block currently occupied by a gas station with accessory surface parking. The proposal is in context with the block, and is permitted as of right by the Planning Code. The adjacent buildings have similar height and massing as the proposal.

Conditional use authorization is *not* required for the Project. Therefore, the Commission is not required to find that the Project is “necessary or desirable”. The Project is Code-compliant and does not require any variances.

But for the DR Applicant's application for discretionary review, this addition would have been administratively approved. The Residential Design Team (“RDT”) has reviewed and approved the proposed Project. Further, the RDT and Planning Staff have found the DR Request to be without merit.

There is nothing exceptional or extraordinary about the Project, and the DR Applicant therefore has failed to satisfy his burden of proof. The addition of housing to the City’s housing stock at a time of an extreme housing shortage is a substantial benefit to the City. In addition, the owner is improving the site by construction of an attractive building to replace an unsightly gas station. This is a positive contribution to neighborhood health and safety, including the removal of underground storage tanks holding gasoline.

The Project is not located within either the new or old Mission Interim Controls boundaries, nor the proposed Calle 24 District boundaries.

B. SITE INFORMATION

Street Address:	1298 Valencia Street
Cross Streets:	24 th and Poplar Streets
Assessor's Block/Lot:	3644/021
Zoning District:	Valencia Street NCT
Height and Bulk District:	55-X
Proposed Use:	35 units residential, community arts space (530 sq. ft.), retail space (1,457 sq. ft.), community room (880 sq. ft.), 8 parking spaces (0.22:1)
Existing Use:	Gas station

C. THE DR APPLICANT FAILED TO MEET HIS BURDEN OF PROOF - THERE ARE NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY DISCRETIONARY REVIEW OF THE PROJECT

The Planning Commission's authority to review permits on a case-by-case basis under "Discretionary Review" (Municipal Code of the City and County of San Francisco, Part III, Section 26(a)¹ must be carefully exercised. In 1943, the California Supreme Court held that the San Francisco Board of Permit Appeals, pursuant to the above-referenced Section 26(a), had the authority to exercise its "sound discretion" in granting or denying building permits (See *Lindell Co. v. Board of Permit Appeals* (1943) 23 Cal.2d 303). In 1954, then San Francisco City Attorney Dion R. Holm issued Opinion No. 845, in which he opined that the Planning Commission has similar discretion to grant or deny building permits. However, the City Attorney cautioned the Planning Commission with respect to the judicious exercise of this discretion. In his opinion, the City Attorney stated as follows:

"I think it is entirely plain, on the authority of the above-enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds . . . this is, however, a sensitive discretion and one which must be exercised with the utmost restraint."

(City Attorney Opinion No. 845, p. 8, emphasis in original).

The discretionary review handout provided to the public by the Planning Department reiterates this underlying foundation of the discretionary review power. That publication provides that "discretionary review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission's discretion is sensitive and must be exercised with utmost constraint." In this case, the Planning Commission should exercise such constraint by approving the Project.

There are no exceptional and extraordinary circumstances in this case that would justify the Planning Commission's exercise of its discretionary review powers. Each of the issues raised by the DR Applicant is meritless. The professional planning staff (Residential Design Team or "RDT") has approved the project.

¹ Section 26(a) provides that "[I]n the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked."

D. PROJECT DESCRIPTION

The Project represents a positive addition to the neighborhood and the community for the following reasons:

- (a) The Project will replace a gas station with 35 dwelling units, 1,457 square feet of ground-floor commercial space, 530 sq. ft. of ground floor community arts space and 880 sq. ft. of ground floor community room.
- (b) The Project will increase pedestrian level activity, interest, and public safety.
- (c) The Project will make a significant contribution to the City's housing supply.
- (d) The Project will aesthetically enhance the neighborhood.
- (e) The Project design is consistent with the neighborhood character.

The Project will provide infill housing to replace the gas station building. The Project Site has a total lot area of approximately 9,626 square feet. Located in the Valencia NCT Zoning District, the Project is consistent with the rest of the block, which is comprised primarily of residential buildings with ground-floor commercial space. The Project's height, bulk, square-footage, and character are consistent with surrounding buildings.

E. THE PROJECT ADVANCES THE POLICIES OF THE GENERAL PLAN

Supply of New Housing and Ground Floor Commercial Use

Objective 1.2 Maximize development potential in keeping with neighborhood character.

Policy 1.2.2 Require ground floor commercial uses.

Policy 1.8.1 Direct new mixed-use development to the Mission's Neighborhood Commercial Districts.

Policy 1.1.2. Increase the supply of housing by eliminating residential density limits.

The Project facilitates the conversion of an underutilized lot to more desirable residential infill and ground floor commercial uses. The Project appropriately locates housing units in an NCT neighborhood and increases the supply of housing in conformity with the General Plan.

The Project provides a quality living environment by including approximately 3,170 gsf of open space. The Project further promotes neighborhood-serving commercial activities by providing ground-floor commercial space and community arts space.

Commerce and Industry

Policy 1.1.3 Maintain the successful Valencia Street Neighborhood Commercial District.

The Project will replace a gas station with more desirable residential and commercial uses that will contribute to the vitality of the neighborhood commercial areas located along Valencia Street and increase safety in the area during both the daytime and nighttime. The Project's ground floor commercial component helps the City to maintain a viable neighborhood commercial area that is accessible by foot and bicycle to a significant portion of the City.

City Pattern

Objective 1.8 Maintain and strengthen the Mission's Neighborhood Commercial areas.

The Project will enhance the Valencia NCT Zoning District by reinforcing the urban nature of the street pattern. The Project is consistent with the design features of the surrounding buildings.

Neighborhood Environment

Objective 1.8 Direct new development along neighborhood commercial streets such as Mission and Valencia Streets.

The Project advances this policy objective. The Project will improve the neighborhood environment by providing ground floor commercial space with pedestrian level interest and vitality. The new building will be compatible in use and design with the neighborhood.

The Project provides 8 off-street parking spaces. The Project Sponsor anticipates that many of the new building's residents and employees will utilize public transit and/or bicycle or walk to work, which promotes the Transportation Element and the City's Transit First policy.

The Project is consistent with the General Plan and will provide much needed housing for the City. The Project is desirable for and compatible with the neighborhood. The Project will replace an obsolete gas station building with an attractive mixed-use building and active uses. The City encourages the development of high density housing to address the acute shortage of housing. The location is an established residential neighborhood and is well served by public transit and a well-developed infrastructure.

F. NEIGHBORHOOD OUTREACH AND SUPPORT

The Project Sponsor has conducted extensive outreach to the community. (See Summary of Outreach attached as Exhibit C). Highlights of neighborhood outreach to neighbors and community organizations are set forth below:

Pre-Application Meeting:

A pre-application meeting was held August 6, 2014. Four community members attended. (See Affidavit attached as Exhibit D).

Additional Community Outreach: July 6, 2016 and October 20, 2016 (See Outreach documents attached as Exhibits E and F).

MEDA: Met with Dario Romero, Director with the Mission Economic Development Agency (MEDA) (October 20, 2016) and Planning Department staff.

MDNA: Met with Lucien Bagalary (October 20, 2016).

Additional Community Meeting: Dec. 13, 2016. Met with two neighbors who had questions about the project and the construction process.

MDNA Meeting: Feb. 8, 2017. Presentation of project to MDNA meeting.

Additional Community Meeting: Feb. 17, 2017. Met with neighboring artist who is interested in using and running the community arts space at the Project Site.

Attached as Exhibit G is a letter in support of the Project submitted by MDNA.

G. RESPONSE TO DISCRETIONARY REVIEW APPLICANT'S CONCERNS

1. Potential Displacement

Response – The site is a gas station that is going out of business. Current gas station employees will be given jobs at other gas stations owned by Mr. Aish. There are no residents at the site. A neighboring artist wrote to the Project Sponsor:

“I believe your Project, and the site, could provide an important opportunity to explore and chronicle the transformation of a gas station into housing. The “before and after” uses of this site manifest important concerns of the neighborhood, the City of San Francisco, the Planning Department, and a larger cultural and economic shift away from petroleum based transportation. I believe this Project could be emblematic of a future San Francisco where petroleum powered vehicles are marginalized, possibly irrelevant, as the density of our city increases.”

Many others in the City support the shift away from petroleum powered vehicles, and toward use of public transit powered by natural gas.

2. PDR preservation

Response – Ground floor space in the Project has been set aside for Community arts space, as well as ground floor retail space as specified for NCT Districts (See Planning Code Section 726 – neighborhood-serving retail is encouraged (as opposed to PDR) in this Zoning District. The DR Applicant errs in requesting PDR uses at the Project Site. PDR is not a permitted use in the NCT zoning district.

3. **Cultural Diversity**

Response – The Project Sponsor, Wisfe Aish, is a life-long member of the community in the Mission, and six members of his extended family live in the Mission as well. Therefore, he is very sensitive to maintaining the character of the Mission. Mr. Aish is not a developer. Mr. Aish will continue to own the building and will rent or sell the units with the intention of maintaining cultural and economic diversity in the neighborhood.

4. **The “Necessary or Desirable” Standard is Not Applicable to this Project**

Response – The DR Applicant errs in making a claim that the Planning Commission must make a finding that the Project is “necessary or desirable”. There is no such requirement for projects that are principally permitted by the Planning Code, as is the case here. The Project is permitted as a matter of right by the Code. The DR Applicant confuses this Building Permit Application with a Conditional Use Application.

5. **Gentrification**

Response – Gentrification is a broad policy matter that is a legitimate concern and hopefully will be addressed through the Mission 2020 Plan, Board of Supervisors consideration, adoption of amendments to the Housing Element of the City’s General Plan, and adoption of amendments to the Planning Code. Project by project determination can be arbitrary, and may not be the best approach to a serious issue. The Planning Code does not currently contain any standards for determining when or where gentrification occurs, or how it should be addressed.

H. **CONCLUSION**

The proposed project is allowed as a matter of right by the Planning Code, is appropriately sized, is in context with the block, and will contribute to the City’s housing stock. But for the application for discretionary review, the Project would have been approved administratively. A conditional use is not required, nor is a Planning Commission finding that the Project is “necessary or appropriate”.

The DR Applicant has failed to meet his burden of proof, namely demonstrating that there are any exceptional or extraordinary circumstances in this case. Not only is infill residential construction on Valencia Street common-place, but it is also strongly supported by the City’s General Plan Residence Element and relevant State law, including the State Housing Accountability Act, California Govt. Code Section 65589.5, which sets forth stringent standards that must be met by a City before it can disapprove a residential project. The San Francisco Board of Appeals, in a watershed land use decision that is directly on point, has ruled that the Housing Accountability Act limited their authority to dramatically reduce the size and density of a residential project at 1050 Valencia Street, located only two blocks away from the Project Site. The Project will add housing to the City’s housing stock at a time of extreme housing shortage. In addition, the Project Sponsor is not a developer, but a local Mission resident who has lived in the Mission for nearly his entire life and who owns and operates the gas station at the Project Site.

Accordingly, the Project Sponsor respectfully requests that the Planning Commission deny the request for discretionary review.

Thank you for your consideration.

Respectfully Submitted,

REUBEN, JUNIUS & ROSE, LLP

Dated: April 6, 2017

By: 

David Silverman, Attorney for
Project Sponsor Wisfe Aish

Exhibit List

Exhibit A - Project Plans and Renderings

Exhibit B - Photographs of Project Site and Project Block

Exhibit C - Summary of Public Outreach dated May 31, 2016 prepared by Ian Birchall Associates

Exhibit D - Affidavit of Pre-App Meeting dated August 6, 2014

Exhibit E - Additional Community Outreach Meeting, Sign-in Sheet dated July 6, 2016

Exhibit F - Third Community Outreach Meeting, Sign-in Sheet dated October 20, 2016

Exhibit G - Letter of Support from MDNA

EXHIBIT

B

1293 Valencia St
San Francisco, California

Street View - Aug 2014



Hide imagery



3405 24th St

San Francisco, California



Street View - Aug 2014



Hide imagery



3405 24th St



An aerial photograph of a city street grid in San Francisco. A white location pin is placed on Valencia Street, with a blue arrow pointing to it. The street name 'Valencia St' is written in large, white, stylized letters across the middle of the image. A white information box is overlaid on the right side of the image, containing the address '1298 Valencia St, San Francisco, CA 94110' and links for 'Directions', 'Save', 'Zoom', and 'Send'. The surrounding area shows dense urban development with various buildings and rooftops.

1298 Valencia St, San Francisco, CA
94110

[Directions](#) [Save](#) [Zoom](#) [Send](#)

a St

California

View - Mar 2013



EXHIBIT C

**SUMMARY OF PUBLIC OUTREACH CONDUCTED FOR 1298 VALENCIA
IAN BIRCHALL AND ASSOCIATES.**

May 31st 2016

APPLICATION: 2015.02.19.8775

ADDRESS: 1298 VALENCIA STREET

A neighborhood pre-application meeting was conducted on the 6th August 2014 for the project located at 1298 Valencia Street. Five people from the neighborhood attended the meeting as well the Architect and his Associate. The main concerns that were discussed were:

1. **The height of the building and the fact that it will block views, increase heating bills, cast a shadow on Poplar Street and will look into neighboring buildings.** The response given was that the building might cast a shadow but will not be the cause of higher heating bills. A preliminary shadow analysis was sent to the attendees on the 15th August 2014, showing that Poplar Street would be shaded in the morning hours. In a later, more detailed, shadow study done to see if the proposed building would cast a shadow at the Horace Mann Junior High School playground, it was determined that the building would cast shadows on Poplar Street during the following hours: Winter Solstice between 9:00-10:00a.m., Spring Equinox between 8:00-10:00a.m., Summer Solstice between 6:48-10:00a.m. and Fall equinox between 6:57-10:00a.m.
2. **Limited parking within the property.** The attendees were concerned that the project will impact the neighborhood which already has a parking problem. They mentioned that there is currently a car share on site and it would help if we could maintain the car share. The response was that IBA can talk to the developer and see if provisions for car share can be made. One of the parking spots could potentially become car share spot. The neighbor suggested we add more parking. IBA's responded in Aug. 15th 2014 that the car share is still to be determined and that the contract will not transfer. Since then due to issues with height clearances we have reduced one parking spot (total of 8 parking spots).

Since the community pre-application meeting the notification of project receiving Environmental review took place and the comment period ended on the 24th February 2015. The environmental planner received two phone calls and five emails. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments received expressed concerns regarding the structure's scale in relation to neighboring buildings (an aesthetic impact), additional traffic, inadequate parking for future residents, construction and garbage collection noise during construction and after completion, and blocking of natural light (for a neighboring building).

Quoting the CPE Certificate "Public Resources Code Section 21099(d) states 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." In addition, and pursuant to Planning Code Section 151.1, projects located in the NCT zoning district are not required to provide any off-street parking spaces. As discussed in CPE Checklist Section 5, potential impacts related to construction noise would be reduced to a less than significant impact with implementation of Mitigation Measure 2 (Eastern Neighborhoods PEIR Mitigation Measure F-2), which requires a variety of noise control strategies to reduce local disturbance during construction of the project. Noise due to garbage collection from the project once occupied would be considered consistent with such noise in an urban environment such as San Francisco and not an impact. Additionally, noise from garbage collection is specifically subject to Section 2904 of the City's Article 29 Noise Ordinance. Finally, shadowing of adjacent properties is discussed in the CPE Checklist Section 8. The proposed project would not cast a shadow on any public or private park or school but would, at certain times of the day and year, cast shadows on nearby properties. As noted in the CPE Checklist, although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public."

This have been the public outreach conducted for the proposed project.

**Please let us know if you have any comments or questions regarding the same.
Thank you.**

**Ian Birchall.
C28023
Ian Birchall and Associates.**

EXHIBIT

D

Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, Ian Birchall, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction or alteration prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 251 south van ness ave, ste 300, san francisco (location/address) on 8-6-14 (date) from 6 pm (time).
3. I have included the mailing list, meeting initiation, sign-in sheet, issue/response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

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, August 6, 20 14 IN SAN FRANCISCO.


Signature

Ian Birchall

Name (type or print)

Agent - Ian Birchall and Associates - Architect

Relationship to Project (e.g. Owner, Agent)

(if Agent, give business name & profession)

1298 Valencia Street

Project Address

MTG. SIGN IN + RESPONSES (1)



1298 VALENCIA STREET – PRE APPLICATION MEETING 14_0806

ATTENDEES AT THE MEETING

STEVE SEMPER - SS

149 San Jose Ave San Francisco, CA 94110

415-290-4935 ssemper1@gmail.com

(has requested plans)

SANDRA CITI / SANDRA NAVARRO – SC

3424 24th St #6 San Francisco, CA 94110

415-377-1130 sandorasan@aol.com

(has requested plans)

NANCY CITI - NC

3424 24th St #1 San Francisco, CA 94110

(has requested plans)

DR. LISA FROMER - LF

338 Lexington St, San Francisco, CA 94110

efromer@gmail.com

(has requested plans)

RISA TEITELBAUM - RT

10 Hill St San Francisco, CA 94110

risat@pacbell.net

(has requested plans)

IAN BIRCHALL - IB

251 S. Van ness avenue, Suite 300, San Francisco, CA 94103

ian@ibadesign.com

VIDHI PATEL - VP

251 S. Van ness avenue, Suite 300, San Francisco, CA 94103

vidhi@ibadesign.com

QUESTION 1

LF / RT - Who is the developer? Has the developer done any other projects in SF? Is he the current owner of the property?

IB - Local developer / local individual who has developed projects in SF. Yes, he is the Owner of the property now.

QUESTION 2

LF / RT - Will the project include condos or rental units?

IB - Rentals.. Like several other projects in SF, the project will be mapped as condos but will be converted to rentals.

QUESTION 3

RT – The project drawings show parking on the ground level indicating no basement is that correct?

IB – Yes, The current design does not have provisions for a basement.

QUESTION 4

RT – Why so few parking spots within the proposed project?

IB - We have considered providing more parking spots. The site is a small site (even though you may not think so) and parking is not allowed by planning to be in the immediate 25' feet of the street frontage.

QUESTION 5

RT – What about the Car share that is currently available on the site?

IB – I am unaware of the future. We will ask the developer.

RT – Seems to be a high possibility that the contract will not transfer.

IB – We have provided 9 spots with one ADA van spot and 3 x 2 = 6 car spots as stackers. The city is pushing for Retail and frontage so providing additional parking seems difficult.

QUESTION 6

LF – The site currently has a Gas station. Do you know about the paperwork, documentation and procedures to get the site properly cleared so as to accommodate a new use?

RT – The site is a former Gas station and Yes, I know about the procedures. The owner has had an extensive analysis done. Maps and Data have been collected from the site and properly documented. As per my knowledge, no leaking tanks were found on the site. The owner is aware of the process to clean up and precautions that need to be taken before the start of construction and also while construction.

QUESTION 7

LF – What about the affordable housing requirements?

IB – I believe that 12 % of the units need to be BMR units 12% of 35 = 4 units need to be BMR units. I need to confirm if the owner intends to provide these on site or pay an in lieu fee. The owner intends to provide what is required by the city. I will confirm 12% is correct.

QUESTION 8

SS – What is an in lieu fee?

IB – It is a fee that can be paid to the Mayor's office of Housing in lieu of providing BMR units on site so that that money can be spent on providing affordable housing. The final decision needs to be taken by the client as to which way he chooses to go ahead.

40% of the units need to be provided as 2bedroom units or 30% of the units need to be provided as 3bedroom units (this project has about 42% 2b units).

QUESTION 9

RT – Do you know about any Affordable Housing projects in the Mission?

IB – There are a few projects: Tenderloin Housing close by on Valencia.. Mercy has a project close by.. MHDC is also an active group in the area.

QUESTION 10

SC – What does affordable housing mean? What is it based on?

IB – I am not an expert but have an understanding. It is based on a percentage of the median income of San Francisco. There is a percentage cap on the median income and Housing is allotted on a lottery system by the Mayor's office of Housing.

QUESTION 11

LF – As per my understanding, this project will have 2 outcomes A. The project of this size and on this location will possibly not provide affordable housing on site. B. This project will provide housing only for young singles and possibly married people.

IB – I am not here to debate on the topic or to take a position one way or the other.

QUESTION 12

SS – Zooming in onto the site and immediate neighborhood buildings, I live across the site on Poplar alley. Will the wall facing the alley have a solid wall or have windows.

IB – The wall at the property line on Poplar has some frontage windows and an access to the parking garage. The windows from the residential units is further set back 22'-6" inches from the property line. This creates a wider distance between the building unit windows and neighborhood windows.

QUESTION 13

RT – Will any accommodations for the Gas Station be made? We are from Liberty Hill and are already seeing the effects of development in our neighborhood. What will happen to the people that work there?

IB – I will need to talk to the owner and discuss your concerns to get some feedback to you.

QUESTION 14

RT – I have concerns for affordable housing and the cascading effects of development on adjacent blocks in the neighborhood. Property redevelopment to provide market rate housing puts additional pressure on adjacent landlords to raise their rents and additional pressure on local businesses.

IB – I hear your concerns and I am not here to take a position or get in a debate. I can inform the owner of your concerns.

QUESTION 15

SC – Is the garage an enclosed Garage?

IB – Yes, the garage is an enclosed garage.

QUESTION 16

SC – I think that this building will block views, cast a shadow and will hence increase our heating bills.

IB – I agree that this project might cast a shadow on your building, but I disagree that the units will be colder and be the cause of higher heating bills.

QUESTION 17

SS – How will the project handle Garbage and pick up that happens in the alley.

IB – This project has an indoor Trash Room and the trash cans will be taken in and out through the garage.

QUESTION 18

NC – Our building has a fire escape? What about yours? Will this new building have an impact on our fire escape?

IB – The proposed project has 2 stairs that serve the building in case of a fire. This building will not impact your fire escape and they shall remain as is. This project will make the alley more traffic friendly and will not change what you are doing.

QUESTION 19

LF – This building is taller to the neighboring buildings and will look into the neighboring buildings.

IB – This building is taller and views will not be gravely impacted. The adjoining neighbors will now be separated by 40'-0" and this is a very common urban scenario.

During the day when the outside light often causes the glass to look black and at night when the lights are on, privacy screens need to be used. This is a common Urban occurrence and proximities as such happen.

The rear yard requirement of 25% lot depth could be reshaped into any other form – possible L shaped building creating an inner court. The intent was to respect the neighboring buildings and allow for light and ventilation considerations for the neighboring buildings while creating a design that has its own prominence.

QUESTION 20

LF – The proposed design lacks any architectural detail or interest. The lot is not a part of the historic district, and I know that but why is the design such a square blocked out structure? Why not go with a design that blends with the neighboring buildings.

IB – That is a fair question. I am a European trained Architect and do think that buildings should be well mannered while respecting the context. I could have gone with a contextual approach but chose not to. There seemed to be a real opportunity to create a stand-alone design that respects the context by standing alone. The design interpretation varies with different tastes and different realities.

This design was presented to the Planning staff during its PPA application and we received initial support from the staff for the type of architecture. The materiality however is in its early stage of design and while it may not be every one's cup of tea, I believe that the current design makes an appropriate statement.

QUESTION 21

LF – I personally think that the design is not appropriate or even strong enough to be a stand-alone.

IB – That's your opinion and it's a shame that you think so. I think that there are enough buildings in the neighborhood that nod to the context and still lack an identity.

QUESTION 22

SS – What is your understanding of the time frame for the construction process? When can we anticipate the noise to begin and end?

IB – I cannot tell for certain as to when the project will go under construction. It depends on the Planning department procedures and time lines. I don't expect to get planning approvals sooner than 8-12 months and post that approval, the project will probably take 16-18 months to construct.

There is no basement proposed due to the slope of the site. The project will not need time for underpinning and shoring and so the construction process should not take too long.

QUESTION 23

LF – Will the project be trying to get any LEED credits?

IB – We don't intend to go through the application for LEED. However, we will aim to exceed the city required requirements for Green Point Rating. This project will be filed under the 2013 energy code and the project will be a far more energy efficient building as compares to if it followed the 2010 energy code.

QUESTION 24

LF – What heating systems will be used for the building? Gas?

IB – The project will make use of hydronic heating systems. It will comprise FCUs and ducts air.

As per the current code, outdoor air will be mechanically forced into all the units. Thus the acoustic performance of the windows will be better. There will still be provisions made for operable windows. It is a good step forward where you avoid the polluted street air by providing fresh air and additionally, operable windows can be used to convenience.

QUESTION 25

SS – What is the height of the proposed building? Are the neighboring properties in a similar zoning / height restriction?

IB – the project lies in a zoning with a 55'-0" height restriction and all the neighboring properties probably have the same zoning / height restriction. I can get back to you on that.

QUESTION 26

SC – As compared to the adjacent buildings how much taller is the proposed building?

IB – 4 story Victorian homes often are about 11feet per floor with an additional few feet at the cornice line. Making the neighboring buildings about 45'-0" tall as compares to the proposed building that is 55'-0".

QUESTION 27

SS – Additionally the pent house on the roof level go beyond the 55'-0" limit. Is that correct? Will there be mechanical equipment placed on the roof?

IB – That is correct. The penthouses are primarily above the stair and elevator cores. There will be some mechanical equipment that will be screened at the roof level.

QUESTION 28

LF – Mechanical equipment on the roof will include boilers etc. As for the consumption of water, will there be any recycled water usage on site for heating units etc.

IB – The heating system (hydronic system) does re-circulate the water. There is a % loss but it is fractional. As for the appliance package for the project, most appliances will be electrical appliances other than gas cooking and possibly gas dryers. The roof will house 2 boilers for domestic water heating (each 80 % capacity) and an additional boiler for the heating system. We have considered other alternate heating methods such as solar preheating on the roof.

QUESTION 29

SS – Will the pole at the beginning of Poplar alley be removed? I have been trying to get PG&E to remove it. It serves just the gas station.

IB – Is that is correct thenYes, it will come down. Provisions for a new underground service to the building will need to be made and a possible transformer will need to be located on site.

QUESTION 30

SC – As for the parking, the proposed design has limited parking spots within the property. Do you think that the new project will impact parking in the neighborhood?

IB – I cannot look into the future, but.. Yes, there will be an impact on the available street parking. The city will not allow one to one parking and are pushing for a transit first approach. In the end I cannot provide everything that everyone wants.

RT – We have been fighting against a project at Hill Street and Valencia where for each parking spot added to the building, 2 car parking spots were going to be lost on the street. In the 5.5 years since that decision was made, there has been no additional transportation added to the neighborhood. In fact, there has been a loss in public transportation.

IB – If car parking is a sensitive issue for the project to go forward, I can talk to the developer and see if provisions for Car Share can be made. One of the parking spots could potentially become a car share spot and I can talk to the client so he can take a decision regarding the same.

RT – There is a severe parking problem in the neighborhood and car share is suggested to pick up the slack. I would suggest that you not reduce the 9 spots but provide additional parking.

QUESTION 31

SS – Would you consider a shorter building?

IB – Short answer, no.

QUESTION 32

SC – The parking garage doors are right across the street from our garage doors, if I understand correctly. Will this not bottleneck the traffic?

IB – Actually we have pushed our building 4 feet from the property line at the beginning of the ally. This should in fact make the alley wider and not narrower.

QUESTION 33

LF – What about the accessibility through the building? Do you think a person with disabilities could live in this building?

IB – The building public areas are required to be accessible and the units adaptable. The project is 100% adaptable for accessibility. (Doors, corridors, bathrooms, laundry...). In my opinion it would be easy for a person with disabilities to live here.

QUESTION 34

LF – What are your thoughts on landscaping? Will there be drip irrigation for the landscape components?

IB – (example of Taylor and Pierce street project) Landscape that needs less water, patterned stone/ pavers, illuminated pots, maples etc. As for the drip irrigation, there will be a fully integrated landscape watering and drainage system that works 24/7.

QUESTION 35

RT – Should children move into this building?

IB – I consider it to be a child friendly building. As for the affordability for a family to move in, I am not sure. There are about 42% 2B units well sized units and unlike a SRO where it would be impossible for families to live, this project is a safe and secure place for children. Specific zones set by the HOA could become children play areas.

QUESTION 36

LF – Will pets be allowed in the building?

IB – It is a HOA issues – 1 pet not more than 25 lbs. etc. I think this will be a pet friendly building.

QUESTION 37

LF – Do you envision people / neighbors gathering and making this building their home?

LF – I do think that a building of this size will often have neighbor events, corridor parties and such to create a friendly atmosphere. Social events make people happy which in turn make the building a happy place to live in.

QUESTION 38

SS / SC – Would it be possible to get a study that shows the shadow impacts from this building to the neighborhood buildings?

IB – I can have someone in our office work on the shadow study and will send you a copy.

IB – Thank you all for coming and have a good evening.

NOTICE OF PRE-APP MEETING.

Affidavit for Pre-Application Meeting

Notice of Pre-Application Meeting

7 / 21 / 2014

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 1298 VALENCIA STREET cross street(s) 24TH STREET / POPLAR STREET (Block/Lot#: 3644 / 021); Zoning: VALENCIA STREET NCT, in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

The Pre-Application process is only required for projects subject to Planning Code Section 311 or 312 Notification. It serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification when the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- ☒ New Construction;
- ☒ Any vertical addition of 7 feet or more;
- ☒ Any horizontal addition of 10 feet or more;
- ☒ Decks over 10 feet above grade or within the required rear yard;
- ☐ All Formula Retail uses subject to a Conditional Use Authorization.

Received
JUL 22 2014
ib+a architecture

The development proposal is to:

Replace the existing light industrial use and structure to construct a 35 unit multifamily residential building over ground floor retail and parking garage(for residential use).

Existing # of dwelling units: <u>0</u>	Proposed: <u>35</u>	Permitted: <u>-</u>
Existing bldg square footage: <u>-</u>	Proposed: <u>42,445 SQ. FT.</u>	Permitted: <u>-</u>
Existing # of stories: <u>1 STORY</u>	Proposed: <u>6 STORY</u>	Permitted: <u>-</u>
Existing bldg height: <u>10' - 0" / 15' - 0"</u>	Proposed: <u>54' - 6"</u>	Permitted: <u>55' - 0"</u>
Existing bldg depth: <u>About 30' - 0"</u>	Proposed: <u>90' - 0"</u>	Permitted: <u>-</u>

MEETING INFORMATION:

Property Owner(s) name(s) A and M Properties, LLC

Project Sponsor(s): Ian Birchall (Ian Birchall and Associates)

Contact information (email/phone): ian@ibadesign.com / 415.512.9660

Meeting Address*: 251 South Van Ness Avenue, suite 300, San Francisco, CA 94103

Date of meeting: Wednesday, August 6, 2014

Time of meeting**: 6:00p.m. - 7:00p.m.

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

**Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have any questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.

EXHIBIT

E

Pre-Application Meeting Sign-in Sheet

Project: 1298 Valencia Street

Meeting Date / Time: July 6th 2016 / 6:00pm - 7:00pm

Location: 2868 Mission Street, San Francisco, CA 94110 – Mission Cultural Center for Latino Arts

Attendees:

JOE RIVANO BARROS - JR
joe.rivanobarros@missionlocal.com
(has requested plans)

RONALD J MALLIA - RM
Ronaldm8888@gmail.com

EDDIE STIEL - ES
2887 Folsom Street
eddiestiel@yahoo.com
(has requested plans)

SRO COLLABORATIVE - SRO
930 Valencia Street
frazdyto@yahoo.com

LAURIE TROYER - LT
3435 24th Street #12
laurietroy@yahoo.com

CARLO PELLEGRINI - CP
3435 24th Street #10
cepellegrini@gmail.com
(has requested plans)

CINDY MENDOZA - CM
3435 24th Street #10
cmmendoza2@gmail.com
(has requested plans)

DAIRO ROMERO - DR
3009 Mission Street
dairosf@gmail.com
(has requested plans)

IAN BIRCHALL - IB
251 South Van Ness, Suite 300
ian@ibadesign.com

VIDHI PATEL - VP
251 South Van Ness, Suite 300
vidhi@ibadesign.com

ZOE KARAYANIS - ZK
251 South Van Ness, Suite 300
zoe@ibadesign.com

Summary of discussion from the Pre-Application Meeting and

Project: 1298 Valencia Street

Meeting Date / Time: July 6th 2016 / 6:00pm - 7:00pm

Location: 2868 Mission Street, San Francisco, CA 94110 – Mission Cultural Center for Latino Arts

IB welcomes attendees and presents project.

IB - RM, who owns the bakery next door to our project, expressed his support for the project and is willing to give us a letter of support and we appreciate that. He could not stay for the meeting. He had questions about the underpinning and we'll keep him informed. There is no basement involved so things are easier.

QUESTION/ COMMENT 1

SRO – It seems like you're adding more market rate housing with a low inclusionary percentage. It feels like this neighborhood needs more affordable housing.

IB – I am the architect not the developer. The gas station owner is also the project sponsor of the property. If you have any questions you can email them to us and we'll forward them to the project sponsor who couldn't be here today.

QUESTION/ COMMENT 2

SRO – We like the fact that the project proposes less cars. We need more housing and several people live car free. It is a dense city.

IB – We are in agreement here. We were not required to provide any parking and allowed to provide up to 50% spaces per unit. We under-provided the number of allowed parking spaces.

CI arrives to the meeting.

QUESTION/ COMMENT 3

CI – Is there going to be a car share?

IB – We were asked the same questions during the previous pre-app meeting. The developer is looking for ways to do it and maintain the security needed. He needs to make a decision for it and we are advocating for it.

CA – Is there a way for us to advocate?

IB – You can send us an email and ask for that.

QUESTION/ COMMENT 4

CI – What is the retail space going to be used for? Will there be a restaurant use?

IB – The use will be whatever the project sponsor thinks is a good fit. The design is flexible, the space can be divided in two or three retail spaces. Shafts are provided for restaurant use.

QUESTION/ COMMENT 5

CI – I'm sorry, I missed the beginning of the presentation. How many stories will this building have?

IB – No problem, we can go through the slides again. IB presents slides and project.

IB – It will have 6 stories. There will be a high ceiling retail space (approx. 19ft. high)

CI – What will the retail be?

IB – At this point we don't know. We have made provisions for it to be flexible. It could end up being split into 2 spaces eventually but we don't know at this point.

QUESTION/ COMMENT 6

CA – Is this rental or ownership?

IB – It will be ownership – for sale and individual condominiums.

QUESTION/ COMMENT 7

SRO – What about the shadows that this new project will cast? And what will happen with the gas station being a contaminated site?

IB – An environmental study has been done and the CEQA exemption was granted. As for the shadow study, it was conducted at that time and it was determined by planning that there will not be any significant impact. No adverse impact on public parks and schools either.

As for the gas station, during excavation the whole site will be cleaned up. We already have a soils analysis and closure documents regarding the underground storage tanks.

QUESTION/ COMMENT 8

CI – What is the mix of the units?

IB – There will be 20 1bed units, 14 2bed and 1 studio. We are required to have a unit mix that has 40% 2bed or 30% 3bed. We chose the 40% 2bed.

QUESTION/ COMMENT 9

CI – How many bikes will there be?

IB – For residential use there will be 35 indoor spaces and 2 outdoor ones. For retail there will be 1 indoor and 2 outdoor. For the fitness room there will be 1 indoor and 2 outdoor.

QUESTION/ COMMENT 10

CI – I will lose the view I have of the fireworks. I understand though and appreciate the open space. We got Ellis acted from my husband's apartment. Would like to see more affordable housing in the neighborhood.

ES – The developer is cashing out

SRO – This might not be the right project for the neighborhood as far as affordable is concerned.

IB – I am not here to debate that topic. I will pass your concerns to the project sponsor and let you know what his response is.

DR arrives to the meeting.

QUESTION/ COMMENT 11

DR – Don't you have to do more affordable because it's a former gas station (PDR use)? What will happen to all the people who work there?

IB – The project sponsor owns more gas stations. The people who work there will be relocated to another gas station. They will not be losing their jobs.

DR – There is also an auto repair, not only a gas station. Now we'll have to go miles to find a body shop. I've lived many years in this neighborhood and see too many gas stations close. This is not the right project for this neighborhood. We have seen one after another of the gas stations on Valencia Street go to luxury condos.

IB – If it's for the body shop I'd be willing to recommend 2-3 within a mile range.

DR – With the gas station gone and the new project up, it will have a negative impact on the neighborhood. More people getting evicted, it's difficult for business to continue to run. There should be more affordable housing.

IB – I don't want to get into a discussion on my philosophical and political views. I pay rent for my office in the same neighborhood and my rent just went up by 30%

QUESTION/ COMMENT 1 2

DR – What kind of business will there be in the ground floor?

CI - There's a lot of restaurants on Valencia Street.

DR – These small projects all over the neighborhood, you say they are small, only 20–30 units, but these will have a negative impact on the neighborhood. They are displacing the locals that live here.

IB – We have no selection for the retail space. If the community doesn't want restaurant and expensive jewelry shops then they won't last there. I am just the architect. The project sponsor should be able to answer these questions and concerns and we'll try to get responses and distribute them to you. We invited the planner to come as well but he could not attend.

CI – Who is the planner?

IB – Jonathan DiSalvo

QUESTION/ COMMENT 1 3

DR – I would like to see a community shop open there, preferably a hardware store.

IB – We will inform the developer. We will pass all your concerns to the developer. We'll create a question and response sheet and get this out to you within a week together with the plans, if you requested them.

EXHIBIT

F

Planning Dept Community Meeting
Mtg - 129 Valencia 10-20-16

- | | | |
|---|---------------------|-----------------------------|
| 1 | David Silverman | 415-567-9000 |
| 2 | Wife Aish | 415 746 740 8520 |
| 3 | Peter Papadopoulos | 860-655-0290 |
| 4 | Lucia Bagalany MDNA | 415-826-3395 |
| 5 | Jeff Prose | 415 512 9660 |
| 6 | Rick Hall CAN/USM | 415-307-0273 |
| 7 | DAIRO ROMERO (MEX) | 415-2823334 ext 125 |

Planners

Jon DiSalvo

Reida Sucre

Claudia Flores

2020 Mexico Plan

NC is not in SN District

EXHIBIT

G



Mission Dolores Neighborhood Association

DEDICATED TO PRESERVING & ENHANCING OUR HISTORIC NEIGHBORHOOD

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

Jonathan DiSalvo, CPC
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Email: jonathan.disalvo@sfgov.org

April 6, 2017

Re: 1298 Valencia - Letter of Support

Dear Mr. DiSalvo:

On February 8, 2017 the MDNA Board of Directors meet with Ian Birchall, architect and Wisfe Aish, project sponsor, concerning their project at 1298 Valencia. After their detailed presentation and a following question and answer period, the board voted to support the project.

Please note that we also reviewed the DR filed by MEDA and the project sponsor's response to it. In doing so, we found that project sponsor had met its obligations and had complied with the zoning requirements. We also felt that the additional restrictions proposed by MEDA were unwarranted.

Our logic is that the project is not located in the new Calle 24 Latino Cultural District and that we were pleased with the design solutions. Furthermore, we felt that the project sponsor's off-site contribution to BMR housing was appropriate for this project, especially since we were informed that it would be unaffordable to complete the project otherwise.

Thank you and best wishes,

Peter Lewis, President
Mission Dolores Neighborhood Association (MDNA)
<http://www.missiondna.org>
415-310-6057

Cc: Ian Birchall, AIA; Wisfe Aish; and Zoe Katayanis, Ian Birchall and Associates



A AND M PROPERTIES, LLC.

1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

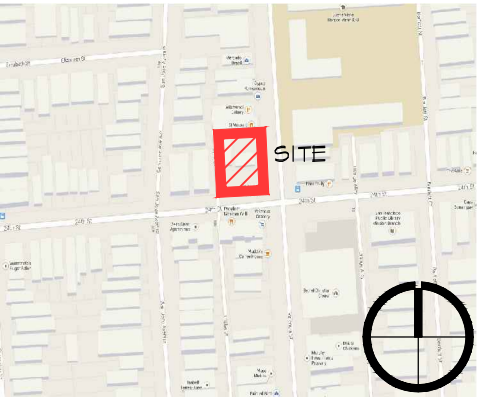
SCALE : N.T.S.

DRAWING TITLE : COVER SHEET

SHEET NO. : A-1.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



- A 1.0 = COVER SHEET
- A 2.0 = SITE PLAN
- A 3.0 = FIRST FLOOR PLAN
- A 4.0 = SECOND FLOOR PLAN
- A 5.0 = THIRD FLOOR PLAN
- A 6.0 = FOURTH FLOOR PLAN
- A 7.0 = FIFTH FLOOR PLAN
- A 8.0 = SIXTH FLOOR PLAN

- A 9.0 = ROOF PLAN
- A 10.0 = ELEVATION 1
- A 11.0 = ELEVATION 2
- A 12.0 = ELEVATION 3
- A 13.0 = ELEVATION 4
- A 14.0 = SECTION
- A 15.0 = VIEW 1
- A 16.0 = VIEW 2

- A 17.0 = VIEW 3
- A 18.0 = VIEW 4
- A 19.0 = VIEW 5
- A 20.0 = VIEW 6
- A 21.0 = VIEW 7
- A 22.0 = VIEW 8
- A 23.0 = PHOTOGRAPHS 1
- A 24.0 = PHOTOGRAPHS 2
- A 25.0 = FLOOR AREA

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project contact: Ian Birchall

1298 VALENCIA STREET

PROJECT

APN : 3644/021

SCALE : 1/16":1'-0"

DRAWING TITLE : SITE PLAN / ROOF

SHEET NO. : A-2.0

SHEET DESCRIPTION

DATE	ISSUE
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APRIL 26, 2017

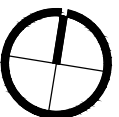
D.R. RESPONSE SET

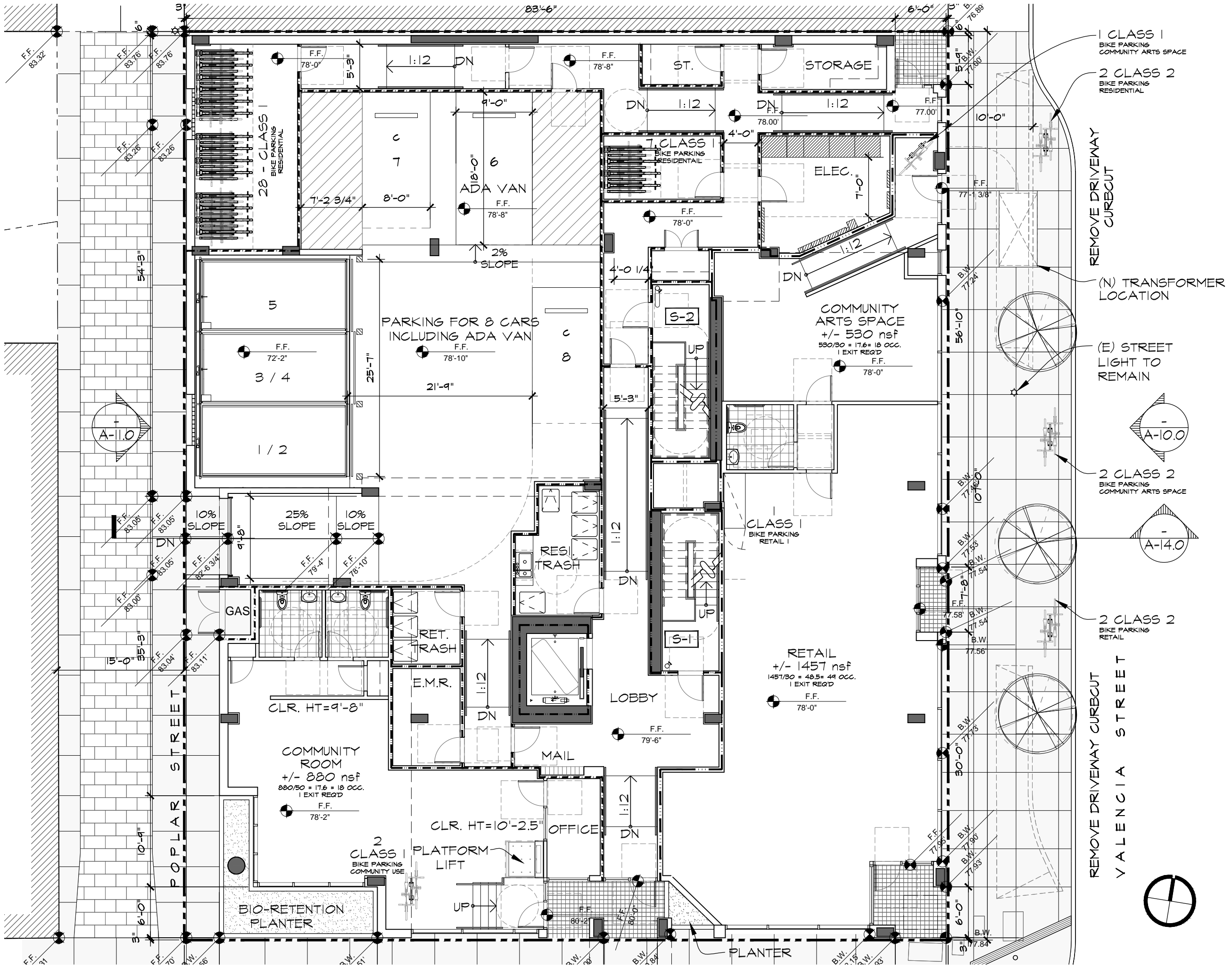


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1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : PLAN - LEVEL 1

SHEET NO. : A-3.0

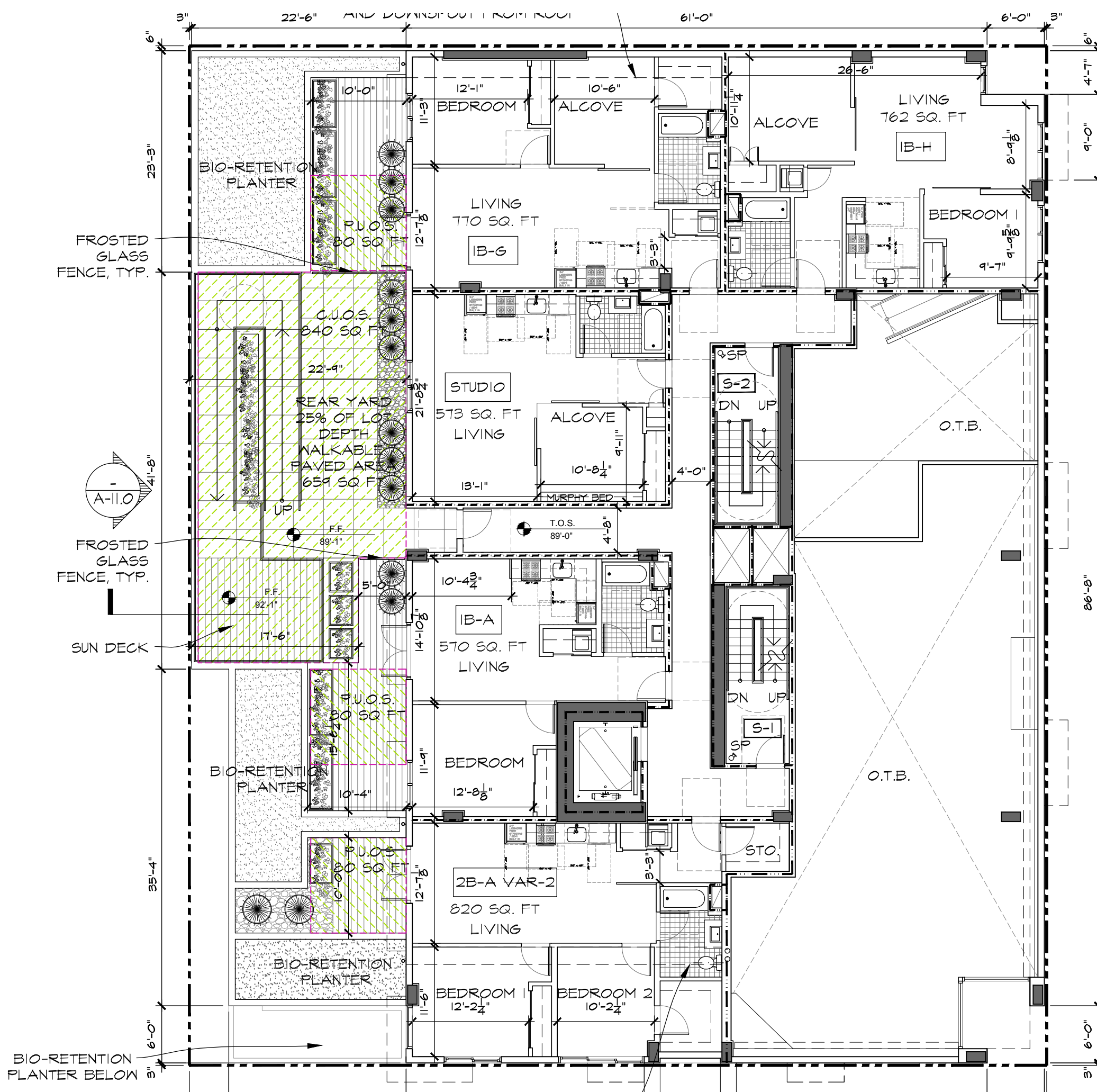
SHEET DESCRIPTION

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APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : PLAN - LEVEL 2

SHEET NO. : A-4.0

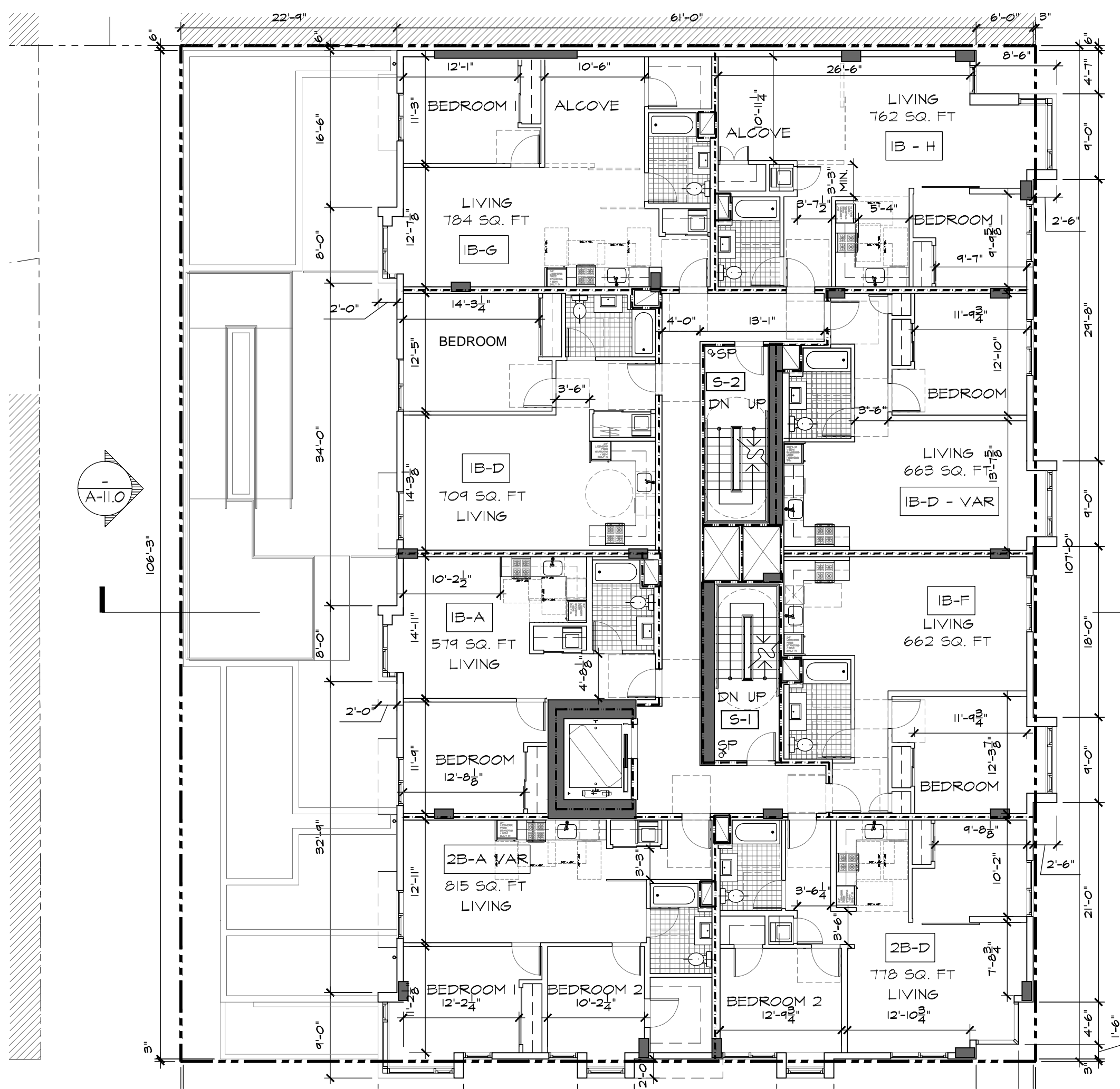
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PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : PLAN - LEVEL 3

SHEET NO. : A-5.0

SHEET DESCRIPTION

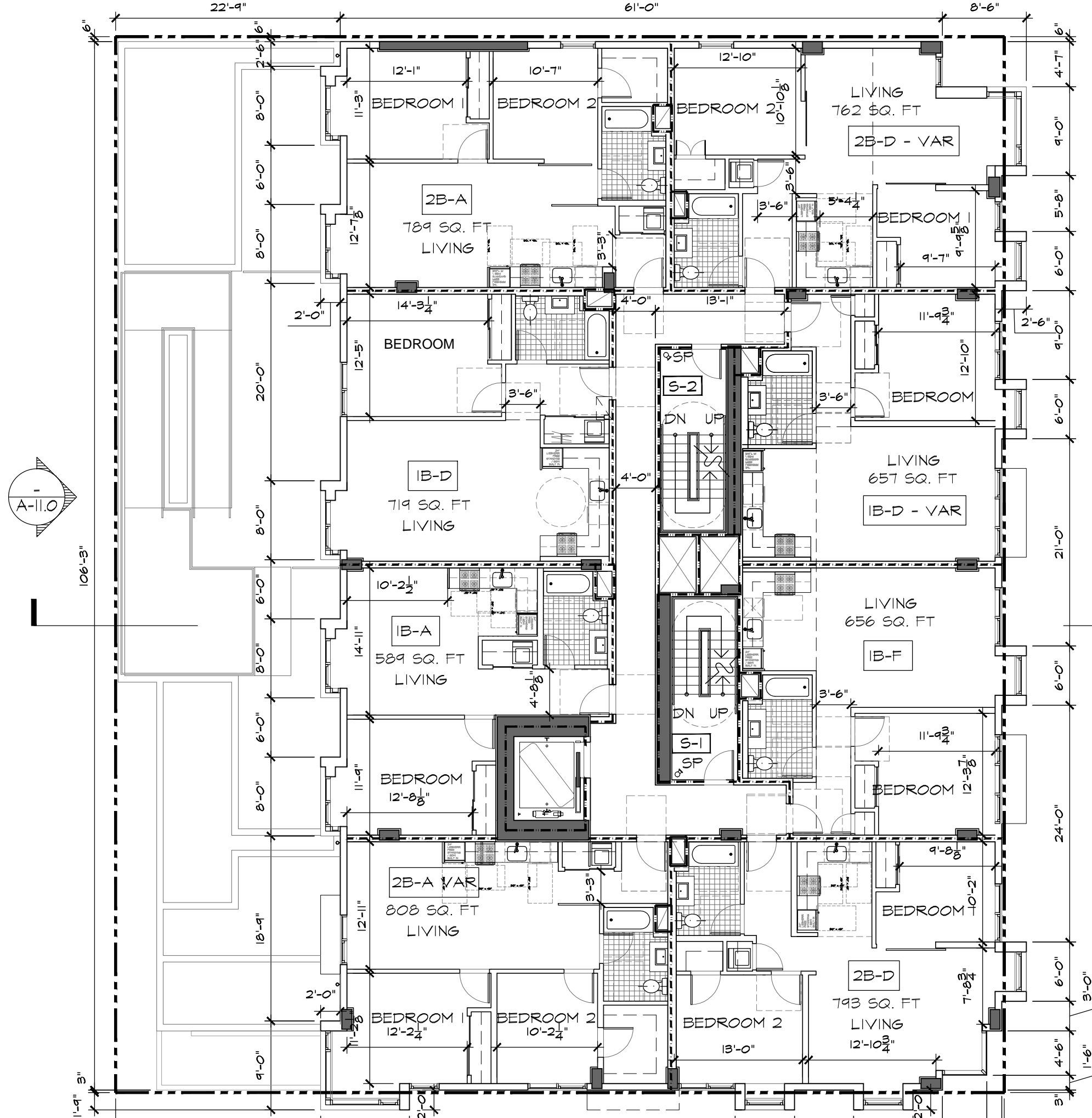
DATE ISSUE

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PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : PLAN - LEVEL 5

SHEET NO. : A-7.0

SHEET DESCRIPTION

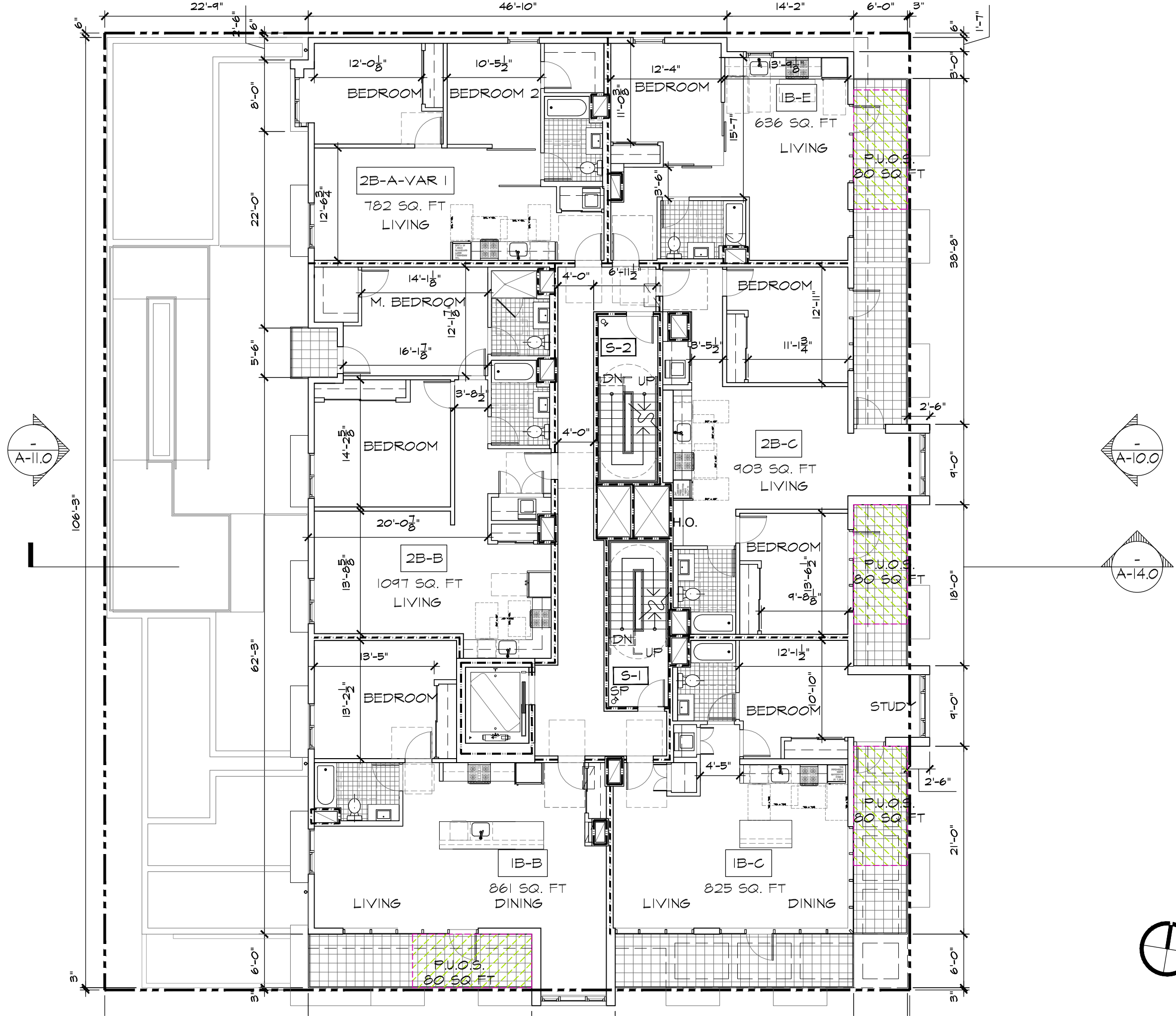
DATE ISSUE

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1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : PLAN - LEVEL 6

SHEET NO. : A-8.0

SHEET DESCRIPTION

DATE ISSUE

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1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : ROOF PLAN

SHEET NO. : A-9.0

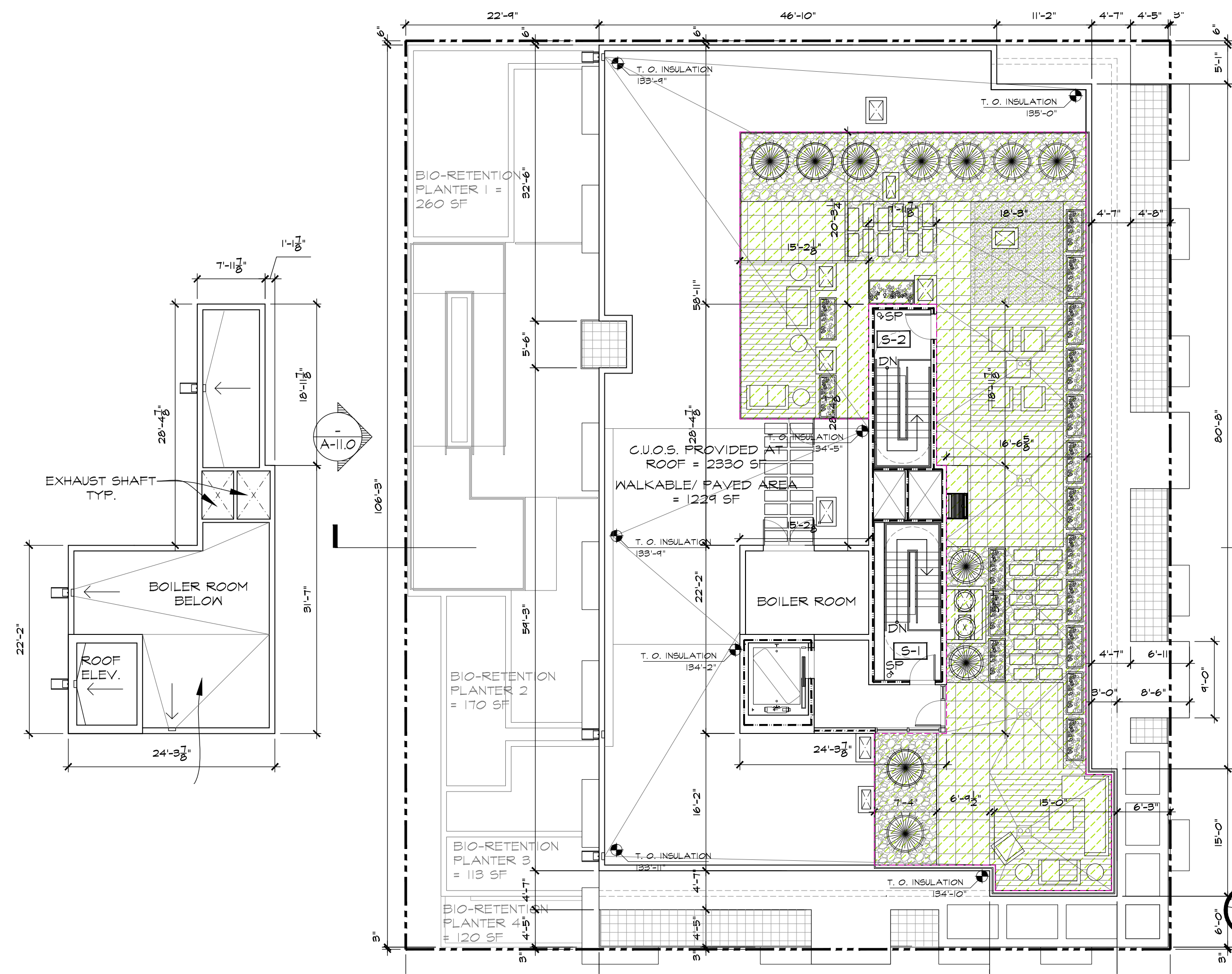
SHEET DESCRIPTION

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1298 VALENCIA STREET

San Francisco,
CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : EAST (VALENCIA ST.)
ELEVATION

SHEET NO. : A-10.0

SHEET DESCRIPTION

DATE : APRIL 26, 2017
ISSUE : D.R. RESPONSE SET

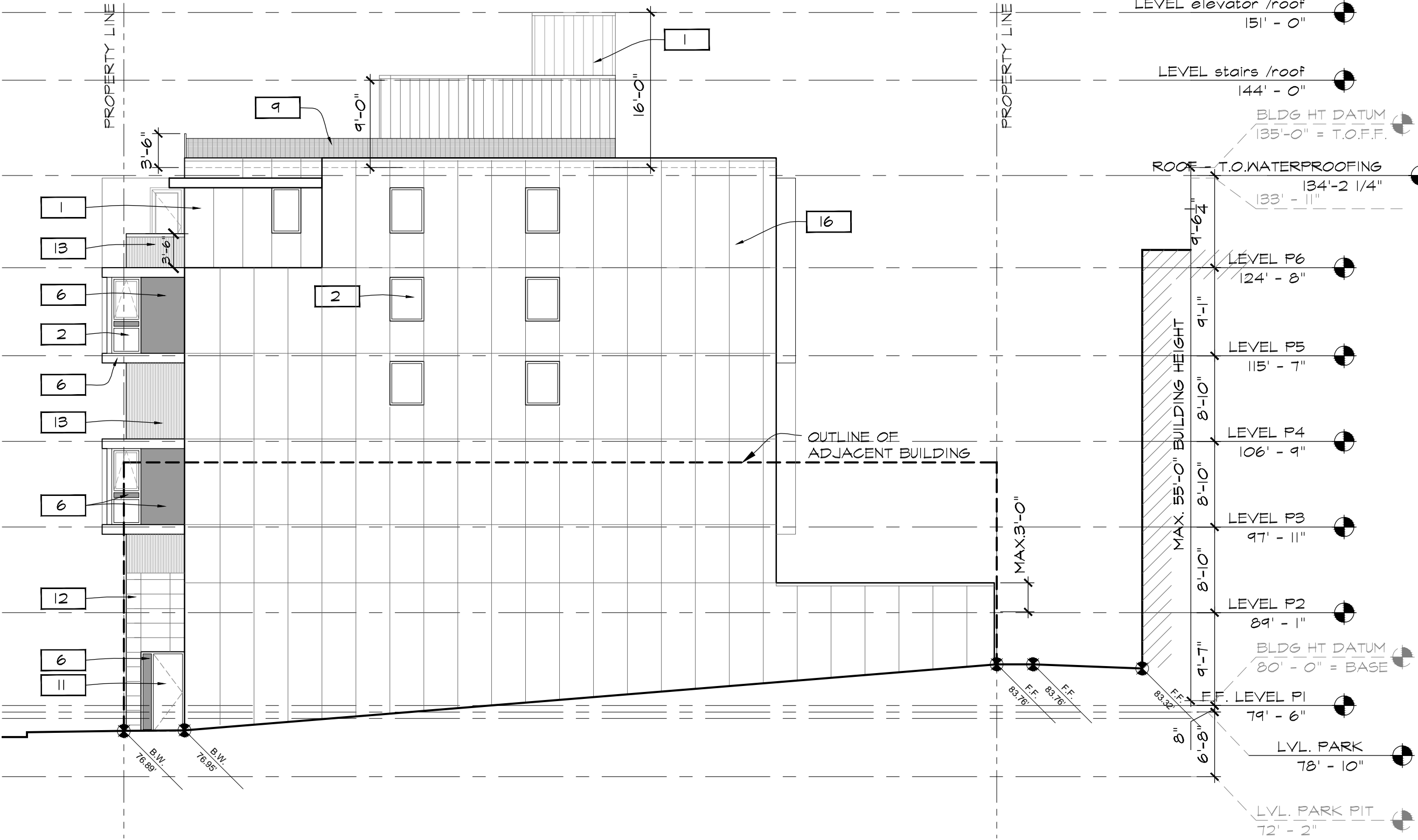


ELEVATION KEYNOTES

- | | | |
|---------------------|------------------------------|---|
| 1. METAL SIDING | 6. ALUMINUM PANEL | 13. FIBER-CEMENT SIDING |
| 2. ALUMINUM WINDOW | 8. CANOPY | 14. ALUMINUM LOUVERS |
| 3. STUCCO | 9. ALUMINUM GUARDRAIL (MESH) | 15. CORNICE |
| 4. SPANDREL GLASS | 10. GLASS RAILING | 16. PRE-FABRICATED, PRE-FINISHED,
INSULATED FIRE-RATED
METAL PANELS |
| 5. SSG CURTAIN WALL | 11. METAL DOOR | |
| | 12. PORCELAIN TILE | |

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project contact: Ian Birchall



ELEVATION KEYNOTES

- 1. METAL SIDING
- 2. ALUMINUM WINDOW
- 3. STUCCO
- 4. SPANDREL GLASS
- 5. SSG CURTAIN WALL

- 6. ALUMINUM PANEL
- 8. CANOPY
- 9. ALUMINUM GUARDRAIL (MESH)
- 10. GLASS RAILING
- 11. METAL DOOR
- 12. PORCELAIN TILE

- 13. FIBER-CEMENT SIDING
- 14. ALUMINUM LOUVERS
- 15. CORNICE
- 16. PRE-FABRICATED, PRE-FINISHED, INSULATED FIRE-RATED METAL PANELS

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1298 VALENCIA STREET

San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32"=1'-0"

DRAWING TITLE : NORTH ELEVATION

SHEET NO. : A-12.0

SHEET DESCRIPTION

DATE : APRIL 26, 2017
ISSUE : D.R. RESPONSE SET



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PROPERTY LINE

PROPERTY LINE

LEVEL elevator /roof
151' - 0"

LEVEL stairs /roof
144' - 0"

BLDG HT DATUM
135' - 0" = T.O.F.F.

ROOF - T.O. WATERPROOFING
134' - 2 1/4"
133' - 11"

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1298 VALENCIA STREET

San Francisco,
CA 94110.
PROJECT
APN : 3644/021

SCALE : 3/32" = 1' - 0"
DRAWING TITLE : SOUTH ELEVATION (24TH STREET)
SHEET NO. : A-13.0

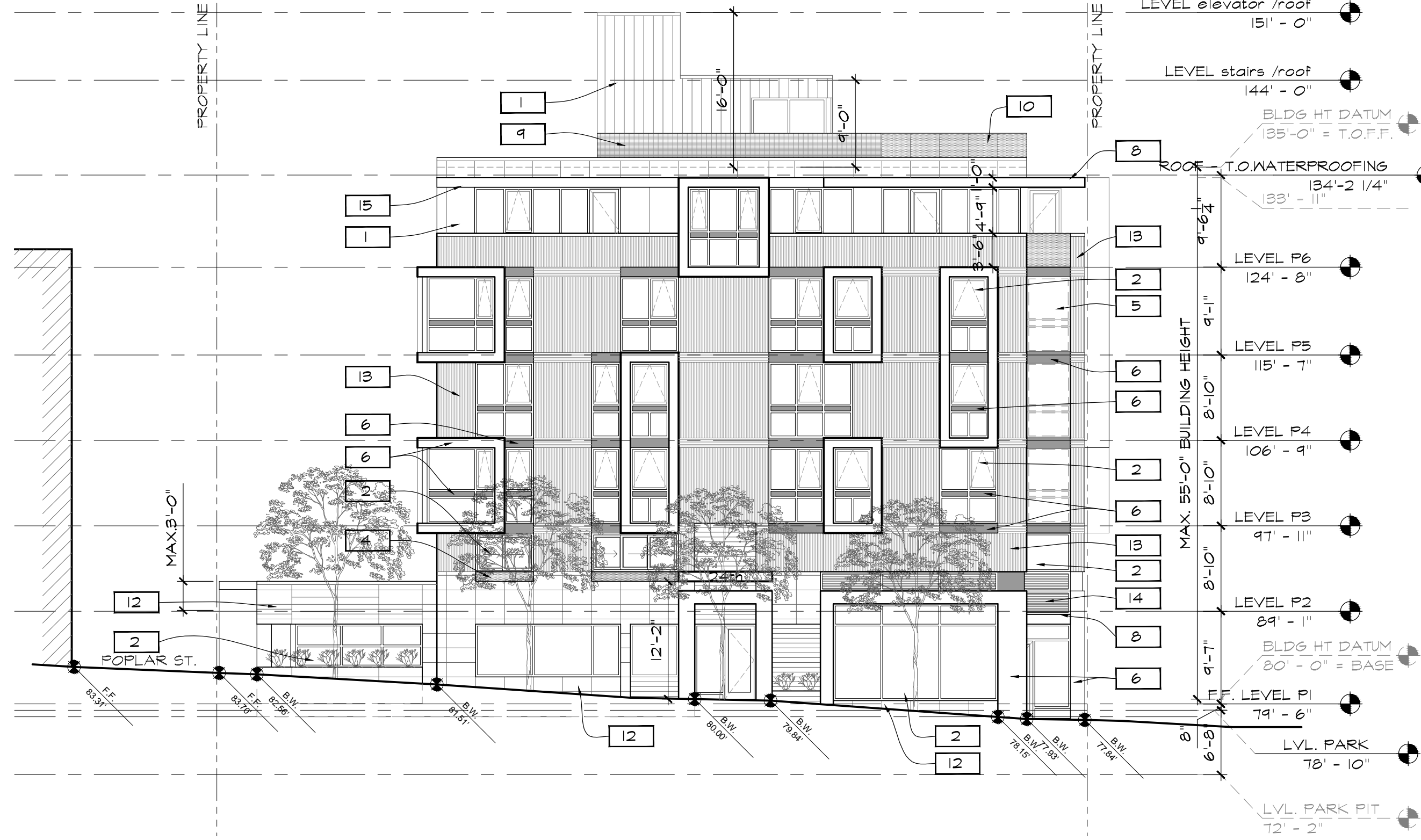
SHEET DESCRIPTION
DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



MAX. 3' - 0"

MAX. 55' - 0" BUILDING HEIGHT

LEVEL P6 124' - 8"
LEVEL P5 115' - 7"
LEVEL P4 106' - 9"
LEVEL P3 97' - 11"
LEVEL P2 89' - 1"
BLDG HT DATUM 80' - 0" = BASE
F.F. LEVEL P1 79' - 6"
LVL. PARK 78' - 10"
LVL. PARK PIT 72' - 2"



ELEVATION KEYNOTES

- | | | |
|---------------------|------------------------------|---|
| 1. METAL SIDING | 6. ALUMINUM PANEL | 13. FIBER-CEMENT SIDING |
| 2. ALUMINUM WINDOW | 8. CANOPY | 14. ALUMINUM LOUVERS |
| 3. STUCCO | 9. ALUMINUM GUARDRAIL (MESH) | 15. CORNICE |
| 4. SPANDREL GLASS | 10. GLASS RAILING | 16. PRE-FABRICATED, PRE-FINISHED, INSULATED FIRE-RATED METAL PANELS |
| 5. SSG CURTAIN WALL | 11. METAL DOOR | |
| | 12. PORCELAIN TILE | |

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LEVEL elevator /roof
151' - 0"

LEVEL stairs /roof
144' - 0"

BLDG HT DATUM
135' - 0" = T.O.F.F.

ROOF - T.O. WATERPROOFING
134' - 2 1/4"
133' - 11"

LEVEL P6
124' - 8"

LEVEL P5
115' - 7"

LEVEL P4
106' - 9"

LEVEL P3
97' - 11"

LEVEL P2
89' - 1"

BLDG HT DATUM
80' - 0" = BASE

F.F. LEVEL P1
79' - 6"

LVL. PARK
78' - 10"

LVL. PARK PIT
72' - 2"

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1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : 3/32" = 1'-0"

DRAWING TITLE : SECTION 1

SHEET NO. : A-14.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 1 - VALENCIA ST

SHEET NO. : A-15.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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1298 VALENCIA STREET

PROJECT San Francisco,
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APN : 3644/021

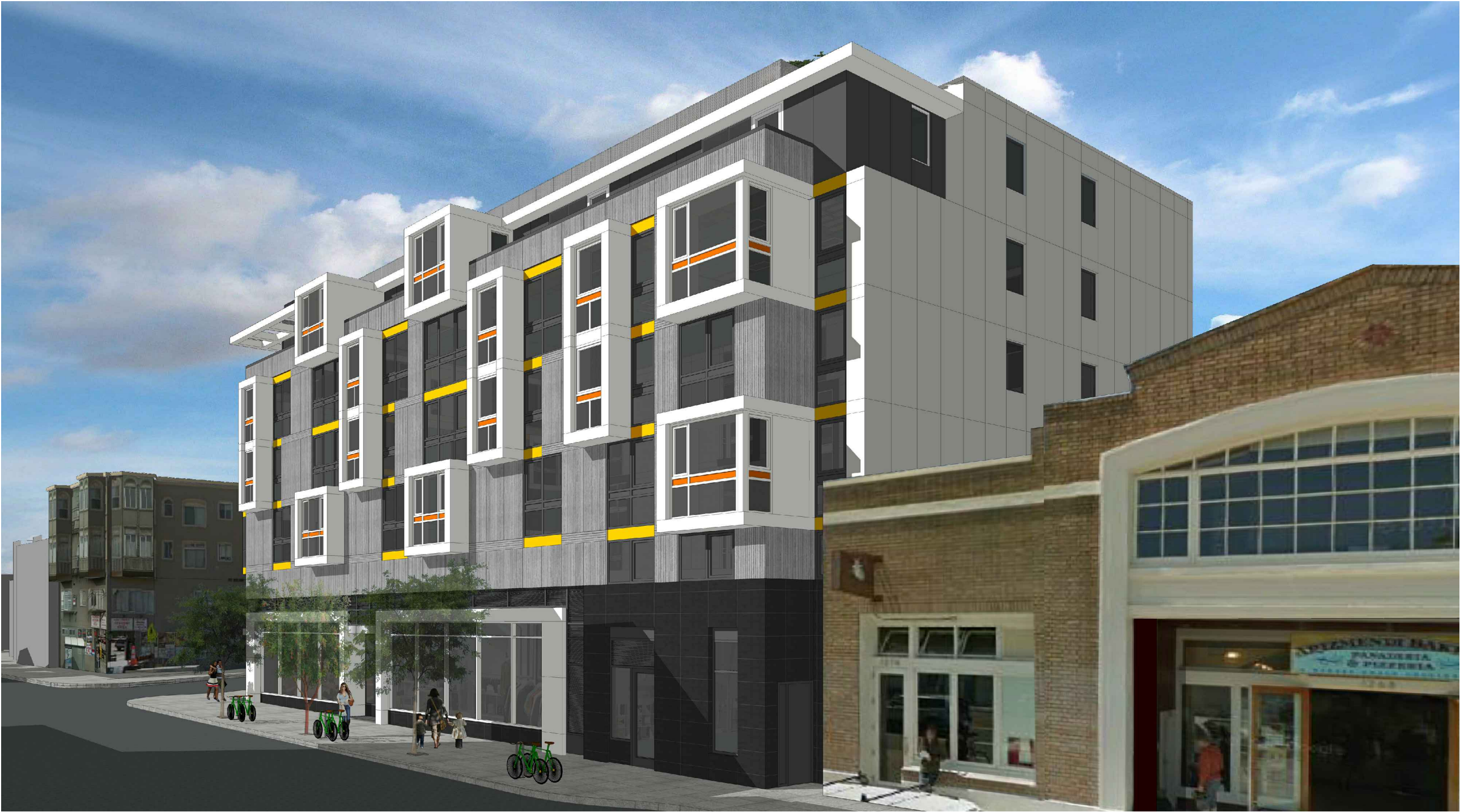
SCALE : N.T.S

DRAWING TITLE : VIEW 2

SHEET NO. : A-16.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 3

SHEET NO. : A-17.0

SHEET DESCRIPTION

DATE ISSUE

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1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 4

SHEET NO. : A-18.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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1298 VALENCIA STREET

PROJECT San Francisco,
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APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 5

SHEET NO. : A-19.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 6

SHEET NO. : A-20.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 7

SHEET NO. : A-21.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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project contact: Ian Birchall

1298 VALENCIA STREET

PROJECT San Francisco,
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APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : VIEW 8

SHEET NO. : A-22.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET

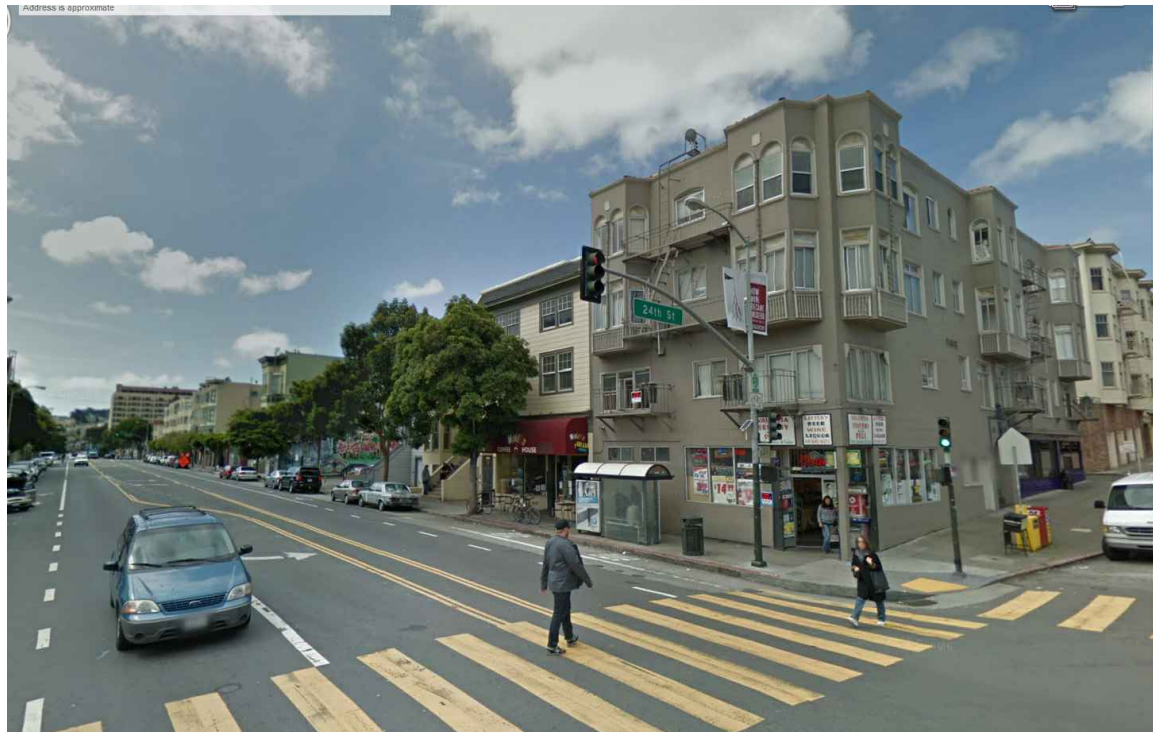




SOUTHEAST CORNER - SUBJECT PROPERTY



VALENCIA ST. - ADJACENT PROPERTY



VALENCIA ST. - ADJACENT PROPERTY



24TH ST. - ADJACENT PROPERTY

A AND M PROPERTIES, LLC.

1298 VALENCIA STREET

PROJECT San Francisco,
CA 94110.
APN : 3644/021

SCALE : N.T.S

DRAWING TITLE : PHOTOGRAPHS 1

SHEET NO. : A-23.0

SHEET DESCRIPTION

DATE APRIL 26, 2017 ISSUE D.R. RESPONSE SET



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FLOOR	TOTAL NO. OF UNITS	UNIT TYPE	UNIT TYPE COUNT	AREA(SQFT)*	MULTIPLIER	TOTAL	SALEABLE AREA	GROSSFLOOR AREA #			
P ROOF	CIRC/ BOILER			0	1	0		777			
	ROOF DECK					2330					
P6	6	1B-B	3	866	1	866	4,997	6,319			
		1B-C		796	1	796					
		1B-E		610	1	610					
		2B-A-VAR1	789	1	789						
		2B-B	1072	1	1072						
		2B-C	864	1	864						
	DECK AREAS					765					
P5	8	1B-A	4	589	1	589	5,773	7,294			
		1B-D		719	1	719					
		1B-D-VAR		657	1	657					
		1B-F		656	1	656					
		2B-A	789	1	789	4			808	1	808
		2B-A-VAR	793	1	793						
		2B-D	762	1	762						
		2B-D-VAR	762	1	762						
P4	8	1B-A	4	579	1	579	5,730	7,208			
		1B-D		719	1	719					
		1B-D-VAR		657	1	657					
		1B-F		656	1	656					
		2B-A	770	1	770	4			804	1	804
		2B-A-VAR	786	1	786						
		2B-D	759	1	759						
		2B-D-VAR	759	1	759						
P3	8	1B-A	6	579	1	579	5,752	7,231			
		1B-D		709	1	709					
		1B-D-VAR		663	1	663					
		1B-F		662	1	662					
		1B-G	784	1	784	2			762	1	762
		1B-H	815	1	815						
		2B-A-VAR	778	1	778						
		2B-D	778	1	778						
P2	5	STUDIO	1	573	1	573	3,495	4,882			
		1B-A	570	1	570						
		1B-G	770	1	770						
		1B-H	762	1	762						
		2B-A-VAR-2	820	1	820						
REAR YARD INCLUDING DECK AREAS						2142					
P1	2	PARKING / BIKE STORAGE						3,036			
		RETAIL			1	1,457	1,657				
		COMMUNITY ROOM			1	880	1094				
		COMMUNITY ARTS SPACE			1	530	584				
		RES CIRC / SUPPORT*					1,727				
		ELECTRICAL ROOM / E.M.R./ GAS METER					318				
		TRASH / STORAGE					425				
TOTAL BUILDING GROSS AREA #								42,552			
TOTAL RESIDENTIAL GROSS AREA #								35,438			
TOTAL COMMUNITY ROOM NET AREA							880				
TOTAL COMMUNITY ARTS SPACE NET AREA							530				
TOTAL RETAIL GROSS AREA #								1,657			
TOTAL PARKING GROSS AREA #								3,036			
TOTAL BUILDING SALEABLE RESIDENTIAL AREA							25,747				
TOTAL SALEABLE RETAIL AREA							1,457				
TOTAL PARKING				8 CARS INCLUDING ADA VAN							
RESIDENTIAL USE		CLASS 1 BIKE PARKING	1 PER DWELLING UNIT		REQ	35	PROVIDED				
		CLASS 2 BIKE PARKING	1 PER 20 DWELLING UNIT			2	37 BIKES FOR RES.				
RETAIL USE		CLASS 1 BIKE PARKING	1 PER 7500 SQ.FT OF RETAIL			1	3 BIKES FOR RET.				
		CLASS 2 BIKE PARKING	MINIMUM 2 BIKES			2	SPACE				
COMMUNITY ROOM USE		CLASS 1 BIKE PARKING	MINIMUM 2 BIKES			2	3 BIKES FOR RES.				
		CLASS 2 BIKE PARKING	MINIMUM 2 BIKES			2					
COMMUNITY ART SPACE		CLASS 1 BIKE PARKING	1 PER 7500 SQ.FT OF RETAIL			1	3 BIKES FOR RES.				
		CLASS 2 BIKE PARKING	MINIMUM 2 BIKES			2					

PROJECT DATA

A AND M PROPERTIES, LLC.

1298 VALENCIA STREET

PROJECT San Francisco, CA 94110.
APN : 3644/021

SCALE : N.T.S
DRAWING TITLE : GROSS FLOOR AREA CALCULATION
SHEET NO. : A-24.0

SHEET DESCRIPTION

DATE ISSUE

APRIL 12, 2017 D.R. RESPONSE SET



UNIT TYPES	NO. OF UNITS	UNITS PER TYPE		UNITS SIZE (SQFT)
1B-A	4	20	57.00%	570 - 866 SQ.FT.
1B-B	1			
1B-C	1			
1B-D	3			
1B-D-VAR	3			
1B-E	1			
1B-G	2			
1B-F	3			
1B-H	2			
STUDIO	1			
2B-A	2	14	40.00%	759 – 1072 SQ.FT.
2B-A-VAR	3			
2B-A-VAR-1	1			
2B-A-VAR-2	1			
2B-B	1			
2B-C	1			
2B-D	3			
2B-D-VAR	2			
TOTAL NUMBER OF UNITS	35			
		35		

AREAS INCLUDE CIRCULATION CORRIDORS / CORES (AREA INCLUDING ALL EXT WALLS TO OUTSIDE FACE OF BUILDING)
* CIRCULATION SPACE SPECIFIC TO FUNCTION

COMMON USABLE AND PRIVATE USABLE OPEN SPACE CALCULATIONS			
RESIDENTIAL USE			
35 UNIT BUILDING (in NCT)			
80 SQ.FT OF PRIVATE USABLE OPEN SPACE FOR EACH DWELLING UNIT			
100 SQ.FT OF COMMON USABLE OPEN SPACE PER UNIT			
PRIVATE USABLE OPEN SPACE PROVIDED:			
FLOOR	PRIVATE U.O.S. PROVIDED		TOTAL PUOS
P2	UNIT 1B-A	215	80
	UNIT 1B-G	204	80
	UNIT 2B-A-VAR2	103	80
P6	UNIT 1B-B	146	80
	UNIT 1B-C	279	80
	UNIT 1B-E	120	80
	UNIT 2B-C	209	80
TOTAL PRIVATE USABLE OPEN SPACE PROVIDED			560
35 DWELLING UNITS			
35 UNITS – 7 = 28 UNITS			
28 UNITS X 100 = 2800 SQ.FT. IS THE REM. REQUIRED COMMON USABLE OPEN SPACE			
HENCE TOTAL COMMON USABLE OPEN SPACE REQUIRED			2800
COMMON USABLE OPEN SPACE PROVIDED FOR RESIDENTIAL:			
FLOOR	CUOS REQUIRED		CUOS PROVIDED
P2 REAR YARD			840
ROOF DECK			2,330
TOTAL PRIVATE USABLE OPEN SPACE PROVIDED			3,170

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project contact: Ian Birchall



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1404E
Project Address: 1298 Valencia Street
Zoning: NCT (Valencia Street Neighborhood Commercial Transit)
Mission Alcohol Beverage Special Use Subdistrict
Fringe Financial Service Restricted Use District
55-X Height and Bulk District
Block/Lot: 3644/021
Lot Size: 9,630 square feet (0.18 acres)
Plan Area: Eastern Neighborhoods Area Plan (Mission)
Project Sponsor: Ian Birchall/Ian Birchall + Associates – (415) 512-9660
Staff Contact: Chris Thomas – (415) 575-9036, christopher.thomas@sfgov.org

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PROJECT DESCRIPTION

The project involves demolition of an approximately 2,000-square-foot (sf), one-story gas, service and repair station built in 1956 and construction of a six-story, 55-foot-high (70-foot-high including elevator penthouse) mixed-use residential building with an off-street parking garage (accessed via an approximately 11-foot-long curb cut on Poplar Street). The 42,445-gross-square-feet (gsf) building would consist of 35 dwelling units (one studio, 20 one-bedroom and 14 two-bedroom), approximately 3,500 sf of

(Continued on next page.)

EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

REMARKS:

(See next page.)

DETERMINATION:

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

SARAH B. JONES
Environmental Review Officer

October 9, 2015
Date

cc: Ian Birchall, Project Sponsor; Supervisor Jane Kim, District 6; Doug Vu, Current Planning Division;
Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

common open space (1,310 sf on a rooftop deck and 2,190 sf on a second floor rear deck), about 770 sf of private open space split between four of the dwelling units on the sixth floor, and approximately 3,770 sf of ground-floor retail space. A 3,265-sf below-grade garage would provide nine parking spaces (six in three stackable mechanical units) and 37 bicycle spaces for residents. An additional six bicycle spaces would be available for retail customers and employees (two on Valencia Street and four adjacent to and within the retail space). A sidewalk would be placed along the Poplar Street frontage with landscaping and eight trees (three on 24th Street and five on Valencia Street) planted along Valencia and 24th Streets. Construction of the proposed building would involve soil disturbance over the entire project site and approximately eight to ten feet of below-grade excavation for the foundation.

PROJECT APPROVAL

The proposed project would require the following approvals:

Actions by the Planning Commission

- Large Project Authorization pursuant to Planning Code Section 329 for new construction of more than 25,000 gsf.
- Conditional Use Authorization pursuant to Planning Code Section 121.2 (non-residential uses exceeding 3,000 square feet) and Planning Code Section 228 (conversion of an automotive service station).

Actions by Other City Departments

- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing buildings and construction of the new structure.
- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing gas station and construction of the proposed project.
- Site Mitigation Plan (Department of Public Health) for treatment of potentially hazardous soils and groundwater.
- Street and Sidewalk Permits (Bureau of Streets and Mapping, Department of Public Works) for modifications to public sidewalks, street trees, and curb cuts.
- Stormwater Control Plan (San Francisco Public Utilities Commission), ground disturbance of an area greater than 5,000 square feet.

The Large Project Authorization approval by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA 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 1298 Valencia Street 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 1298 Valencia Street.

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

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), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

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

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.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to a NCT (Valencia Street Neighborhood Commercial Transit) District, which promotes moderate-scale buildings, mixed-use housing, and a flexible mix of smaller neighborhood-serving retail and commercial uses that can take advantage of major transit investments in the Mission District area. New neighborhood-serving commercial development is encouraged mainly at the ground story. Most (although not all) PDR uses are not allowed in the Valencia Street Neighborhood Commercial Transit District. 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 1298 Valencia Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 55 feet in height. Pursuant to Planning Code Section 726.10, the height limit for the project site is nominally 50 feet, with five additional feet allowed for ground-floor active uses. Therefore, this determination is for a 55-foot-tall, six-story building (with a maximum height of 70 feet to accommodate an elevator penthouse).

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 1298 Valencia Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 1298 Valencia Street project, and identified the mitigation measures applicable to the 1298 Valencia Street 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 1298 Valencia Street 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 existing structures include the one-story building containing a retail area, restroom, a three-bay auto repair shop with three below ground hydraulic hoists, two floor drains and various tools and other pieces of equipment. Outside are pump islands with four pumps, their canopy, two 12,000-gallon underground storage tanks (USTs) for fuel, and a 500-gallon waste oil UST.

⁴ Varat, Adam, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1298 Valencia Street, December 24, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

⁵ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 1298 Valencia Street, August 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

The project site, an almost square 9,630-sf lot on the northwest corner of 24th and Valencia Streets that gently slopes downward towards the northeast, is two and one-half blocks north of Cesar Chavez Street and a further 0.8 miles west of on-ramps to State Highway 101. The fully developed project block, bounded by Valencia Street on the east, 24th Street on the south, San Jose Avenue on the west, and 23rd Street on the north, is largely characterized by two to five-story residential buildings of varying ages, along with scattered warehouse, commercial and retail structures of varying ages and architectural design. To the immediate north is a one-floor commercial building and to the west (across the 180-foot-long, 18-foot-wide Poplar Street cul-de-sac) are two five-floor apartment buildings. On the southeast and southwest corners of 24th and Valencia streets are a church of contemporary design and a four story apartment building with ground-floor retail, respectively. To the east, across Valencia Street and on the northeast corner of Valencia and 24th streets, is a two-story mixed-use building with retail on the ground floor and residential units on the second floor. Immediately north of this mixed-use building (and across Valencia Street from the project site) is a two-story residential building. The remainder of the east side of Valencia Street between 23rd and 24th Streets is occupied by Horace Mann Junior High School.

The Valencia Street District provides a limited selection of convenience goods for surrounding residents and also serves a wider trade area with retail and wholesale home furnishings and appliance outlets and several automobile-related businesses. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. The NCT zoning district encourages transit-supportive housing development in new buildings above the ground story.

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 project. The proposed 1298 Valencia Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 1298 Valencia Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified for the following Eastern Neighborhoods PEIR topics: land use, historic architectural resources, transportation and circulation, and shadow. As a result of the adoption of the Plan, the project site and immediate area were rezoned to Valencia NCT and a mix of uses including residential use was anticipated. Land use impacts were related to the cumulative loss of existing PDR (Production, Distribution, and Repair) space due to the implementation of the Eastern Neighborhoods Area Plan. Prior to adoption of the Plan, the project site was zoned Neighborhood Commercial District (NCD) and it was not included as part of the PDR land supply whose loss was considered a significant cumulative impact in the Eastern Neighborhoods PEIR. Therefore, the proposed conversion of the automotive service station to a mixed residential/commercial land use would not contribute to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR. The proposed project would not result in demolition, alteration, or modification of any historic resources and, therefore, would not contribute to any historic resource impact. Traffic and

transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. Although the proposed project would reach approximately 55 feet in height, the project would not cast shadow on any parks or open spaces.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment; included as Mitigation Measure 2.	Mitigation Measure 2 requires the project sponsor to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: proposed residential use is subject to Title 24; proposed retail is not a sensitive use.	N/A
F-4: Siting of Noise-Sensitive Uses	Applicable: noise evaluation demonstrates that Title 24 standards can be met. ⁶	Requirements satisfied by Project Sponsor with preparation of a Noise Study demonstrating that Title 24 standards could be met. ⁷
F-5: Siting of Noise-Generating Uses	Not Applicable: proposed project would not involve a noise-generating use.	N/A
F-6: Open Space in Noisy Environments	Applicable: required compliance with F-6 included as Mitigation Measure 3.	Mitigation Measure 3 requires Project Sponsor to develop site-specific measures to attenuate noise in the area of the Project's open space.

⁶ Walsh, Norris & Associates, Inc. *Exterior Noise Evaluation 1298 Valencia Street, San Francisco, CA*. April 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

⁷ Walsh, Norris & Associates, Inc. *Exterior Noise Evaluation 1298 Valencia Street, San Francisco, CA*. April 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

Mitigation Measure	Applicability	Compliance
G. Air Quality		
G-1: Construction Air Quality	Not Applicable: Mitigation Measure G-1 has been superseded by the Construction Dust Control Ordinance (Health Code Article 22B). The portion of G-1 relating to diesel PM is not applicable as the project site is not within an identified Air Pollutant Exposure Zone.	Compliance with the portion of G-1 relating to construction dust will occur with compliance with the Construction Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: project site is not located within an identified Air Pollutant Exposure Zone.	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed project would not include uses that emit diesel PM.	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: the proposed project would not include commercial, industrial or other uses that would generate toxic air contaminants.	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: no archeological research design and treatment plan is on file for the project site.	N/A
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archeological studies.	The Planning Department Preliminary Archeological Report requires the project contractor(s) to be on alert for archeological resources throughout the construction period. Included as Mitigation Measure 1 (Accidental Discovery). ⁸
J-3: Mission Dolores Archeological	Not Applicable: the project site	N/A

⁸ Randall Dean, San Francisco Planning Department. Environmental Planning Preliminary Archeological Review: 1298 Valencia Street. January 15, 2015. This report is available for review as part of Case No. 2013.1404E.

Mitigation Measure	Applicability	Compliance
District	is not within the Mission Dolores Archeological District.	
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project involves the partial demolition of a building with potentially hazardous materials; included as Mitigation Measure 4).	Project Mitigation Measure 4 requires removal and disposal of any equipment containing PCBs or DEHP according to applicable federal, state, and local laws prior to the start of demolition.
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

Mitigation Measure	Applicability	Compliance
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 PEIR.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on February 10, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. The comment period was from February 10 to February 24; five emails and two phone calls were received. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Comments received expressed concerns regarding the structure's scale in relation to neighboring buildings (an aesthetic impact), additional traffic, inadequate parking for future residents, construction and garbage collection noise during construction and after completion, and blocking of natural light (for a neighboring building). Public Resources Code Section 21099(d) states 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." In addition, and pursuant to Planning Code Section 151.1, projects located in the NCT zoning district are not required to provide any off-street parking spaces. As discussed in CPE Checklist Section 5, potential impacts related to construction noise would be reduced to a less than significant impact with implementation of Mitigation Measure 2 (Eastern Neighborhoods PEIR Mitigation Measure F-2), which requires a variety of noise control strategies to reduce local disturbance during construction of the project. Noise due to garbage collection from the project once occupied would be considered consistent with such noise in an urban environment such as San Francisco and not an impact. Additionally, noise from garbage collection is specifically subject to Section 2904 of the City's Article 29 Noise Ordinance. Finally, shadowing of adjacent properties is discussed in the CPE Checklist Section 8. The proposed project would not cast a shadow on any public or private park or school but would, at certain times of the day and year, cast shadows on nearby properties. As noted in the CPE Checklist, although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁹:

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.

⁹ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1404E.



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: **2013.1404E**
Project Address: **1298 Valencia Street**
Zoning: NCT (Valencia Street Neighborhood Commercial Transit)
Mission Alcohol Beverage Special Use Subdistrict
Fringe Financial Service Restricted Use District
55-X Height and Bulk District
Block/Lot: 3644/021
Lot Size: 9,630 square feet (0.18 acres)
Plan Area: Eastern Neighborhoods Area Plan (Mission)
Project Sponsor: Ian Birchall/Ian Birchall + Associates – (415) 512-9660
Staff Contact: Chris Thomas – (415) 575-9036, christopher.thomas@sfgov.org

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415.558.6377

PROJECT DESCRIPTION

The proposed project entails demolition of an approximately 2,000-square-foot (sf), one-story gas, service and repair station built in 1956 and construction of a six-story, approximately 55-foot-high (70-foot-high including elevator penthouse) mixed-use residential building with an off-street parking garage (accessed via an approximately 11-foot-long curb cut on Poplar Street). The approximately 42,450-gross-square-feet (gsf) building would consist of 35 dwelling units (one studio, 20 one-bedroom and 14 two-bedroom), approximately 3,500 sf of common open space (1,310 sf on a rooftop deck and 2,190 sf on a second floor rear deck), approximately 770 sf of private open space split between four of the dwelling units on the sixth floor, and approximately 3,770 sf of ground-floor retail space. A 3,265-sf below-grade garage would provide nine parking spaces (six in three stackable mechanical units) and 37 bicycle spaces for residents. An additional six bicycle spaces would be available for retail customers and employees (two on Valencia Street and four adjacent to and within the retail space). A sidewalk would be placed along the Poplar Street frontage with landscaping and eight trees (three on 24th Street and five on Valencia Street) planted along Valencia and 24th Streets. Construction of the proposed building would involve soil disturbance over the entire project site and approximately eight to ten feet of below-grade excavation for the foundation.

The existing structures include the one-story building containing a retail area, restroom, a three-bay auto repair shop with three below ground hydraulic hoists, two floor drains and various tools and other pieces of equipment. Outside are gasoline pump islands with four pumps, their canopy, two 12,000-gallon underground storage tanks (USTs) for fuel, and a 500-gallon waste oil UST.

The project site, an almost square 9,630-sf lot on the northwest corner of 24th and Valencia Streets that slopes gently downward towards the northeast, is two and one-half blocks (approximately 1,500 feet) north of Caesar Chavez Street and a further 0.8 miles west of on-ramps to U.S. Highway 101. The 24th and Mission Street BART stop is two blocks (approximately 700 feet) to the east. The fully developed project block, bounded by Valencia Street on the east, 24th Street on the south, San Jose Avenue on the west, and 23rd Street on the north, is largely characterized by two to five story residential buildings, along with scattered warehouse, commercial and retail structures of varying ages and architectural design. To the

immediate north is a one-floor commercial building and to the west (across the 180-foot-long, 18-foot-wide Poplar Street cul-de-sac) are two five-floor apartment buildings. On the southeast and southwest corners of 24th and Valencia streets are a church of contemporary design and a four-story apartment building with ground-floor retail, respectively. To the east, across Valencia Street and on the northeast corner of Valencia and 24th streets, is a two-story mixed-use building with retail on the ground floor and residential units on the second floor. Immediately north of this mixed-use building (and across Valencia Street from the project site) is a two-story residential building. The remainder of the east side of Valencia Street between 23rd and 24th Streets is occupied by Horace Mann Junior High School. A private K through 8th grade school is located at Valencia and 25th Street, about 600 feet to the south of the project site. The only recently active planning project within 800 feet of the project site is the proposed demolition of a gas and service station on the northeast corner of 23rd Street and Valencia (1198 Valencia) and construction of a 55-foot-tall mixed-use building with ground-floor commercial and 42 dwelling units (Case No. 2012.0865E). This project was approved by the City Planning Commission on October 1, 2015.

Figure 1 shows the proposed project location; Figure 2 shows the site plan; Figure 3 provides elevations, Figure 4 provides the ground floor plan and Figure 5 provides the roof plan.

The proposed 1298 Valencia Street project would require the following approvals:

Actions by the Planning Commission

- Large Project Authorization pursuant to Planning Code Section 329 for new construction of more than 25,000 gsf.
- Conditional Use Authorization pursuant to Planning Code Section 121.2 (non-residential uses exceeding 3,000 square feet) and Planning Code Section 228 (conversion of an automotive service station).

Actions by other City Departments

- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing gas station and construction of the proposed project.
- Site Mitigation Plan (Department of Public Health) for treatment of potentially hazardous soils and groundwater.
- Street and Sidewalk Permits (Bureau of Streets and Mapping, Department of Public Works) for modifications to public sidewalks, street trees, and curb cuts.
- Stormwater Control Plan (San Francisco Public Utilities Commission), ground disturbance of an area greater than 5,000 square feet.

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

FIGURE 1 – PROJECT LOCATION



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

FIGURE 2 - SITE PLAN

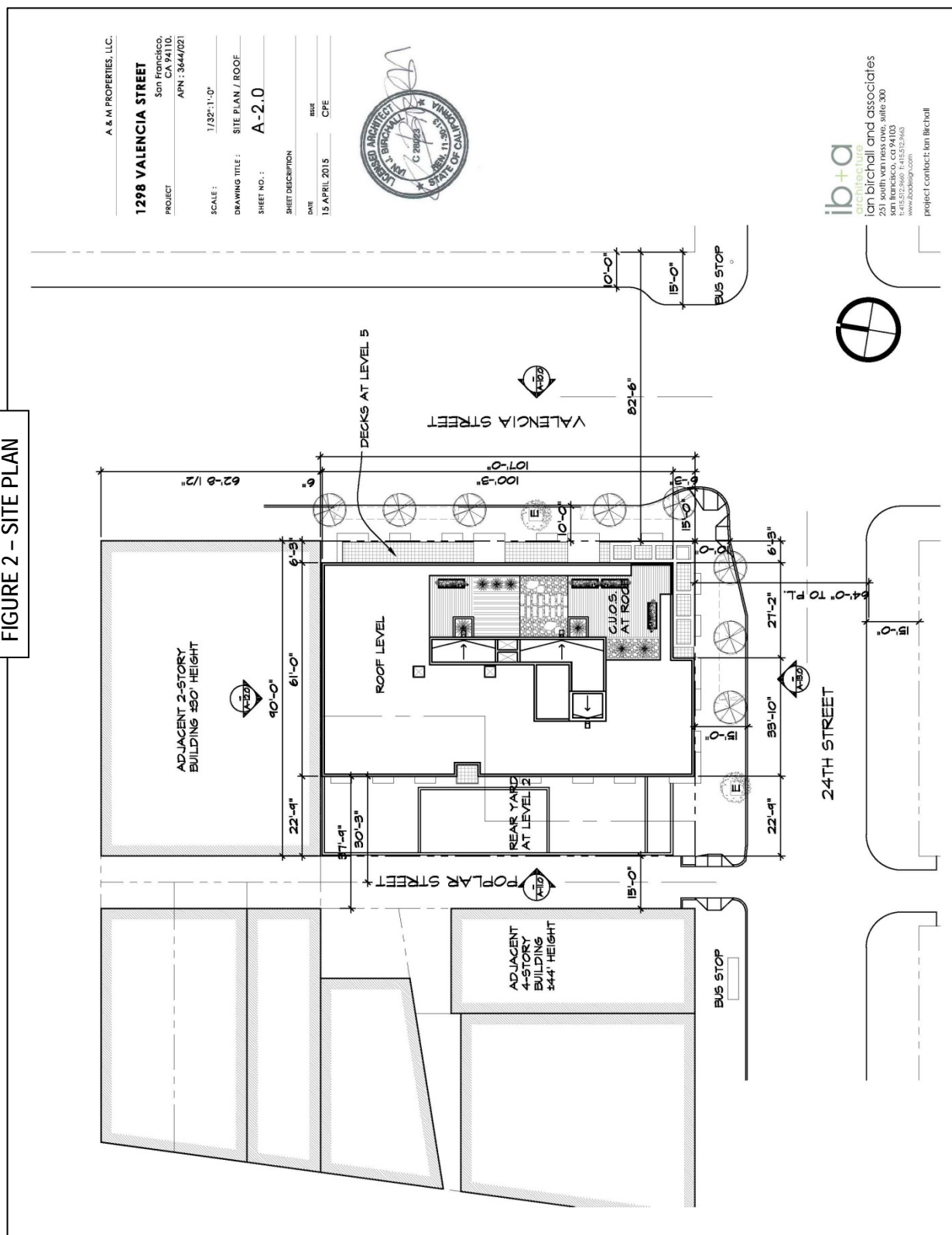


FIGURE 3 - EAST (VALENCIA STREET) ELEVATION

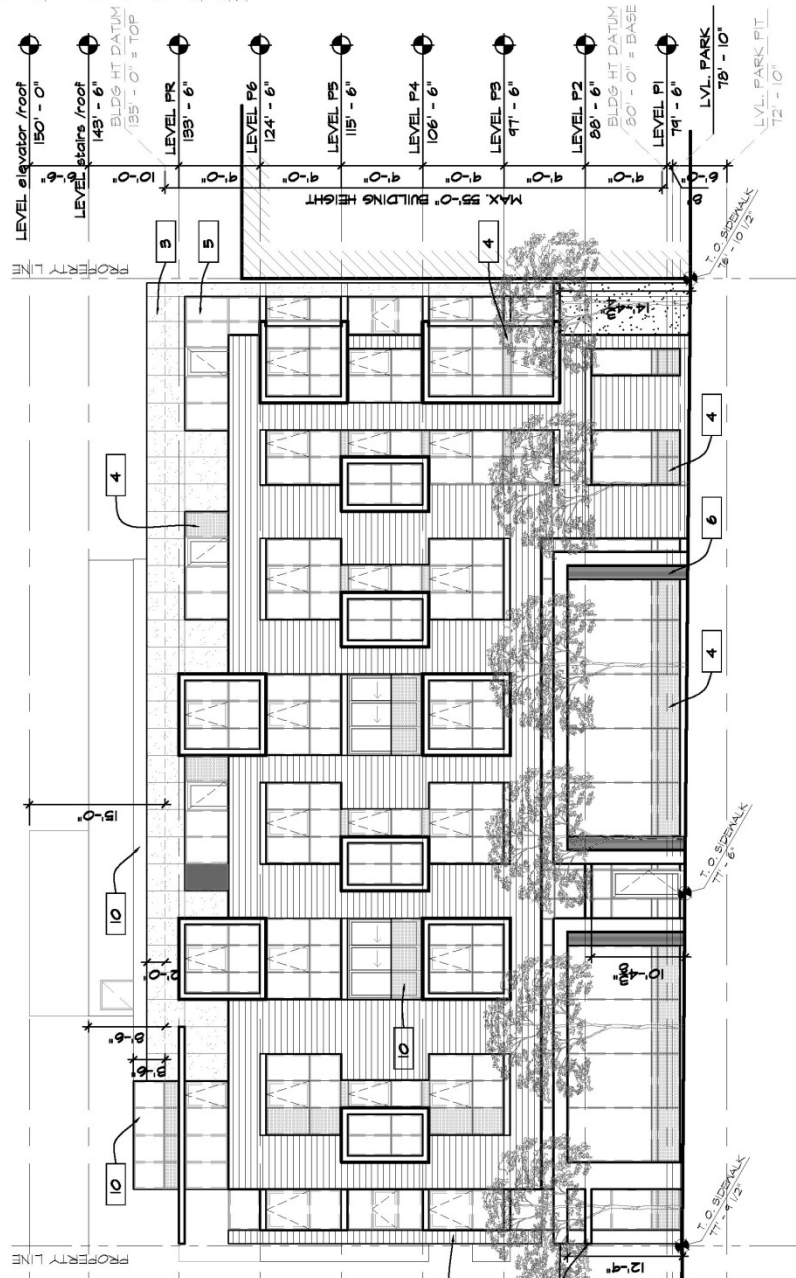
A & M PROPERTIES, LLC.

1298 VALENCIA STREETPROJECT
San Francisco,
CA 94110.
APN: 3444/021

SCALE: 1/16"=1'-0"

DRAWING TITLE:
EAST (VALENCIA ST.)
ELEVATIONSHEET NO.:
A-10.0

SHEET DESCRIPTION

DATE
15 APRIL 2015ISSUE
CPE

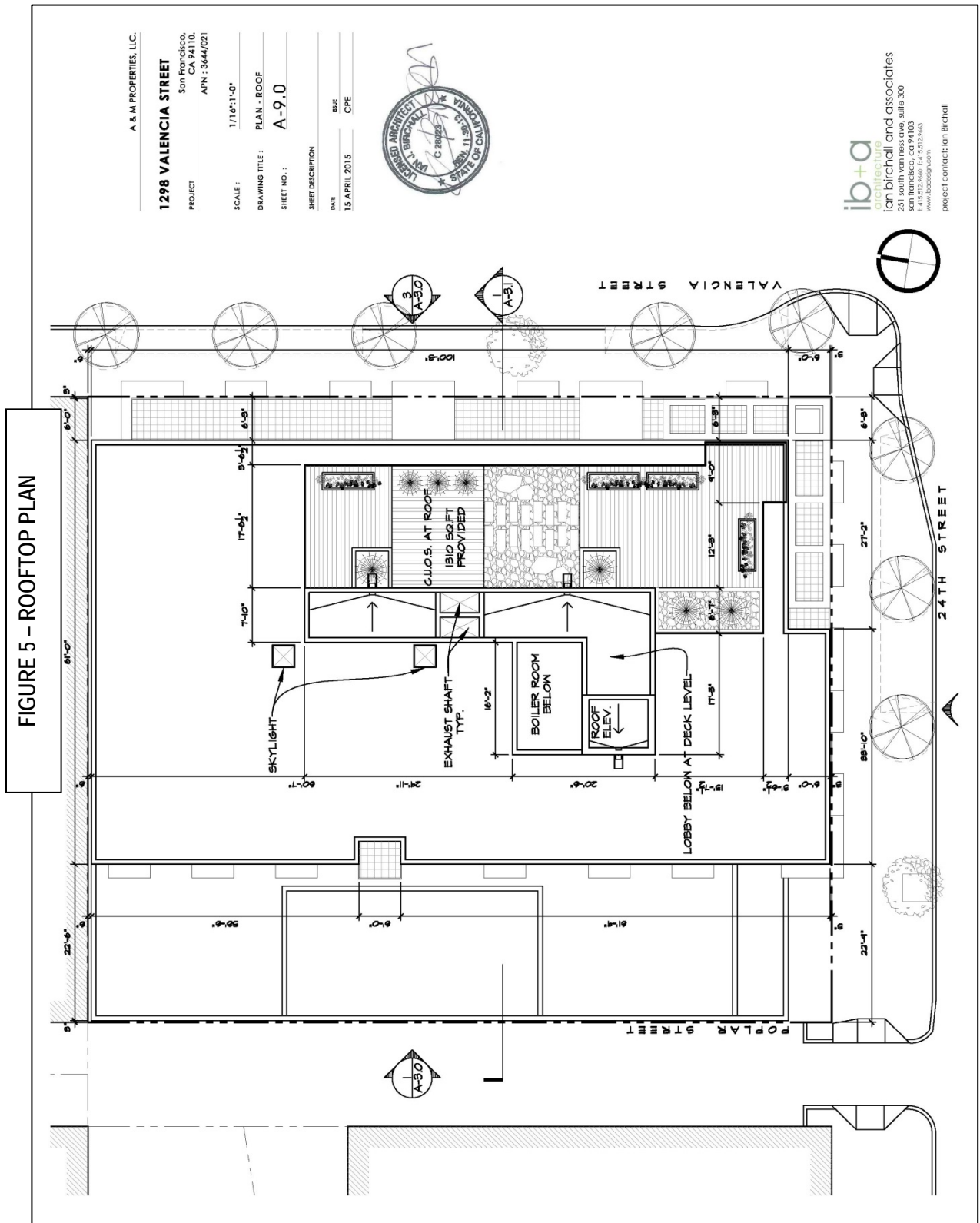
- ELEVATION KEYNOTES**
- | | |
|---------------------|-------------------|
| 1. METAL SIDING | 6. ALUMINUM PANEL |
| 2. ALUMINUM WINDOW | 8. CANOPY |
| 3. STUCCO | 9. GLASS CANOPY |
| 4. SPANDREL GLASS | 10. GLASS RAILING |
| 5. SSS CURTAIN WALL | 11. METAL DOOR |

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FIGURE 4 - GROUND FLOOR PLAN

The ground floor plan shows a building with a complex layout. Key features include:

- Entrances:** Main entrance at the bottom center, and side entrances on the left and right.
- Interior Spaces:** Lobby, Retail 1 (approx. 2200 sq. ft.), Retail 2 (approx. 1216 sq. ft.), Storage, ELEC. (electrical), and various smaller rooms.
- Stairs and Elevators:** Multiple stairwells and elevators are indicated throughout the plan.
- Parking:** A designated parking area for 9 cars, including an ADA van space, is located on the left side.
- Exterior Features:** A large planter area with trees and shrubs is located on the right side, adjacent to the main entrance.
- Dimensions:** Various dimensions are provided for rooms and overall building sections.
- Notes:** Several notes are present, including "REMOVE DRIVEWAY CURB CUT" and "REMOVE DRIVEWAY CURB CUT".



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 This 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 PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project would include demolition of an approximately 2,000-sf, one-story gas, service and repair station built in 1956, removal of associated gas pumps, canopy and USTs, and construction of a six-story, 55-foot-high mixed-use residential building with an off-street parking garage (accessed via an approximately 11-foot-long curb cut on Poplar Street). 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.

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);

¹ San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed January 12, 2015.

- 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) through 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 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 July 31, 2015, projects containing 8,559 dwelling units and 2,231,595 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review⁴ within

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.

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 Land Use and Land Use Planning 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).

the Eastern Neighborhoods Plan area. These estimates include projects that have completed environmental review (4,885 dwelling units and 1,472,688 square feet of non-residential space) and foreseeable projects, including the proposed project (3,674 dwelling units and 758,907 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 4,885 dwelling units that have completed environmental review, building permits have been issued for 3,710 dwelling units, or approximately 76 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 Mission subarea, the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in an increase of 800 to 2,100 net dwelling units and 700,000 to 3,500,000 net non-residential space (excluding PDR loss) through the year 2025. As of July 31, 2015, projects containing 1,906 dwelling units and 257,943 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review within the Mission subarea. These estimates include projects that have completed environmental review (1,202 dwelling units and 75,013 square feet of non-residential space) and foreseeable projects, including the proposed project (704 dwelling units and 182,930 square feet of non-residential space). Of the 1,202 dwelling units that have completed environmental review, building permits have been issued for 1,176 dwelling units, or approximately 98 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 34 and 69 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.

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 Public Resources Code Section 21099 and San Francisco's eligibility criteria for Transit-Oriented Infill Projects⁵ as follows:

1. The proposed project is within a "transit priority area; i.e., it is within one-half mile of numerous existing major transit stops. As the proposed project meets each of the above three criteria, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA. Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.
2. The proposed project is located on an infill site that has been previously developed and is within an urban area; and
3. The proposed project is residential.

As the proposed project meets each of the above three criteria, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA. Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.

⁵ San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 1532 Howard Street, December 7, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1305E.

<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>
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 analyzed a range of potential rezoning options and considered the effects of losing between approximately 520,000 to 4,930,000 square feet of PDR space in the Plan Area throughout the lifetime of the Plan (year 2025). This was compared to an estimated loss of approximately 4,620,000 square feet of PDR space in the Plan Area under the No Project scenario. Within the Mission subarea, the Eastern Neighborhoods PEIR considered the effects of losing up to approximately 3,370,000 square feet of PDR space through the year 2025. The Eastern Neighborhoods PEIR determined that adoption of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR space. This impact was addressed in a Statement of Overriding Considerations with CEQA Findings and adopted as part of the Eastern Neighborhoods Rezoning and Areas Plans approval on January 19, 2009.

As of July 31, 2015, projects containing the removal of 1,748,422 net square feet of PDR space have completed or are proposed to complete environmental review within the Eastern Neighborhoods Plan area. These estimates include projects that have completed environmental review (796,446 square feet of PDR space loss) and foreseeable projects, including the proposed project (951,976 square feet of PDR space loss). Foreseeable projects are those projects for which environmental evaluation applications have been submitted to the San Francisco Planning Department. As of July 31, 2015, projects containing the removal of approximately 376,992 net square feet of PDR space have completed or are proposed to complete environmental review within the Mission subarea. These estimates include projects that have completed environmental review (144,011 square feet of PDR space loss) and foreseeable projects, including the proposed project (232,981 square feet of PDR space loss).

Development of the proposed project would result in the net loss of approximately 9,630 square feet of PDR building space, an amount not considered large enough to contribute considerably to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. Regardless, prior to adoption of the Plan, the project site was zoned Neighborhood Commercial District (NCD) and it was not included as part of the PDR land supply whose loss was considered a significant cumulative impact in the Eastern Neighborhoods PEIR. Therefore, the proposed conversion of a service station to a mixed residential use would not contribute to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR.

The project site is located in the Valencia Street Neighborhood Commercial Transit (NCT) Use District, which promotes moderate-scale buildings, mixed-use housing, and a flexible mix of smaller

neighborhood-serving retail and commercial uses that can take advantage of major transit investments in the Mission District area, and development is within the development density as envisioned for the site under the Eastern Neighborhoods PEIR. The proposed loss of 9,630 square feet of existing PDR uses represents a considerable contribution to the cumulative loss of PDR space analyzed in the Eastern Neighborhoods PEIR, but would not result in significant impacts that were not identified or a more severe adverse impact than analyzed in the 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 NCT Zone District and is consistent with the bulk, height, density, and land uses as specified in the Mission Subarea of the Eastern Neighborhoods Area Plan.^{6,7}

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 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

⁶ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 1298 Valencia Street, January 8, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

⁷ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 1298 Valencia Street, August 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators while also 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.

The proposed project would result in an increase of 35 dwelling units and about 3,770 sf of retail space in the Mission neighborhood of the Eastern Neighborhoods Plan, equating to about 74 residents.⁸ Based on the Transportation Impact Analysis Guidelines for Environmental Review, October 2002 (Transportation Guidelines), retail uses generate approximately one employee for every 350 gsf, which would result in about 11 employees. The proposed project would not result in the displacement or elimination of any existing residential dwelling units. The six employees who currently work at the gas station would be displaced from the current project site. However, this relatively small number would not necessitate the construction of replacement housing. These direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Eastern Neighborhoods Rezoning and Area Plans and evaluated in the Eastern Neighborhoods PEIR.

For the above reasons, the proposed project would not result in 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

⁸ Estimated number of new residents based on average household size of occupied housing units in the Census Tract 210 and the proposed project's 35 new dwelling units [35 * 2.11 = 74 residents].

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 current building at 1298 Valencia Street was constructed in 1956 and contains a small store and service bays for auto maintenance and repair. The project site was evaluated in the South Mission Historic Resources Survey and determined to have a California Historical Resource Status Code of 6Z or “[f]ound ineligible for NR, CR or Local designation through survey evaluation.” The Planning Department accordingly determined that a Historic Resource Evaluation for the proposed project was not required.⁹ Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

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

Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores 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 1298 Valencia Street would involve soil disturbance and approximately eight to ten feet of below-grade excavation in an area where no previous archeological studies have been prepared. In accordance with the Eastern Neighborhoods PEIR Mitigation Measure J-2, the Planning Department therefore conducted a Preliminary Archeological Review (PAR)¹⁰ of the proposed project and determined that it has a low potential to adversely affect archeological resources if Archeological Mitigation Measure 1 (Accidental Discovery) is implemented requiring distribution of an “ALERT” sheet to the prime and all subcontractors prior to the start of any soils disturbing work within the project site. The “ALERT” sheet provides procedures to mitigate impacts to a potential archeological resource should

⁹ San Francisco Planning Department, Preliminary Project Assessment for the 1298 Valencia Street Project (Case No. 2013.1404U). December 12, 2013. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

¹⁰ Randall Dean, San Francisco Planning Department. Environmental Planning Preliminary Archeological Review: 1298 Valencia Street. January 15, 2015. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

one be unearthed during soils disturbing work (see Mitigation Measure 1 in the Mitigation Measures section below).

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

<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 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. 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 entails construction of a six-story, 55-foot-high mixed-use residential building with 35 dwelling units, about 3,770 sf of ground-floor retail space, and an off-street parking garage with nine parking and 37 bicycle spaces for residents. An additional six bicycle spaces would be available for retail customers and employees (two on Valencia Street and four adjacent to and within the retail space).

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.¹¹ Based upon 2008-2012 American Community Survey travel data for Census Tract 210, the proposed project would generate an estimated 862 person trips (inbound and outbound) on a weekday daily basis, consisting of 477 person trips by auto, 203 transit trips, 157 walking trips and 25 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 35 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

Traffic

The proposed project's vehicle trips would travel through the intersections in the vicinity of 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 800 feet) include Valencia and 23rd, 24th and 25th Streets; 24th and Mission, San Jose and Guerrero Streets; and Guerrero and 23rd and 25th Streets. Of these, the only intersection analyzed for LOS in the Eastern Neighborhoods PEIR was the 24th and Mission Street intersection, for which existing and cumulative LOS data is provided in Table 1.

Table 1

<u>Intersection</u>	<u>Existing LOS (2013)</u>	<u>Cumulative LOS (2025)</u>
Mission/ 24 th Street	C	C - D

Source: Eastern Neighborhoods PEIR¹²

The proposed project would generate an estimated 35 new p.m. peak hour vehicle trips that would travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at nearby intersections nor substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 35 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall existing traffic volume or the new vehicle trips generated by projects occurring in the Eastern Neighborhoods Plan area. The proposed project would also not contribute considerably to 2025

¹¹ San Francisco Planning Department, Transportation Calculations for 1298 Valencia, January 12, 2015. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

¹² San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed January 12, 2015.

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 to traffic that were not identified in the Eastern Neighborhoods PEIR.

Transit

The project site is located within a quarter mile of several local transit lines, including Muni lines 14 and 14L Mission, 27 Bryant, 48 Quintara, 49 Van Ness/Mission, and the J Church streetcar. The project site is also about 700 feet north of the BART station at 24th and Mission Street. The proposed project would be expected to generate 203 daily transit trips, including 30 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 30 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, the project site is located within a quarter-mile of Muni lines 14 Mission, 27 Bryant, 48 Quintara, and the 49 Van Ness/Mission. Mitigation measures proposed to address these impacts include pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in the Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations related to the significant and unavoidable cumulative transit impacts was adopted as part of the PEIR Certification and project approval.

The proposed project would not contribute considerably to these conditions as its contribution of 30 p.m. peak hour transit trips would not constitute a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

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.

Parking

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.

As discussed on page 9, the proposed project meets each of the above three criteria and thus this checklist does not consider the adequacy of parking in determining the significance of project impacts under CEQA.¹³ The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, the following parking demand analysis is provided for informational purposes only.

The parking demand for the new residential and retail uses associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be for 67 spaces. The proposed project would provide nine off-street spaces. Thus, as proposed, the project would have an unmet parking demand of an estimated 58 spaces. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

Further, the project site is located in a NCT zoning district where, pursuant to Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not 'bundled' with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 67 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

¹³ San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 1298 Valencia, December 8, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1404E.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

<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 (including pile-driving). The Geotechnical Report prepared for the proposed project provides recommendations for the use and installation of various types of foundations (spread footings, mat, drilled piers); none would involve the use of pile-driving and Eastern Neighborhoods PEIR Mitigation Measure F-1 would not apply. Construction of the proposed project would result in temporary elevated noise levels at adjacent residences. Project construction phases are expected to include excavation, ground clearing, shoring, utility and street improvements, and concrete work. In addition, project construction would include structural framing, exterior finishes, interior framing, and interior finishes. The noisiest of these activities is typically excavation and grading, when heavy machinery would be in use. The project sponsor has therefore agreed to implement Eastern Neighborhoods PEIR Mitigation Measure F-2 as Project Mitigation Measure 2, as provided under the Mitigation Measures Section below. Compliance with this mitigation measure would result in a less-than-significant impact with regard to construction noise.

In addition, all construction activities for the proposed project (approximately 16 months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (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 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 five 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 16 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 and Eastern Neighborhoods PEIR Mitigation Measure F-2, which would reduce construction noise impacts to a less than significant level.

Eastern Neighborhoods PEIR Mitigation Measures F-3 Interior Noise Levels requires detailed analysis of noise levels when noise-sensitive uses that are not subject to Title 24 noise insulation standards are proposed along streets with noise levels above 60 dBA (Ldn). Although the proposed project is in an area where the noise levels are above 60dBA (Ldn), Mitigation Measure F-3 does not apply to the proposed project because the proposed commercial space is not a sensitive use and the residential portion of the project would be subject to Title 24 insulation standards.

Eastern Neighborhoods PEIR Mitigation Measure F-4 Siting of Noise-Sensitive Uses requires an analysis that identifies potential noise-generating uses within 900 feet of the project site and demonstration with reasonable certainty that Title 24 standards can be met for new noise-sensitive uses such as the proposed project. As required, the project sponsor conducted an exterior noise evaluation providing recommendations for acoustical designs for glazing and window types, exterior walls and entrances, and the open space decks on and on top of the sixth floor.¹⁴ The environmental noise study demonstrates that the proposed project can feasibly attain acceptable interior noise levels consistent with Title 24 of the California Code of Regulations. Therefore, the proposed project has complied with Eastern Neighborhoods PEIR Mitigation Measure F-4 and additional analysis is not required.

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 project does not include such noise-generating uses and Mitigation Measure F-5 is not applicable to the project.

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. As noted, the proposed project is located in an area where traffic-related noise levels exceed 60 dBA (Ldn). As the proposed project includes 3,500 sf of common open space (1,310 sf on a rooftop deck and 2,190 sf on a second floor rear deck) and about 770 sf of private open space divided between four of the dwelling units on the sixth floor, Mitigation Measure F-6 does apply and has been identified as Project Mitigation Measure 3, as detailed in the Mitigation Measures section below. Mitigation Measure 3 would require the project sponsor to develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant to reduce noise in the area of the proposed project's open space. Compliance with this mitigation measure would result in less-than-significant noise impacts on noise-sensitive receptors using the project's open space.

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

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

¹⁴ Walsh, Norris & Associates, Inc. *Exterior Noise Evaluation 1298 Valencia Street, San Francisco, CA*. April 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

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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"/>

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses¹⁵ 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

¹⁵ 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.

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 not 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: “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.”¹⁶ The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria¹⁷ for determining whether a project’s criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. For projects that do not meet the screening criteria, a detailed air quality assessment is required to further evaluate whether project-related criteria air pollutant emissions would exceed BAAQMD significance thresholds. The project would entail demolition of an existing gas station and construction of a six-story, 55-foot-high mixed-use residential building with 35 dwelling units, about 3,770 sf of ground-floor retail space, and an off-street parking garage. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria as the proposed 35-unit residential building would be below the 451 dwelling unit operational criteria pollutant screening size and 240 dwelling unit construction criteria pollutant screening size. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Health Risk

Subsequent to certification of the Eastern Neighborhoods 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 Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

¹⁶ 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.

¹⁷ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

Construction

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

Siting Sensitive Land Uses

The proposed project would include development of 35 dwelling units and is considered a sensitive land use for purposes of air quality evaluation. As discussed above, the project site is not within an identified Air Pollutant Exposure Zone and the ambient health risk to sensitive receptors from air pollutants is not considered substantial and Article 38 is not applicable to the proposed project. Therefore, PEIR Mitigation Measure G-2 Air Quality for Sensitive Land Uses is not applicable to the proposed project, and impacts related to siting of new sensitive land uses would be less than significant.

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.

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

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Mission Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO₂E¹⁸ per service population,¹⁹ respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG

¹⁸ 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.

¹⁹ 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

emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy²⁰, which is comprised of regulations that have proven effective in reducing San Francisco's overall GHG emissions; GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020.²¹ Other existing regulations, such as those implemented through Assembly Bill (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.

As 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 beyond those analyzed in the Eastern Neighborhoods PEIR.

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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. Although the proposed 55-foot-tall building would be taller than the immediately adjacent buildings, it would be similar in height to existing buildings in the surrounding area. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park

Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

²⁰San Francisco Planning Department. Compliance Checklist for Greenhouse Gas Analysis, 1298 Valencia Street, January 30, 2015. This document is available for review as part of Case File No. 2013.1404E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

²¹ Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

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

The proposed project would result in the construction of a 55-foot-tall building and the Planning Department accordingly prepared a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.²² Based on the preliminary shadow fan analysis prepared by the Department, the proposed project would not cast new shadow on any nearby parks subject to Planning Code Section 295. However, the preliminary shadow fan analysis did indicate that the proposed project might cast a shadow on the playground for Horace Mann Junior High School, about 250 feet northeast of the project site (across Valencia Street). Although the playground is not under the jurisdiction of the San Francisco Recreation and Park Commission, it does serve as valuable open space for children that could be affected if shadowed by the proposed building. Accordingly, a focused shadow analysis was prepared which determined that the proposed building's shadows that did fall on the playground would be completely within shadows already cast upon the playground by intervening buildings.²³ Therefore, the proposed project would not create any net new shadow on the playground.

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

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

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

²² Preliminary Shadow Fan Analysis 1298 Valencia Street Project. January 12, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

²³ Ian Birchall and Associates. Focused Shadow Study – 1298 Valencia Street, March, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

<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) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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"/>
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.

As the proposed project is within the 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.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional 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"/> |

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>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the Eastern Neighborhoods PEIR, the Eastern Neighborhoods Plan Area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Eastern Neighborhoods Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

The project site is located within Mission Plan Area of the Eastern Neighborhoods Area Plan and, therefore, does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

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>
13. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Thus, the PEIR concluded that implementation of the Plan would not result in significant impacts with regard to geology, and no mitigation measures were identified in the Eastern Neighborhoods PEIR.

The geotechnical investigation prepared for the proposed project found that the project site is not crossed by an active fault and is not within an Alquist-Priolo Earthquake Fault Zone, a liquefaction potential zone, or an area subject to landsliding as identified and mapped by the California Division of Mines and Geology for the City and County of San Francisco.²⁴ There is a similarly low potential for lateral spreading and densification due to earthquake shaking. The proposed structure would likely be subject to strong earthquake shaking during its lifetime and the geotechnical investigation notes that applicable requirements in the Building Code should be followed to reduce potential damage.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical

²⁴ H. Allen Gruen, Geotechnical Engineer. *Report Geotechnical Reconnaissance Planned Development at 1298 Valencia Street, San Francisco, California*. March 27, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1404E.

report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
14. HYDROLOGY AND WATER QUALITY—Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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 existing 9,630-sf lot is almost entirely covered by impervious surfaces (pavement and roof) and the proposed building would also cover almost 100 percent of the lot with impervious surfaces (primarily rooftop but also including about 650 sf of “green” or landscaped roof on the second floor rear deck). As a result, the proposed project would not result in an increase in the amount of impervious surface area on the site, which in turn would increase the amount of runoff and drainage. In accordance with the Stormwater Management Ordinance (Ordinance No. 83-10), the proposed project would be subject to and must comply with the Stormwater Design Guidelines, incorporating Low Impact Design (LID) approaches and stormwater management systems as feasible into the project. As a result, the proposed project would not increase runoff and drainage and its impact on runoff and drainage would be less than significant.

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

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

<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>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Hazardous Building Materials

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

Removal and disposal of lead-based paints from the existing building (should it be present) prior to its demolition must comply with Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Chapter 34 applies to buildings originally constructed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint.

Removal and disposal of asbestos and/or asbestos-containing materials from the existing building (should it be present) prior to its demolition must comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District has authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Soil and Groundwater Contamination

The proposed project would involve excavation of more than 50 cubic yards of soil on a site that is located on the Maher Map.²⁵ 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. A Phase I ESA determines 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 has submitted a Maher Application to DPH and a Phase I Environmental Site Assessment (Phase I ESA) has been prepared to assess the potential for site contamination.²⁶ The Phase I ESA documents that the project site was developed with residential dwellings and commercial storefronts from at least 1900 to 1935, but these uses are not believed to have generated hazardous wastes. The project site has been developed as a gas, service and repair station since 1935, with several generations of progressively larger USTs installed and removed (leading to the current two 12,000-gallon USTs installed in 1990). Soil samples and groundwater have been analyzed and monitored since the early 1990s and, as contamination by various petroleum hydrocarbons was detected, a Corrective Action Plan was implemented and a soil vapor extraction system (SVE) installed and operated intermittently since 1999. The Phase I ESA notes that “[t]he operation of the SVE system appears to be effective based on declining levels of reported petroleum hydrocarbons and MTBE in well MW-2, and the amount of petroleum hydrocarbon mass removed from beneath the site.”

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

²⁵ The Maher Map identifies sites that are known or suspected to contain contaminated soil and/or groundwater. Available online at: http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf. Accessed January 14, 2015.

²⁶ Basics Environmental. *Phase I Environmental Site Assessment Report 1298 Valencia Street San Francisco, California 94110*. April 24, 2009. This report is available for review as part of Case No. 2013.1404E.

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

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

As the proposed project is 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"/>

<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) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that no agricultural resources exist in the Area Plan; therefore the rezoning and community plans would have no effect on agricultural resources. No mitigation measures were identified in the PEIR. The Eastern Neighborhoods PEIR did not analyze the effects on forest resources.

As the proposed project is 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

Project Mitigation Measure 1 - Archeology (Accidental Discovery)

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

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

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the 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 archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

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

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

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

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

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

Project Mitigation Measure 3 - Open Space in Noisy Environments (Eastern Neighborhoods PEIR Mitigation Measure F-6)

In order to minimize ambient noise effects on users of the project's outdoor decks, 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 Planning Department to ensure that maximum feasible noise attenuation for users of the outdoor deck areas will be achieved. As determined feasible by the qualified acoustical consultant, these attenuation measures may include construction of noise barriers between noise sources and open space, consistent with other principles of urban design.

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

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

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p><u>Project Mitigation Measure 1 - Archeology (Accidental Discovery).</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 CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>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</p>	Project sponsor, contractor, Planning Department’s archeologist or qualified archaeological consultant, and Planning Department’s Environmental Review Officer	Prior to issuance of any permit for soil-disturbing activities and during construction.	Environmental Review Officer, sponsor and sponsor’s archeologist.	Considered complete upon ERO’s approval of FARR.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the 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.</p> <p>Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that</p>				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>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 three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project Sponsor and Contractor	During construction	Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of
<p><u>Project Mitigation Measure 2 - Construction Noise (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</p>				

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 				construction.
<p><u>Project Mitigation Measure 3 - Open Space in Noisy Environments (Eastern Neighborhoods PEIR Mitigation Measure F-6).</u> In order to minimize ambient noise effects on users of the project's outdoor decks, the project sponsor shall develop a set of site-specific noise attenuation</p>	Project Sponsor and Architect	Design measures to be incorporated into project design and	Planning Department and Department of Building Inspection	Considered complete upon approval of final construction drawing set.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Planning Department to ensure that maximum feasible noise attenuation for users of the outdoor deck areas will be achieved. As determined feasible by the qualified acoustical consultant, these attenuation measures may include construction of noise barriers between noise sources and open space, consistent with other principles of urban design.		evaluated in environmental/ building permit review		
<u>Project Mitigation Measure 4 - Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1).</u> In order to minimize impacts to public and construction worker health and safety during demolition of the existing structure, the sponsor shall ensure that any equipment or fixtures containing PCBs or DEPH, such as fluorescent light ballasts, are removed and property disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any florescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.	Planning Department and DPH	Prior to approval of project.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon receipt of final monitoring report at completion of construction.



SAN FRANCISCO PLANNING DEPARTMENT

Agreement to Implement Mitigation Measure(s)

Case No.: 2013.1404E
Project Address: 1298 Valencia Street
Zoning: NCT (Valencia Street Neighborhood Commercial Transit)
Mission Alcohol Beverage Special Use Subdistrict
Fringe Financial Service Restricted Use District
55-X Height and Bulk District
Block/Lot: 3644/021
Lot Size: 9,630 square feet (0.18 acres)
Plan Area: Eastern Neighborhoods Area Plan (Mission)
Project Sponsor: Ian Birchall/Ian Birchall + Associates – (415) 512-9660
Staff Contact: Chris Thomas – (415) 575-9036; Christopher.Thomas@sfgov.org

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

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415.558.6409

Planning
Information:
415.558.6377

MITIGATION MEASURES

Cultural and Paleontological Resources

Project Mitigation Measure 1 - Archeology (Accidental Discovery)

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

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

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.

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

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;

- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

Project Mitigation Measure 3 - Open Space in Noisy Environments (Eastern Neighborhoods PEIR Mitigation Measure F-6)

In order to minimize ambient noise effects on users of the project's outdoor decks, 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 Planning Department to ensure that maximum feasible noise attenuation for users of the outdoor deck areas will be achieved. As determined feasible by the qualified acoustical consultant, these attenuation measures may include construction of noise barriers between noise sources and open space, consistent with other principles of urban design.

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

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

✓ I agree to implement the above mitigation measure(s) as a condition of project approval.



Property Owner or Legal Agent Signature

10/6/15

Date



SAN FRANCISCO PLANNING DEPARTMENT

February 24, 2016

David Silverman
REUBEN, JUNIUS & ROSE LLP
One Bush Street, Suite 600
San Francisco, CA 94104

CASE NO: 2013.1404SHD
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Information:
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The Planning Department has reviewed the proposed project at the revised site location for compliance with Section 295 of the San Francisco Planning Code. Section 295 restricts new shadow, cast by structures exceeding a height of forty feet, upon property under the jurisdiction of the Recreation and Park Commission.

A shadow fan was developed based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. In order to account for potential future changes to the building height (due to program changes, architectural sculpting, rooftop equipment, etc.) the shadow fan was modeled at a height of 71 feet. The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance. Therefore, the Planning Department concludes that the proposed project is in compliance with Section 295 of the Planning Code.

Should you have any questions, please contact me at 415.558.6363 or erika.jackson@sfgov.org.

Sincerely,
Erika S. Jackson
Planner

ESJ: G:\DOCUMENTS\Projects\Shadow Study\Valencia 1298\Approval Letter.doc