

SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE JUNE 8, 2017

Date:	June 1, 2017
Case No.:	2014.0168DRP
Project Address:	2092 3rd STREET
Permit Application:	2015.07.17.1867
Zoning:	UMU (Urban Mixed Use) Zoning District
	68-X Height and Bulk District
Block/Lot:	3995/007
Project Sponsor:	Daniel Frattin, Reuben, Junius & Rose LLP
	One Bush Street, Suite 600
	San Francisco, CA 94104
Staff Contact:	Kimberly Durandet – (415) 575-6816
	kimberly.durandet@sfgov.org
Recommendation:	Do Not Take DR and Approve the Project as Proposed.

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

Reception: 415.558.6378

Fax.

415.558.6409 Planning

Information: 415.558.6377

PROJECT DESCRIPTION

The proposed project includes demolition of the existing building and new construction of a six-story, 68-foot-tall, 22,615-square-foot mixed-use building consisting of 19 dwelling units, 3,110 square feet of ground-floor retail, 10 automobile parking spaces and 20 bicycle parking spaces in a below grade parking area. The project consists of 10 1-bedroom, 8 2-bedroom, and one 3-bedroom dwelling units.

SITE DESCRIPTION AND PRESENT USE

The project site is located on a rectangular-shaped lot at the northwest intersection of 18th and Third Streets in the Central Waterfront neighborhood. The project site is occupied by a 26-foot-tall, two-story, 3,500-square-foot mixed-use building with a 320-square-foot storage structure and 8 off-street parking spaces. The existing building was constructed in 1900 and includes a 2,130-square-foot ground-floor restaurant (dba"Moshi Moshi") with 1,350 square feet of office use above.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Central Waterfront Plan Area. The property immediately adjacent to the north consists of a five-story building (constructed in 1999) containing 10 live/work condominium units, while the property to the west (rear) of the project site consists of a two-story industrial building (constructed in 1980) containing one dwelling unit and commercial use. The surrounding area around the project site is characterized by a mix of live/work, medical, office, residential, industrial, and commercial uses in buildings ranging in height from two to six stories. Existing buildings within the vicinity of the project site that are similar in height to the proposed structure is the six-story residential building at 2121 Third Street and the five-story live/work building located at 2068 Third Street.

BUILDING PERMIT APPLICATION NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	December 27, 2016- January 26, 2017	January 24, 2017	June 8, 2017	134 days

HEARING NOTIFICATION

ТҮРЕ	required Period	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 29, 2017	May 29, 2017	10 days
Mailed Notice	10 days	May 29, 2017	May 26, 2017	13 days

PUBLIC COMMENT

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

The Planning Department has received no additional comments in support or opposition to the project.

ISSUES & CONSIDERATIONS

- <u>Planning Code Compliance</u>. Currently, the project is compliant with the Planning Code, and is not required to seek any additional entitlements, nor is the project seeking any variances or exceptions.
- <u>Eastern Neighborhoods Area Plan & Rezoning.</u> The subject parcel and surrounding area was part of the Eastern Neighborhoods Area Plan and Rezoning, which was adopted in December 2008. The subject block was rezoned from M-2 (Heavy Industrial) to UMU (Urban Mixed Use) Zoning District and from 50-X to 68-X Height and Bulk District. The existing live/work buildings were approved in the mid to late 1990s when the height limit was 50 feet.

DR REQUESTOR

The DR Requestor Marlene Goldman, a resident located next to the subject parcel at 2080 3rd Street.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: Light and Privacy. The DR Requestor expressed concern because the proposed development will block all windows on the southern property line and a potential loss of privacy to the adjacent decks and skylights.

Issue #2: Design and Architectural Character. The DR Requestor stated concern that the project is not in keeping with the Dogpatch heritage, neighborhood history and character.

Issue #3: Height and Context. The DR Requestor stated concern over the height of the project at 68 feet while the surrounding buildings are generally 50 feet and serve as a 'gateway' stepping down to the Dogpatch neighborhood.

Issue #4: Alternatives. The DR Requestor suggests the height be reduced to match existing structures, that the building be setback on the north side or additional light wells be provided to allow access for light to the property line windows, and for the project sponsor reconsider the design to better fit with the neighborhood history, character and scale.

The *Discretionary Review Application* is an attached document.

PROJECT SPONSOR'S RESPONSE

The Project Sponsor has prepared a response to the DR Requestor.

The Response to Discretionary Review is an attached document.

PROJECT ANALYSIS

Issue #1: Light and Privacy. The Department reviewed the project and acknowledged the property line windows in the review. However, property line windows are not a protected source of light. The common roof deck and the sixth floor private decks do not appear to be located within view of any adjacent skylight. Lastly, a 6.5' length x 12.75' depth light well is provided along the northern property line.

Issue #2: Design and Architectural Character. The Department worked with the Project Sponsor on refining the design through several iterations. The final design is an innovative and refreshing incorporation of the area's history and context as an industrial and maritime center. High quality metal and wood materials will be strategically utilized to create a progressively lighter building as it ascends. The unique treatment of the bay windows is a reflection of shipping containers. The project site is located outside of the Dogpatch Landmark District, which is designated in Article 10 of the San Francisco Planning Code.

Issue #3: Height and Context. The Eastern Neighborhoods Area Plan and Rezoning reclassified the site from 50-X Height and Bulk District to a 68-X Height and Bulk District. The increased height was considered in this extensive planning process and will set the new context for the future development of the area. Further, all projects approved since the re-classification had the benefit of increased height.

Recently constructed projects at 2051 3rd Street and at 2161 3rd Street, as well as other nearby projects currently under review are complying with the 68-X Height and Bulk District, and the Planning Code. Although the adjacent live/work property is 50-ft in height, the Planning Code and General Plan support taller heights at corners and intersections. The 68-ft height is consistent with the larger development goals along 3rd Street within this portion of the neighborhood.

Issue #4: Alternatives. The Department does not support the recommendations to reduce the height and incorporate setbacks. The proposed height is consistent with the underlying height and bulk district, and the future development of mid-rise mixed-use buildings along 3rd Street and within the larger Central Waterfront neighborhood. The project site is located on a corner parcel at the intersection of a major transit thoroughfare (3rd Street). The General Plan is supportive of taller heights at this location.

ENVIRONMENTAL REVIEW

On November 6, 2015, the Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15183 and California Public Resources Code Section 21083.3

RESIDENTIAL DESIGN TEAM REVIEW

Since the proposed project is not located within a residential zoning district, it 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

The Planning Department's Urban Design Advisory Team (UDAT) provides design review for projects not subject to the Residential Design Guidelines. UDAT found the overall massing, form and scale to be appropriate given the zoning and height/bulk limits. In addition, the project provides an active retail ground floor for the residents, and includes high-quality exterior materials and a pedestrian oriented façade.

BASIS FOR RECOMMENDATION

- The proposed project meets the requirements of the San Francisco Planning Code.
- The proposed density, height, and parking are consistent with the UMU Zoning District and the 68-X Height and Bulk District.
- Property line windows are not protected.
- There are no exceptional or extraordinary circumstances related to the proposed project.

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

Discretionary Review – Full Analysis June 1, 2017

Attachments:

Block Book Map Sanborn Map Zoning Map Height-Bulk Map Context Photos Site Photos Section 312 Notice Reduced Plans DR Application Response to DR Application Environmental Determination

Parcel Map

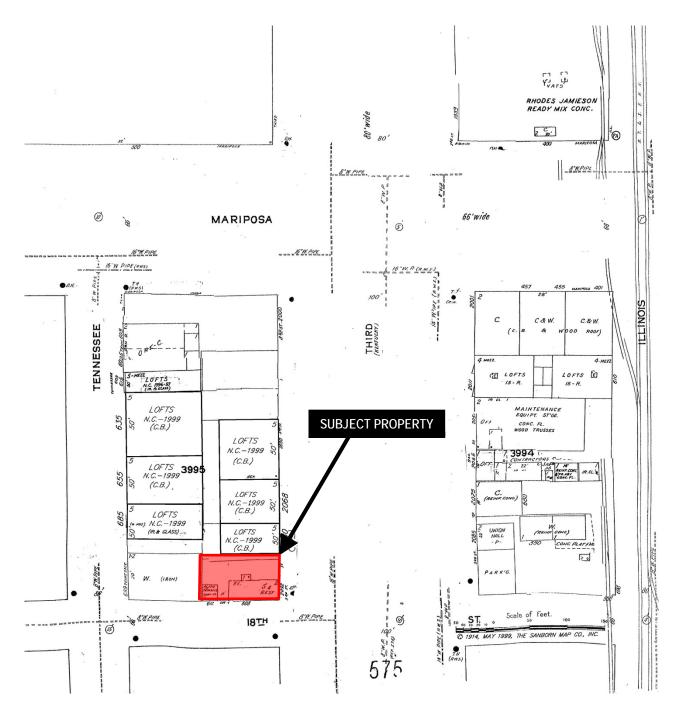
Mariposa St



18th St

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Sanborn Map*



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

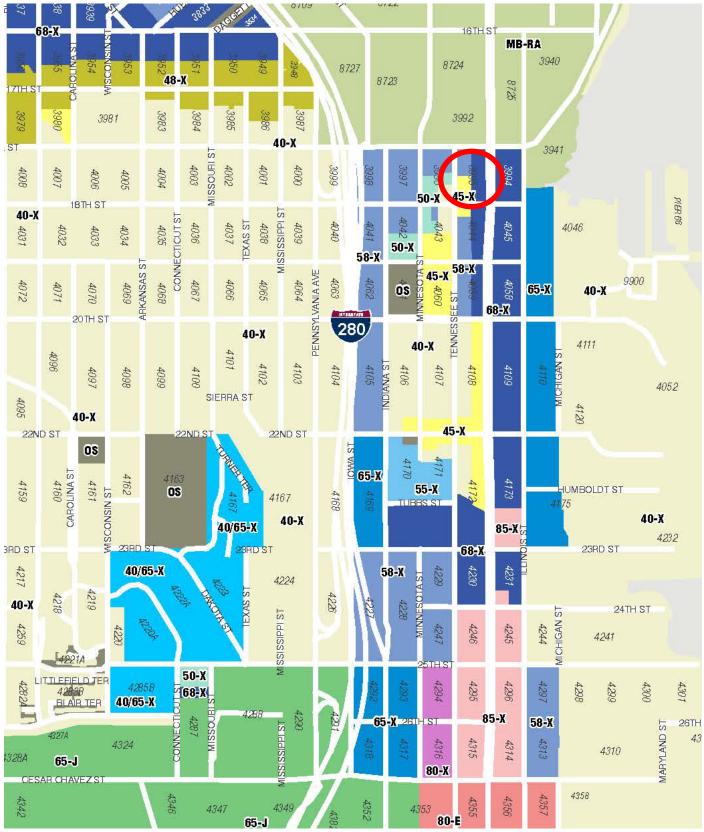


Zoning Map



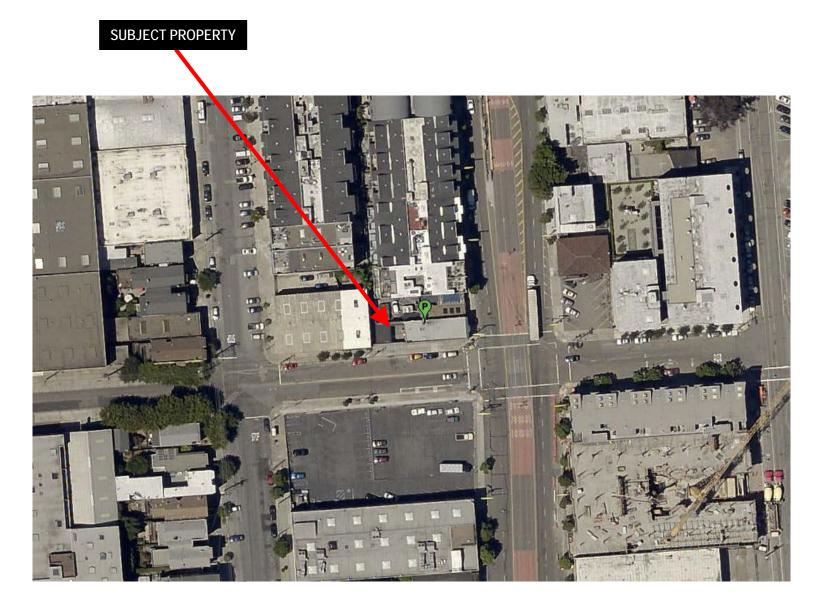


Height-Bulk Map





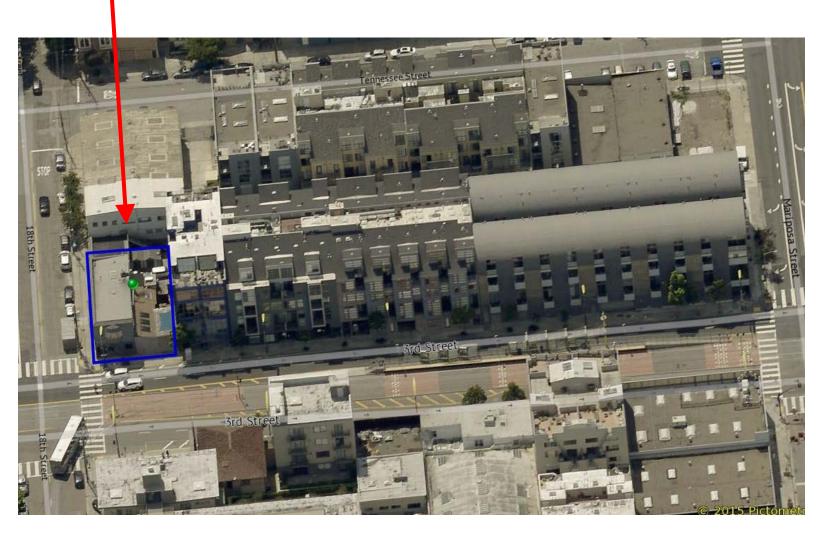
Context Photo





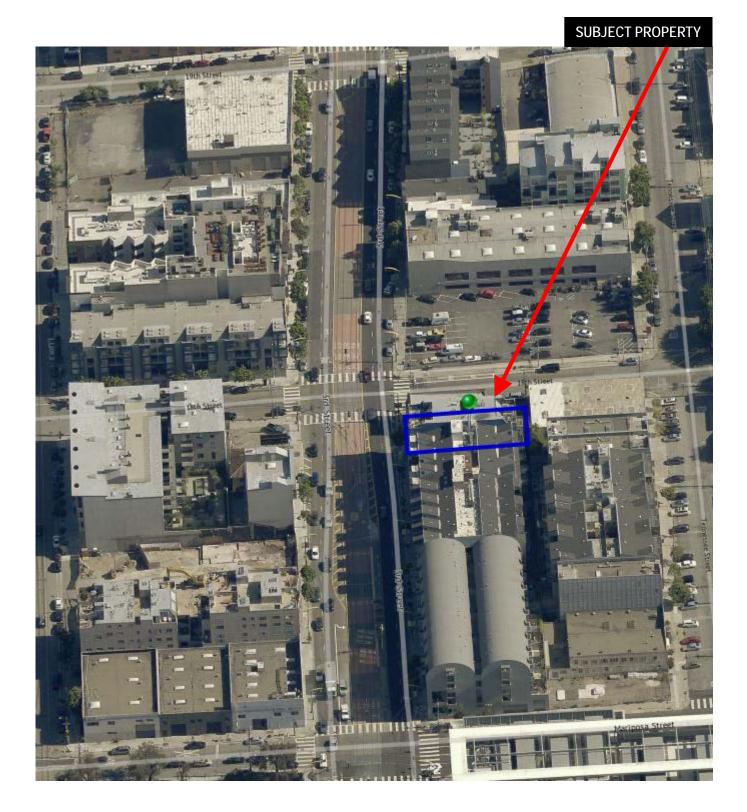
Context (from east) Photo

SUBJECT PROPERTY





Context (from north) Photo

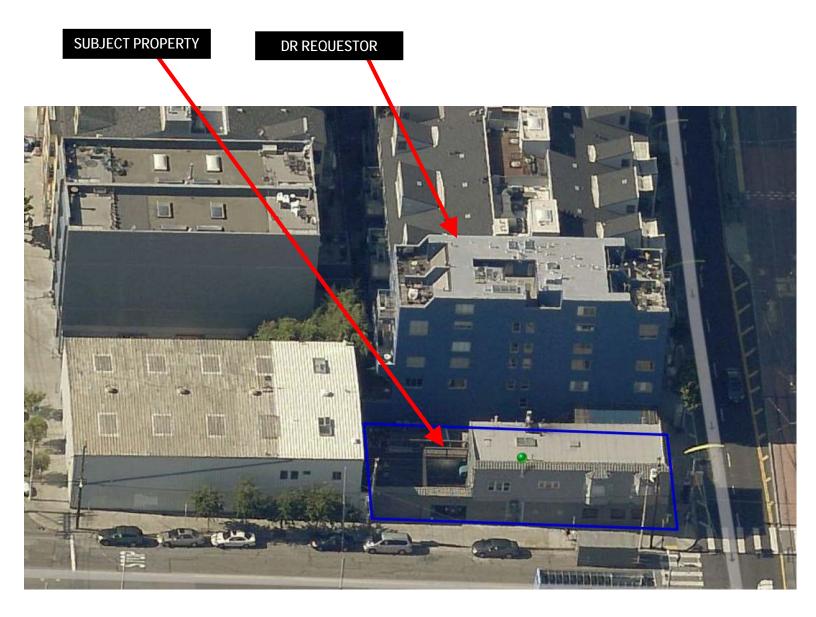




Site Photos



Site Photos



Roof Photo





SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco. CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **July 17, 2015**, the Applicant named below filed Building Permit Application No. **2015.0717.1867** with the City and County of San Francisco.

PROPERTY INFORMATION APPLICANT INFORMAT		ICANT INFORMATION	
Project Address:	2092 03 rd Street	Applicant:	EB Min- Min-Day Architecture
Cross Street(s):	18 th Street	Address:	2325 3 rd Street #425
Block/Lot No.:	3995/007	City, State:	San Francisco, CA 94107
Zoning District(s):	UMU / 68-X	Telephone:	(415) 255-9464

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				
Demolition	New Construction	□ Alteration		
Change of Use	Façade Alteration(s)	Front Addition		
Rear Addition	□ Side Addition	Vertical Addition		
PROJECT FEATURES	EXISTING	PROPOSED		
Building Use	Restaurant & Office	Restaurant & Residential		
Front Setback	None	No Change		
Side Setbacks	None	No Change		
Building Depth	66 feet	75 feet		
Rear Yard	34 feet	25 feet at all residential levels (2-6)		
Building Height	24 feet	68 feet		
Number of Stories	2	6 over below grade parking		
Number of Dwelling Units	0	19		
Number of Parking Spaces	2	10		

PROJECT DESCRIPTION

The proposed project involves the demolition of the existing buildings and construction of a new six-story, 68-foot-tall (84-foot-tall with mechanical penthouse), 22,615-square-foot building consisting of 19 dwelling units, 3,110 square feet of ground-floor retail, 10 vehicular spaces and 20 bicycle parking spaces below grade parking area of 5,000 square feet. The project consists of 10 1-bedroom, 8 2-bedroom, and 1 3-bedroom dwelling units. The affordable housing requirement will be me through payment of the fee for UMU Tier B at 25% (419). Other fees required include Transit Impact Development fee (411), Eastern Neighborhoods Impact Fee (423) and Residential Childcare Fee (414A).

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.

For more information, please contact Planning Department staff:

Planner:	Kimberly Durandet
Telephone:	(415) 575-6816
E-mail:	kimberly.durandet@sfgov.org

 Notice Date:
 12/27/16

 Expiration Date:
 1/26/17

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 <u>www.communityboards.org</u> 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 <u>www.sfplanning.org</u>). 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 <u>www.sfplanning.org</u>. If the project includes multiple building permits, i.e. demolition and new construction, a <u>separate request</u> for Discretionary Review must be submitted, with all required materials and fee, for <u>each</u> 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.

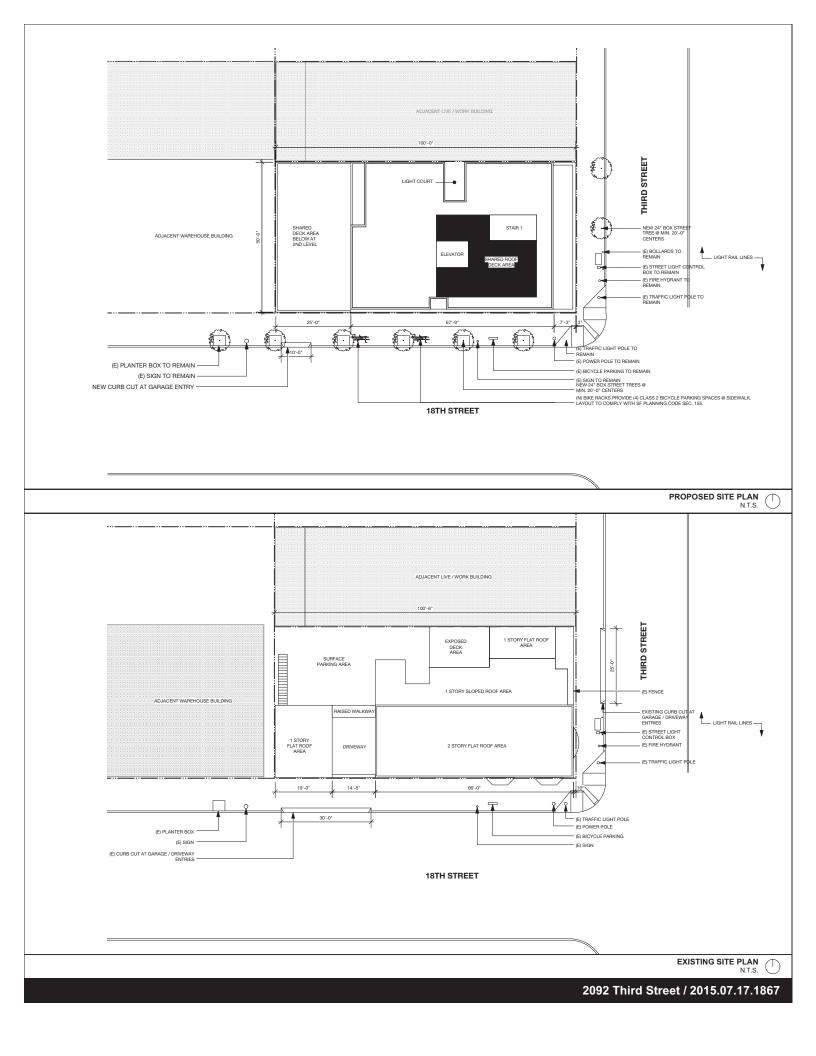
BOARD OF APPEALS

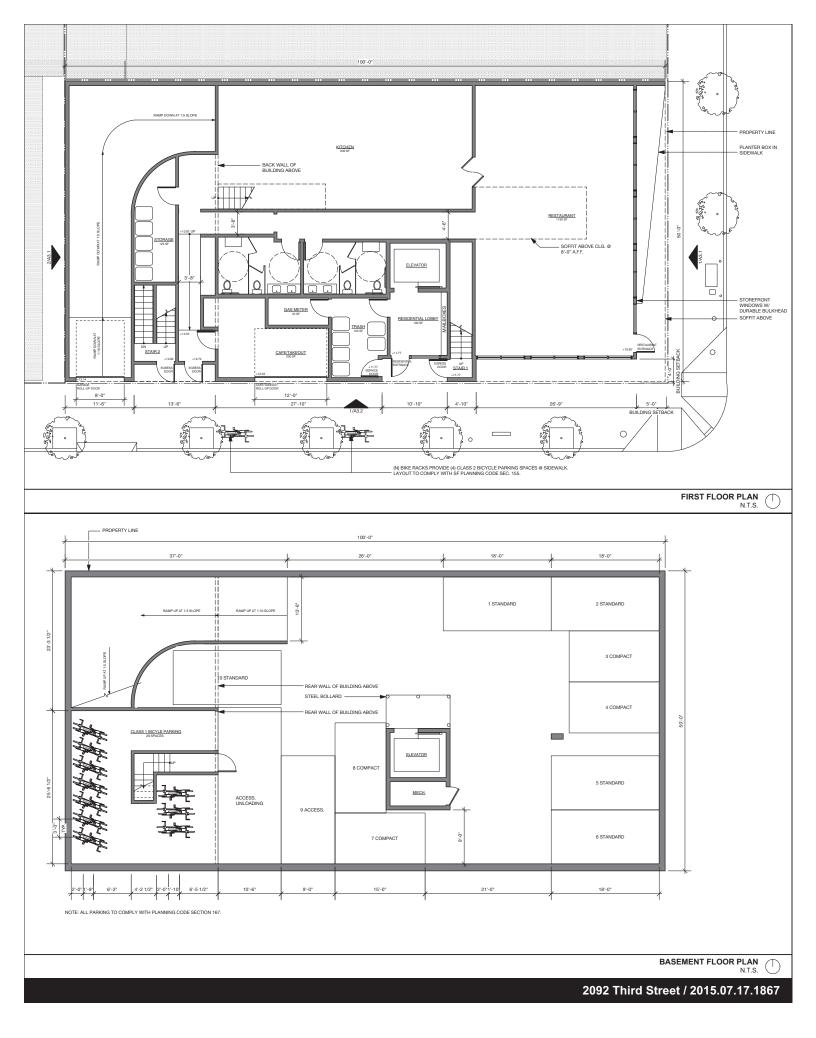
An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission 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.

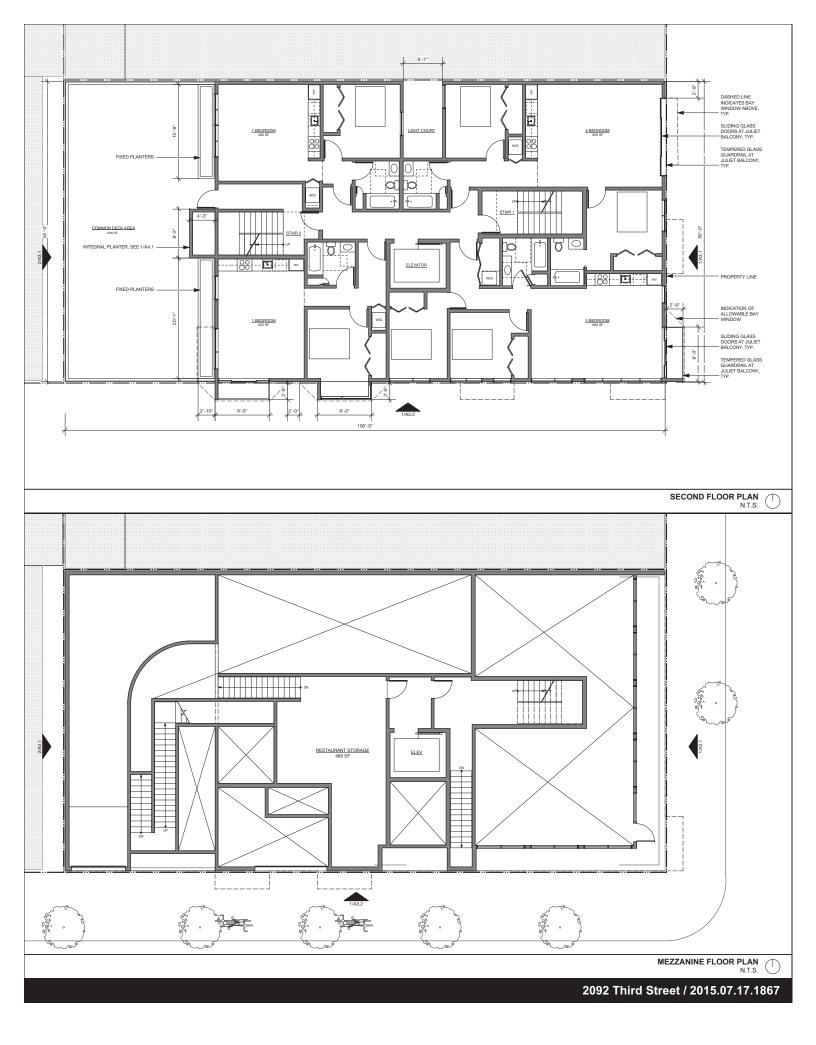
ENVIRONMENTAL REVIEW

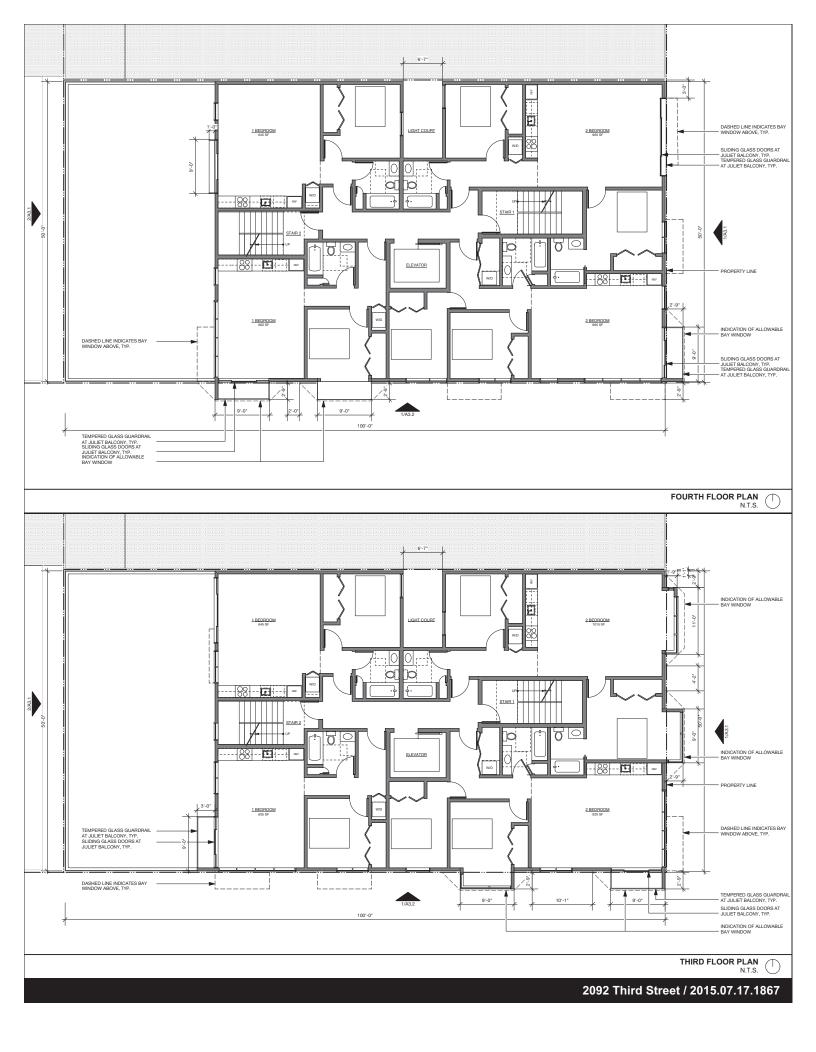
This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at <u>www.sfplanning.org</u>. 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.

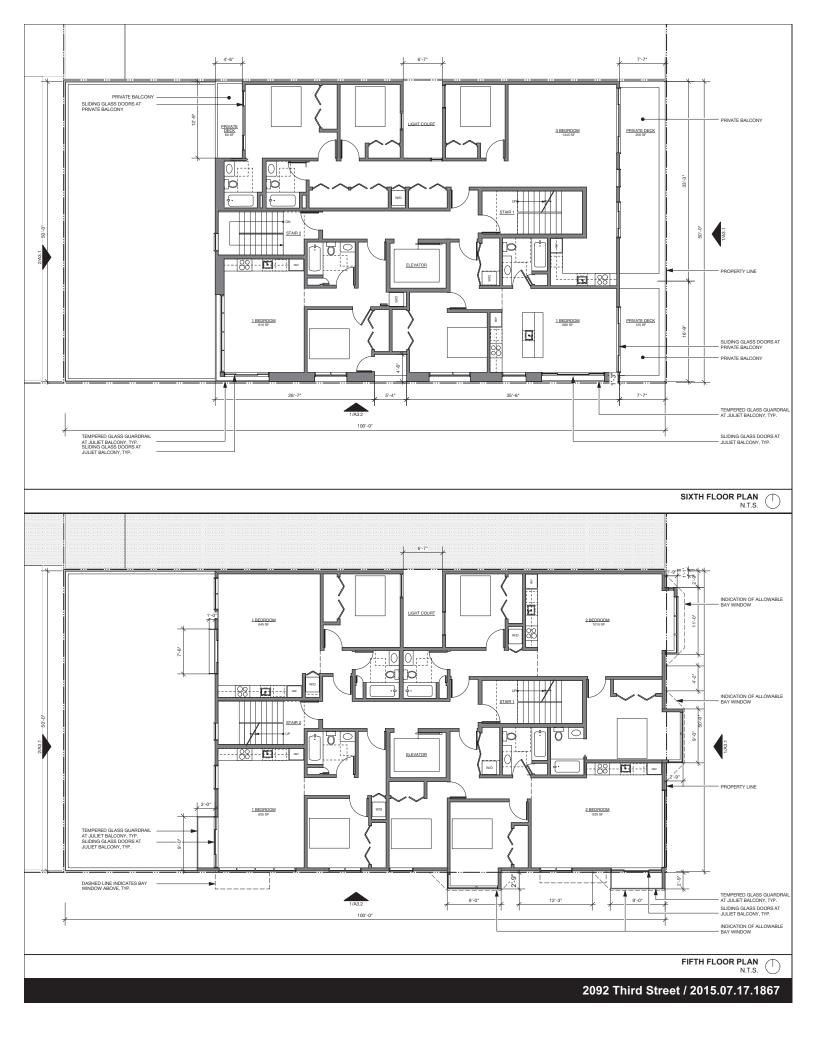
Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or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

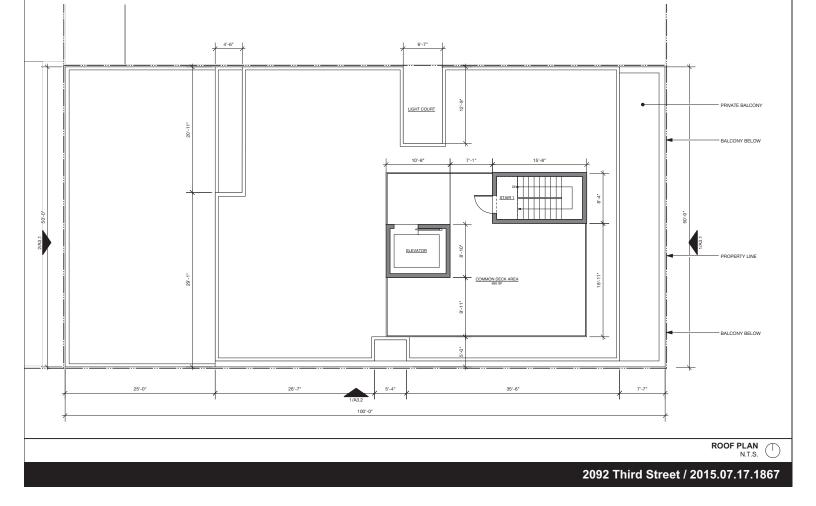


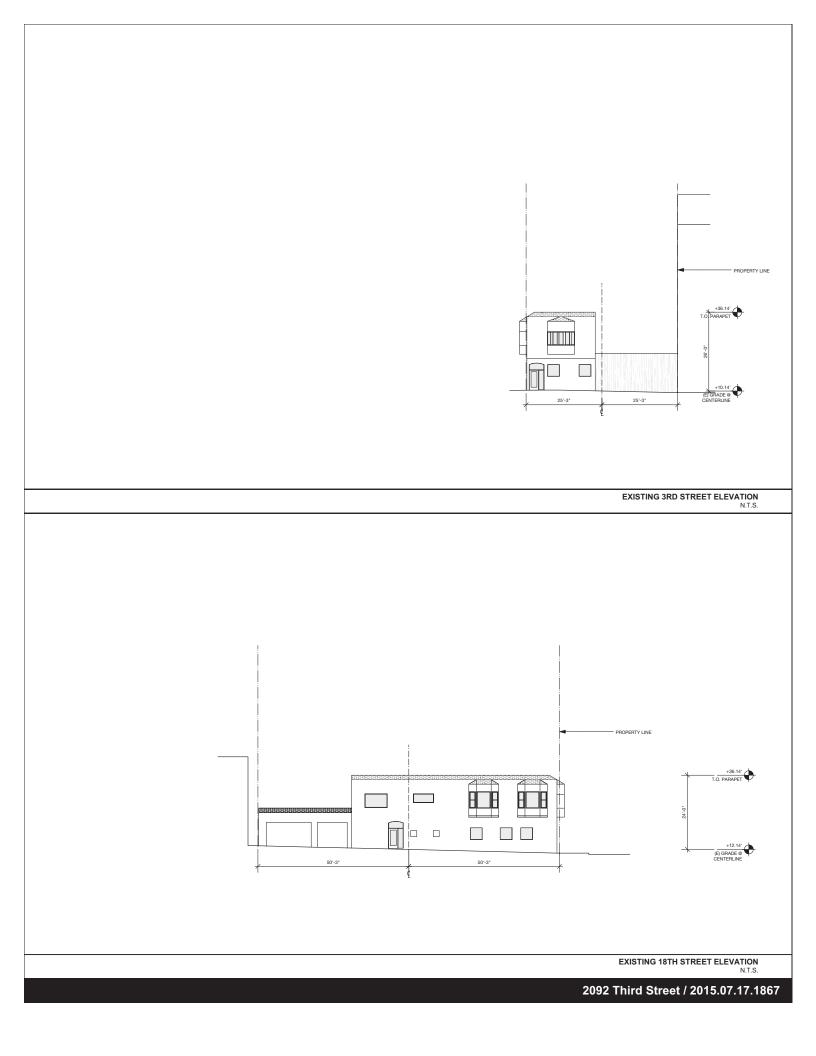


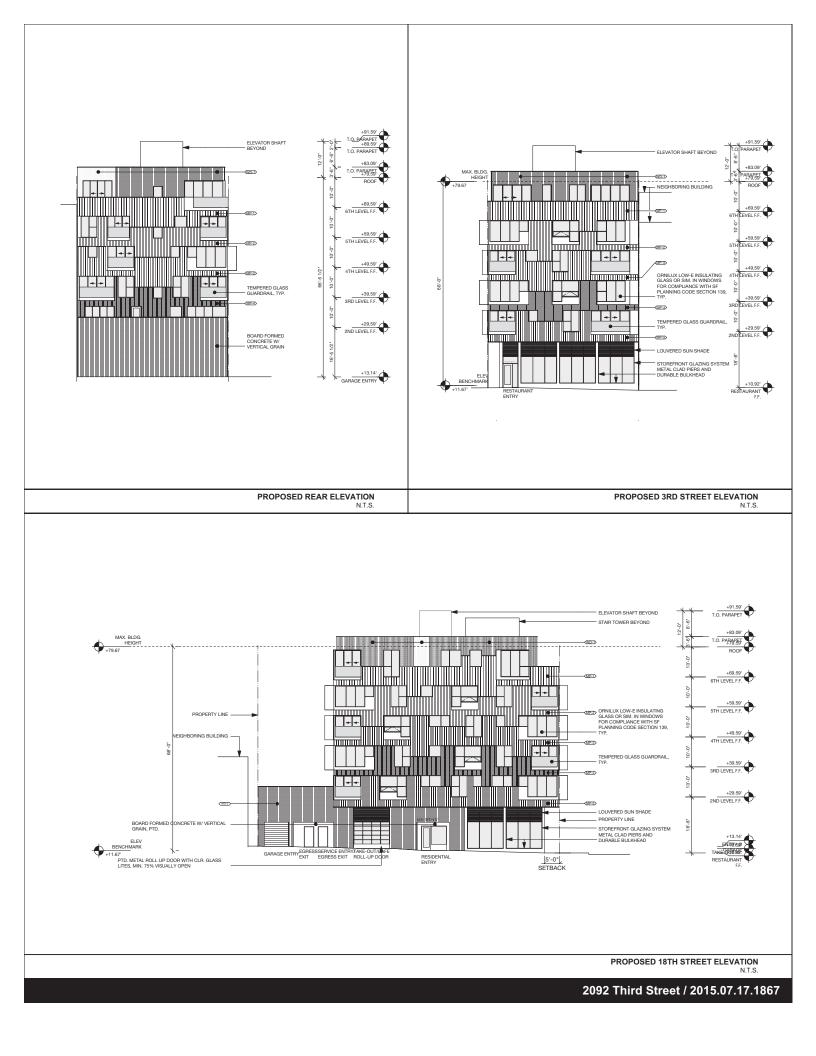












Application for **Discretionary Review**

01681

CASE NUMBER:

For Staff Use only

APPLICATION FOR Discretionary Review

RECEIVED

1. Owner/Applicant Information

JAN 2 4 2017 CITY & COUNTY OF S.F.

dr applicant's name: Marlene Goldman		PIC
DR APPLICANT'S ADDRESS;	ZIP CODE:	TELEPHONE:
2080 3rd St., #8	94107	(415)385-8105

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Sherman Little/EB Min, Min-Day Architecture (415-255-9464) ADDRESS: ZIP CODE: TELEPHONE:

2325 3rd St. #425	94107	(415) 722-9670
CONTACT FOR DR APPLICATION:		

Same as Above		
ADDRESS:	ZIP CODE:	TELEPHONE:
		()
E-MAIL ADDRESS:		~

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
2092 3rd St.	94107
CROSS STREETS: 18th and 3rd streets	
ASSESSORS BLOCK/LOT: 3995 / 007 LOT DIMENSIONS: LOT AREA (SQ FT): ZONING DISTRICT: HEIGHT/BU 50X100 5,000 sq. ft. UMU/68-X 68 feet	ILK DISTRICT:
3. Project Description Please check all that apply Change of Use A Change of Hours New Construction Alterations Demolitic	on 🛛 Other 🗌
Additions to Building: Rear 🛛 Front 🖾 Height 🖾 Side Yard 🗌 Restaurant Present or Previous Use:	
Restaurant and 19 dwelling units Proposed Use:	
	y 17, 2015

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4. Actions Prior to a Discretionary Review Request

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Prior Action	YES	NO
Have you discussed this project with the permit applicant?	X	
Did you discuss the project with the Planning Department permit review planner?	X	
Did you participate in outside mediation on this case?		X

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.

I spoke with the applicant regarding my concern with the height, breadth and magnitude of the project as well as the detrimental impact it will have on my living space/condo. I requested consideration with regards to the design which will eliminate all the southern facing windows in my unit and others as well as encroach on light and privacy of my patio. No progress was made in finding a solution.

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.
- According to the Residential Design Guidelines, a new building should respect the architectural character of the surrounding buildings, which the proposed new building at 2092 3rd St. does not, by any means. Nor does it conform to the block pattern. Our block has a very uniform and cohesive look as far as height and design. This design in incongruous with the design of the buildings on our block and with the neighborhood character.
- of the Dogpatch area.
- 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:

I was told by the developer that this proposed building will force the removal of more than 20 south-facing windows in the neighboring building at 2080 3rd St., including four windows in my condo. They are the main source of light for the units on that side of the building. The wall of the building will also block one side of my deeded patio. Not only will we be losing light, this new building will detrimentally affect the property value of my condo as well as the others on that side of the building.

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?

To conform with architectural character of the rest of our block, the proposed building should be downsized in height and breadth. There should be enough space between the buildings so that our units do not have to lose all their windows, and some light can be spared. Another option is adding more light wells that would spare at least some of the south facing windows. The height should be reduced to conform to the rest of the buildings on the block, which would aesthetically preserve the block pattern on our side of the street.

Applicant's Affidavit

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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.

Mu Signature:

Date: 1/24/2017

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

Markine Goldman Towner Juthorized Agent (circle one)

2092 319 04.

Marlene Goldman 2080 3rd St., #8 San Francisco, CA 94107

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To Whom It May Concern,

I am writing with regard to the proposed demolition of the current Moshi Moshi restaurant building at 2092 3rd St. and construction of a new 19-unit, six-story condo/restaurant building (topping out at 84 feet high) proposed to take its place.

I am a long-time resident of San Francisco, since 1993, and I have written several travel guidebooks about the city, as well. I have witnessed and written about the tremendous growth and many changes throughout the city over the years, including the Dogpatch and Mission Bay areas. I understand there is a perpetual housing shortage, yet I have always respected how the city has maintained the character and integrity of its distinct neighborhoods.

Just over a year ago, I had the opportunity to purchase my first home and was drawn to the Dogpatch area for its small, independent businesses, artistic vibe and true local flavor. I know my particular block is between the booming Mission Bay area and historic Dogpatch district, but the block is mapped as part of the Dogpatch neighborhood.

From all angles, our block looks and feels like a gateway to the Dogpatch district and is consistent with the smallerscale architectural character of that neighborhood. The smaller-scale buildings and businesses leading up to the historic area are the main draw, along with the abundant sunshine and light in this part of city.

To quote from Pier70.org's website:

Dogpatch contains architecturally and historically significant workers' cottages, factories, warehouses and public buildings... It is one of the few neighborhoods to survive the 1906 earthquake and fire, and it is the gateway to the oldest, largest and most intact historic industrial complex remaining in the city-the former shipyards and mills on the waterfront at Pier 70.

Today, Dogpatch is a neighborhood in transition. It maintains an offbeat, quaint, populist appeal, dating back to its working-class roots. But as the mix of residents and businesses continue to change, the character of the area could soon disappear unless steps are taken to save it. Neighbors hope that planners and developers will build from the legacy of Dogpatch's colorful past in guiding the district to an even brighter future. San Francisco will lose more than it can afford if it does not protect this vibrant urban neighborhood and its extraordinary monuments to an earlier time.

The renderings of the new build show a distinct juxtaposition from that Dogpatch legacy. If built as proposed it will dwarf all the buildings on our side of the street, and the design is completely incongruous with our building and all the others on our block. It has no connection with the neighborhood and architectural character of the area.

Obviously, I have a personal stake in the building, which will completely block all my southern facing windows and light (possibly even requiring removal of four windows), as well as the southern views off my patio. My condo was advertised as sun-drenched, and the light was a big part of my decision to purchase it. I will be losing significant property value, and even more upsetting is the loss of all the reasons many people want to live in this area, including the abundant light and neighborhood aesthetic.

Proposals

I propose a smaller design more in line with our neighborhood, especially since it will be a highly visible corner

building. For the condos on the south side of my building, including my unit, more space between the buildings, or at least more light wells matching with our windows would at least preserve some of our light and property value. I also strongly believe this building should be the same height as the rest of the block, protecting our privacy as well as the architectural character of the Dogpatch.

I know growth is inevitable but I am hopeful this building can be reworked to reflect the neighborhood with a more distinctive Dogpatch design. I also believe our building should receive compensation for any costs incurred such as removing windows, or having to protect the privacy of our skylight windows from residents next door. We should also receive compensation for our significantly diminished property value.

I understand there is an urgency for more housing and that this project is important to the planning commission, but my goal with this Discretionary Review is that the developer be required to take more time and come up with a better design for the neighborhood and one that is less intrusive on its neighbors.

Marlene Goldman

2092 3ra Jt.

To whom it may concern,

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I hope this letter finds you well! (there's a summary at the end)

I am writing with regard to the new Moshi Moshi development at 2092 3rd St. I recently moved to the Dogpatch, and after having lived in multiple cities and neighborhoods, am proud to say for the first time that I've found home.

I love the completely unique combination of weather, of industry, of people (who are uniquely warm, curious, and artistic), and of the small businesses and restaurants that line Third Street. For the first time I've lived somewhere, I've felt proud to be a member of my neighborhood, and to consider others here friends.

One thing in particular that I've loved about the neighborhood (vs. many others in SF) is its embrace of change and growth. For the businesses we know and love here to thrive, we know we need more residents. For the amazing parks we're getting, we need people here to enjoy them every day.

It's why I am excited for a new building to go up, particularly given how long Mitz has been a wonderful contributor to the neighborhood.

My concerns, instead, are aesthetic. I live next door in 2080 Third Street, in one of the apartments abutting the new construction. With the T-line and third street thoroughfare, our block serves effectively as the gateway to Dogpatch--a block that reflects the industrial, simple materials heritage that enabled this area to be built in the first place.

Take 2002 Third, which with its bold curves reflects needs of warehouses past, and marks the spot our neighborhood really starts. While built over the grounds of an historic gas station, the building feels like a part of the whole.

Run your finger along the line of buildings, and there's a nice, even symmetry to the following developments along Third. Each is approximately the same height of the others, an echo of the particular period of revival in which they were built. They were designed to reflect--not outshine--the heritage of the buildings around them.

Now, as those historic older buildings are in turn replaced with new condos, these older condos must in turn be seen as our heritage. The simple materials, straight lines (or sparing, bold curves), and even roof height make for an aesthetic as uniquely San Francisco as the Victorians so many know.

With the growth of business and entertainment in Mission Bay, this block matters if we care about protecting the historic significance and vibrancy of the neighborhood. Warriors fans and other visitors should walk to our businesses and immediately feel this area to be different from anywhere else in SF. As I do, every day.

In that light, I believe the current plans for Moshi Moshi are concerning for the following reasons:

- Design: To my eye, the current design for the building doesn't reflect Dogpatch's heritage at all. I can accept the loss of one of our few remaining century-old buildings, but with so many distinctly Dogpatch design cues, this architecture feels willfully out of place. I could see this design working just as indifferently in Hayes Valley, the Mission, the Marina, SOMA, or anywhere else. What's frustrating is that there are *so many* design cues here to take inspiration from, including our industrial heritage (use simple materials like steel, wood, brick), our nautical history (circular windows, sea colors, bay windows), or our status as a shipping/transit hub (containers, trains, rail). A good design should reflect this neighborhood's history.
- Height: The different height, when the rest of the block is entirely even, undercuts this first block's subtle unity of character. Reducing height to match other buildings would make this feel like the true entry to Dogpatch that it ought to be.
- Negative externalities: More selfishly, this development is likely to result in unexpected and undisclosed expenses for my building at 2080 Third Street, and I have concerns around the project's impact on:

o2080's foundation

oNoise for the coming year and a half

 Expense related to filling in our windows, which was not clearly a consequence of this new development

o Loss of light

- Loss of property value--as a recent homebuyer, already paying at the extremely upper end of what I could afford, the loss of light is troubling. Being placed next to a generic condo further concerns me.
- Loss of privacy--with the development's increased height, I worry new residents will be able to see through the skylight that directly overlooks my bedroom. When I checked, a viable privacy screen for this large window would cost me roughly \$10,000.

TL;DR:

- Please slightly reduce height to map to the rest of the block
- Please reconsider design to fit with Dogpatch's unique aesthetics and history
- I'm happy to speak with anyone regarding the development to see if we can work through other concerns

Thank you for your attention and all the best,

Buing Webb Kevin Webb

2040 3rd St. Apt. 9 SF, CA, 94107 Ktwebb860gmail.com (408) 761-2402

January 23, 2017

Marlene Goldman 2080 Third Street San Francisco, CA 94107

RE: Request for Discretionary Review of planned construction - Moshi Moshi building

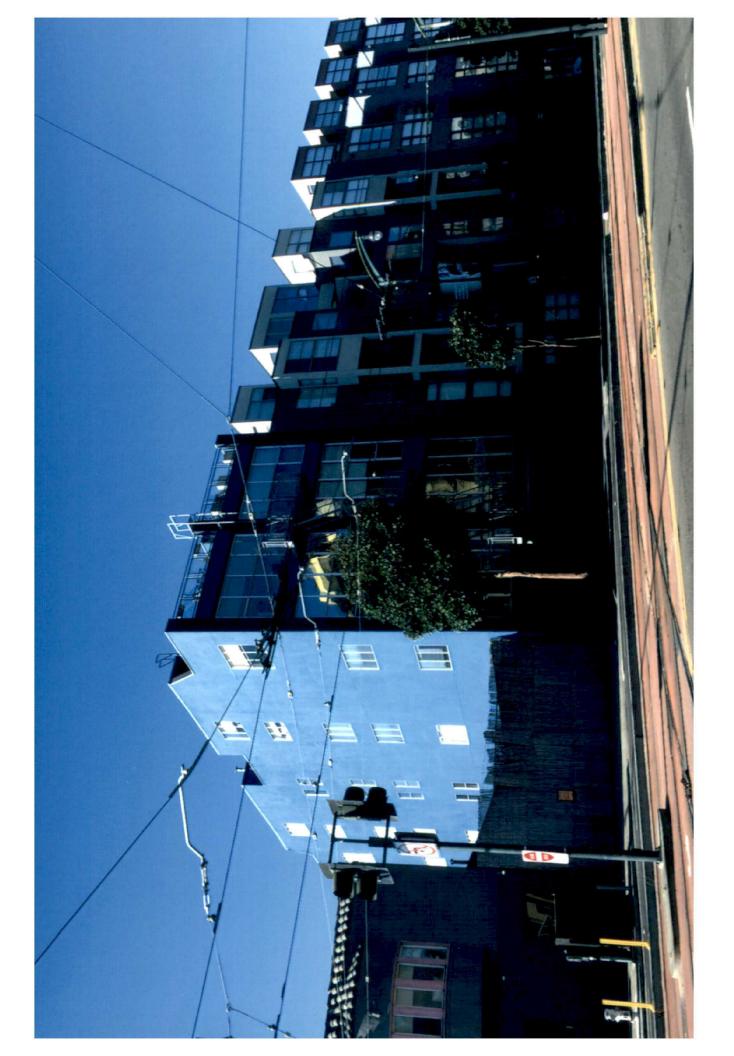
Dear Marlene,

As an Owner of a unit at 2080 Third Street, I would like to echo concerns over the proposed construction adjacent to our building.

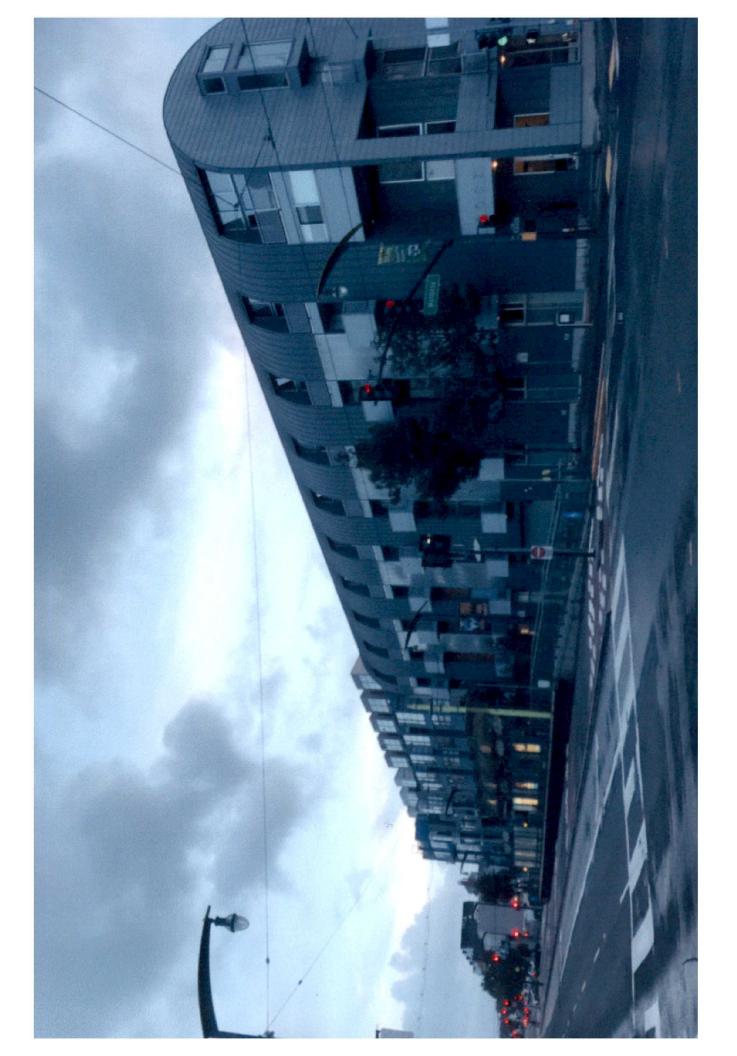
As I understand it, the construction of the new Moshi Moshi building may cause the loss of all natural light in the building stairwell, and units with south-facing walls. This would impact property values for Owners with south-facing windows, as those units will become darker. In addition, should the current south-facing windows need to be taken out; this would create a significant expense.

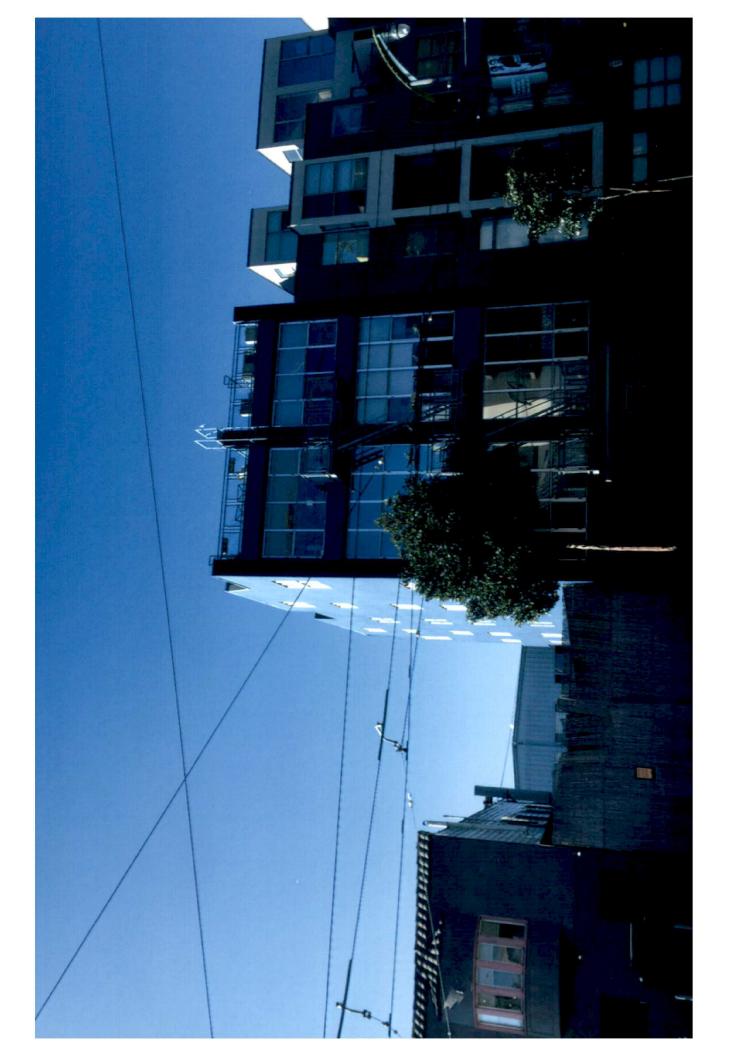
I would like request that the proposed project is reviewed to determine how to mitigate the above potential issues and accommodate the current Owners.

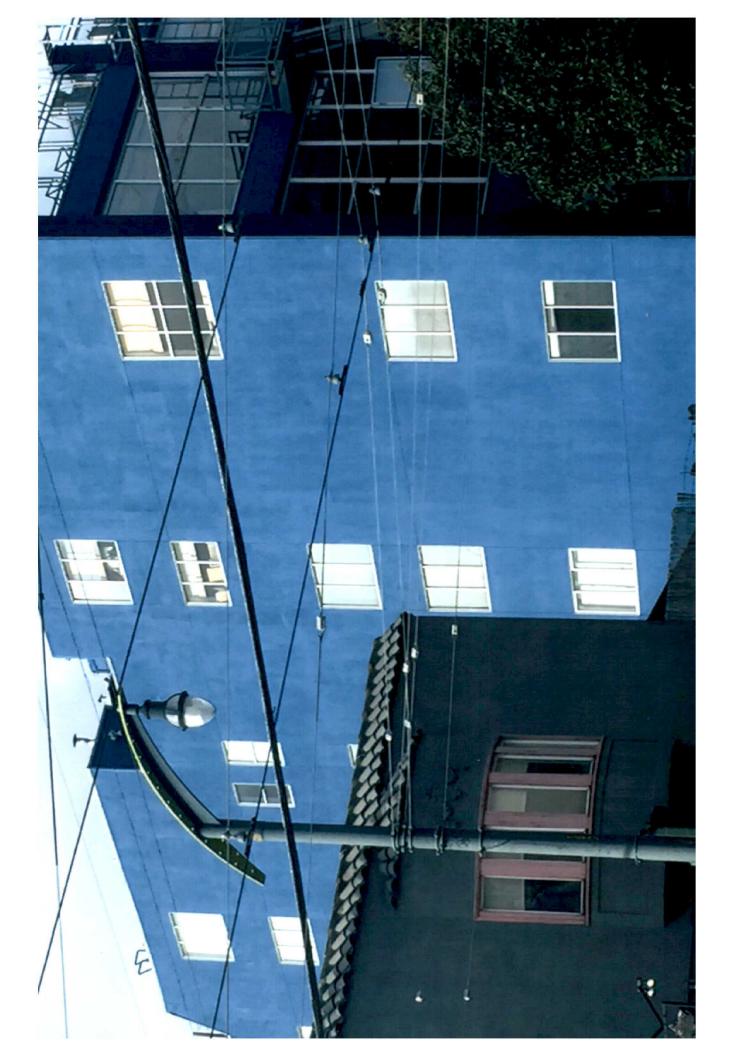
eřkocha Sue **J**ohnson

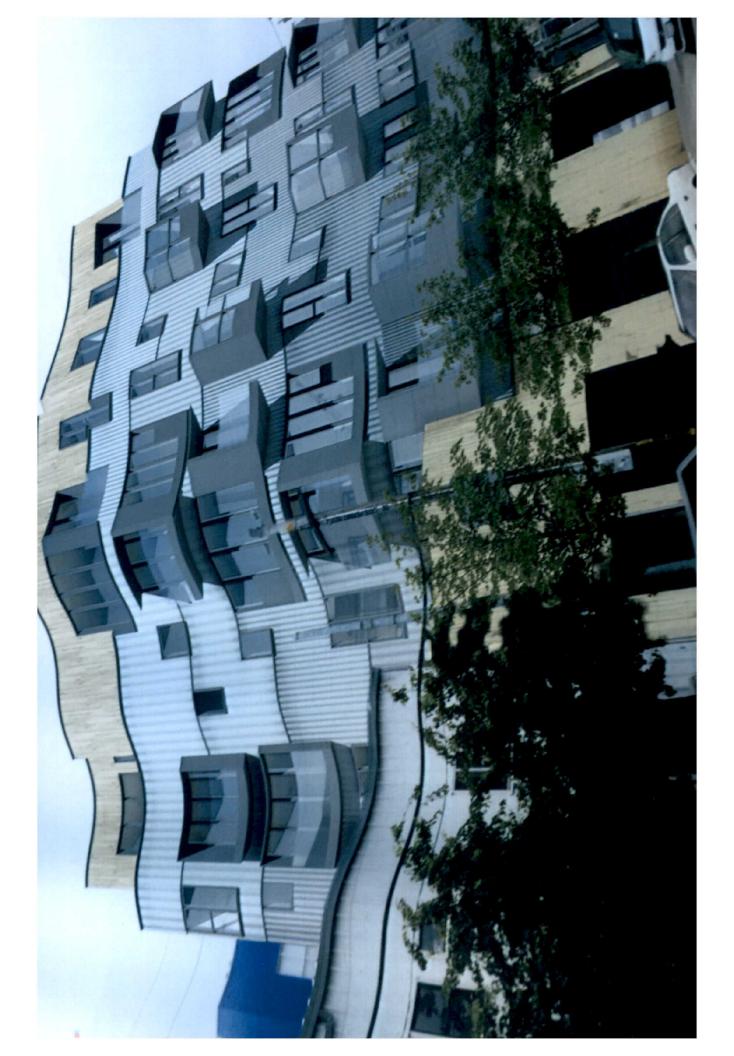


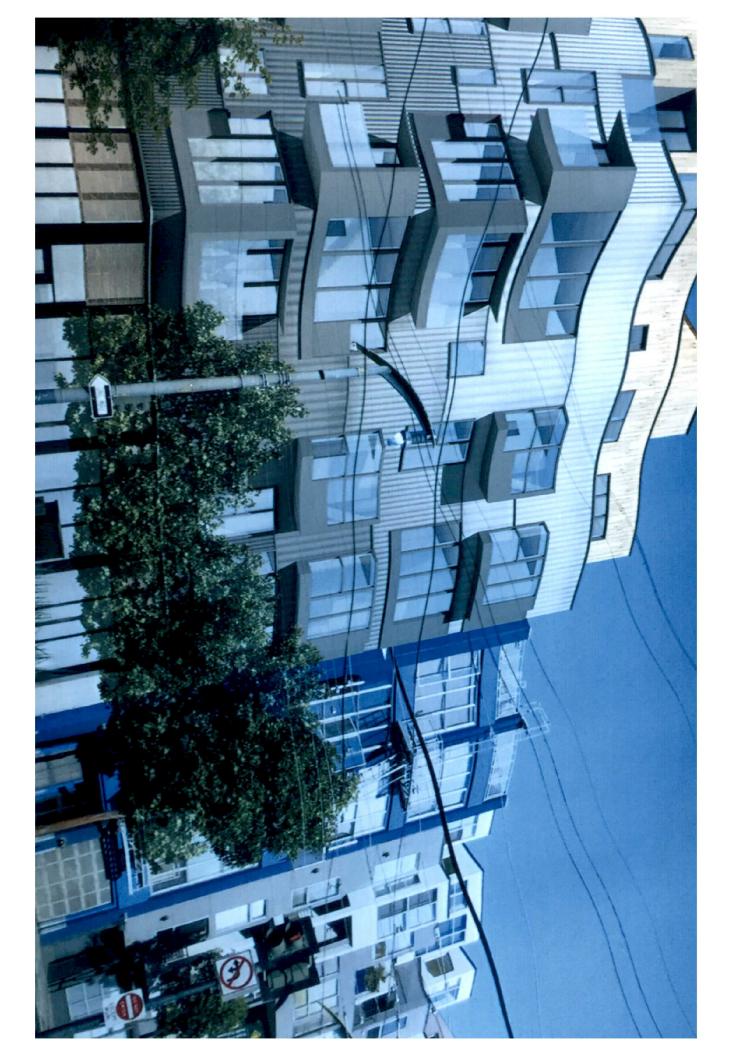












REUBEN, JUNIUS & ROSE, LLP

May 18, 2017

Delivered Via E-mail

President Rich Hillis San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 2092 Third Street / 600 18th Street (3995/007) Brief in Opposition to DR Request Planning Department Case No. 2014.0168DRP Hearing Date: June 8, 2017 Our File No.: 10535.01

Dear President Hillis and Commissioners:

Our office represents Sherman Little, the owner of 2092 Third Street / 600 18th Street (the "**Property**") and sponsor of a project to construct a new six-story building containing 19 dwelling units over ground-floor retail at the site (the "**Project**").

A Discretionary Review ("**DR**") was filed by Marlene Goldman ("**DR Requestor**"), who owns a condo in the adjacent multi-unit, live-work building to the north. The Project would block property line windows on the south side of DR Requestor's building.

The DR request should be denied and the Project approved as designed because:

- <u>No</u> exceptional or extraordinary circumstances have been established that would justify taking of DR;
- The Project already incorporates substantial front and rear yard setbacks and a large light well adjacent to DR Requestor's building. Additional DR requests to lower the Project height and area to maintain light and view access from unprotected property-line widows would unreasonably restrict development;
- The Project is <u>appropriate and desirable</u> in use, massing, height, and overall scope, and will be compatible with the architectural character of surrounding development;

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹ Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight Chloe V. Angelis | Corie A. Edwards | Coryn E. Millslagle | Jared Eigerman^{2,3} | John McInerney III² San Francisco Office One Bush Street, Suite 600, San Francisco, CA 94104 tel: 415-567-9000 | fax: 415-399-9480

Oakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589

- The Planning Department has previously surveyed the Property and determined that the existing building is <u>not</u> an historic resource; and
- The state Housing Accountability Act precludes the disapproval of projects that are consistent with applicable development standards and do not impact public health or safety.

A. Project Description

The Property is a 5,000-square-foot lot at the southwest corner of 3rd and 18th Streets in the Urban Mixed Use ("**UMU**") Zoning District and Dogpatch neighborhood. It currently contains surface parking and two small one-to-two-story retail, office, and storage buildings. A 2012 historic resource survey of the Property determined that the existing buildings are not historic resources.

The Project would replace the existing buildings with a new six-story, 68-foot-tall building containing 19 dwelling units over 3,710 square feet of ground floor retail. The Project is consistent with land use, height, and bulk controls in the UMU District and surrounding Dogpatch neighborhood. No code exceptions or variances are required.

The Project will contain 10 one-bedroom, 8 two-bedroom, and 1 three-bedroom units, ranging in size from average areas of 640 square feet to 1,345 square feet. This unit mix will provide for a broad range of housing needs, including units appropriate for family occupancy. A below-grade garage accessible from 18th Street will contain 10 vehicle parking spaces, and 20 bicycle parking spaces. The Project will include 650 square feet of usable open space though private residential decks, and an additional 1,935 square feet of commonly-accessible open space through attractively-landscaped decks at the building's second floor and rooftop.

The Project has been thoughtfully designed to preserve adjacent structure's access to reasonable light and air, and incorporates (1) a 25-foot rear yard setback above the second floor along 18th Street; (2) a 5-foot setback of all building levels along 3rd Street to extend the active sidewalk area; (3) a 7'7" setback of the building's 6th floor from Third Street to reduce the appearance of upper-level massing; and (4) a 6'7" wide, 12'9" deep light well beginning at the building's second floor and located directly across from an irregularly shaped light well at DR Requestor's property.

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Project plans are attached as Exhibit A.

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B. Neighborhood Context

As anticipated in the Eastern Neighborhoods Area Plans, the Dogpatch neighborhood is transitioning from former industrial uses to its emerging mixed-use residential character. Development in the blocks surrounding the Project site include a wide range of building types, heights, and uses, including many multi-unit, four- to- seven-story residential buildings.

In fact, properties along both sides of Third Street between Mariposa and 20th Streets have been zoned to allow for development up to 68 feet in height, and these limits extend several more blocks to the south along the busy 3rd Street corridor.

Consistent with the scale of development intended for this area, a 6-story, 68' tall, 97-unit building is currently under construction just across 3rd Street from the Property, and two more 68' tall, multi-unit buildings are either in operation or approved for construction just one block to the south along 3rd Street.

The DR Requestor's building is an approximately 50' tall, 10-unit live-work building that has been built out to its full lot width and height and provides no side setbacks adjacent to the Property or the approximately 50-foot tall, 16-unit residential building to its north.

C. The Standard for Discretionary Review Was Not Met

a. DR Standard of Review.

Discretionary review is a "special power of the Commission, outside of the normal building permit approval process. It is supposed to be used only when there are *exceptional and extraordinary circumstances* associated with the proposed project."¹ The discretionary review authority is based on Sec. 26(a) of the Business & Tax Regulations Code, and moreover, pursuant to the City Attorney's advice, it is a "sensitive discretion … which must be exercised with the utmost restraint". Exceptional or extraordinary circumstances have been defined as complex topography, irregular lot configuration, unusual context, or other circumstances not addressed in the design standards.

The DR Requestors <u>have not established any exceptional or extraordinary circumstances</u> <u>that are necessary in a DR case</u>, as more particularly discussed and shown below. Neither the Planning Code nor Building Code protect the property-line windows at the DR Requestor's property. The Project is consistent with the underlying zoning and is not requesting any Code exceptions or Variances. The new building is within the allowable height for the Property, incorporates substantial front, rear, and side setbacks to preserve reasonable access to light and

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¹ Planning Department publication for the Application Packet for Discretionary Review; emphasis added.

air for adjacent buildings, and has been thoughtfully designed to complement the architectural character in this neighborhood.

b. DR Requestor's Concerns Regarding Neighborhood Character and Form are Unfounded.

The DR Requestor suggests that the Project violates the Planning Department's Residential Design Guidelines. However, the Project is located in the UMU zoning district where the Residential Design Guidelines do not apply. Regardless, the Project would be compatible with design principles contained in the Department's draft Urban Design Guidelines, which is anticipated for adoption later this year, and has been designed to complement the scale and character of surrounding development as follows:

Neighborhood Character

The Project complements the architectural character of surrounding buildings and proposes construction of a mixed-use residential and retail building that is consistent with predominant uses within the neighborhood.

The neighborhood is characterized by both industrial buildings and residential projects of significantly varied scale and materials. The Project employs a high-quality material palette of wood and vertical corrugated metal siding that reflects the industrial maritime nature of the neighborhood but is also appropriate for a mixed-use residential project.

Vertical corrugated metal siding is found on many buildings throughout Dogpatch such as those within the Union Iron Works Historic District. Typically, the metal siding is installed vertically with horizontal joints. This orientation serves two purposes: the horizontal joints allow for a breakdown of the façade massing and the vertical corrugations allow for a changing play of light and shadow through the day, animating the facades. Floors 2-5 of the Project are clad in vertical corrugated metal siding that will benefit from the shadow and light play. The horizontal joints have been strategically shifted and varied to further animate the facades. Additionally, the siding corrugation sizes and spacing are varied between floors to create further breakdown and animation of the façade surfaces.

Increased attention to scale and materiality is present at the ground and penthouse levels as there are areas where closer pedestrian / occupant interaction with the building occurs. A durable wood siding is proposed for both the material contrast with the metal siding but also to echo the residences nearby as well as the decking for the piers along the waterfront.

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<u>Height</u>

The Project's height is consistent with many other existing and proposed buildings in the surrounding blocks. It proposes a maximum height of 68 feet (79' 8" to the top of roof penthouse structures), which is consistent with the 68-foot height district which extends along both sides of Third Street between Mariposa and 20th Streets.

There are numerous existing and approved buildings of similar height in the surrounding blocks, including:

- <u>2051 Third Street</u>: A recently-approved 6-story, 68' tall, 97-unit building located just across Third Street from the Project site.
- <u>2121 Third Street & 740 Illinois Street</u>: A recently-constructed 6-story, 68' tall, 106 unit building located on the block to the south on Third Street.
- <u>2177 Third Street</u>: Entitlements have been recently approved for construction of two 7-story, 68-foot tall residential mixed-use buildings located on the block to the south.
- <u>2290-2298 Third Street</u>: A six-story, 68' tall, mixed-use building containing 80 dwelling units, currently under construction.

Each of these developments – and the Project – are at an appropriate scale for 3^{rd} Street, which is an 80-foot wide transit corridor with frequent light rail service.

Massing

There is nothing unusual about the Project's proposed massing, which would incorporate a clear tripartite division of base / middle / top of the Project allows for a visual breakdown of vertical mass by utilizing substantial setbacks at top floor and commercial ground floor.

Existing buildings on this block and in the surrounding neighborhood feature varied massing and heights. The Project's ground floor has been set back 5' to extend the active sidewalk along Third Street and create a more active and engaging streetscape presence. In addition, the new building would provide a 25-foot rear yard setback lot along 18th Street above the second floor, exceeding the depth of rear yard setbacks on adjacent structures, including that of the DR Requestor.

This block is also characterized by multi-story mixed-use residential development, with buildings on the west side of Third Street built out to their full lot widths with no apparent side

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setbacks from adjacent structures. In fact, DR Requestor's property at 2080 Third Street provides no side setback or light well along its north side, adjacent to the 16-unit 5-story building at 2068 Third Street. Despite this pattern, the Project would provide a substantial lightwell adjacent to the DR Requestor's property.

c. Project Impact on Unprotected Property Line Windows Does Not Merit DR.

The DR Requestor notes her personal stake in development of the Project, which will block her south-facing property line windows. However, as a matter of Commission policy, property-line windows are not protected, even in residential districts. Property-line windows may not be used to meet light or ventilation requirements under the Building Code, or dwelling unit exposure standards under the Planning Code. Rather, they are amenities that the City permits subject to the express condition that they may be covered by adjoining development in the future.

When purchasing a unit containing property-line windows overlooking the underdeveloped Property, the DR Requestor should have been aware of the potential for future development to impact light, air, and views from these windows. They are non-operable, fire-resistant windows located directly on the property line and in a district where lot-line construction is both typical and permitted.

It is common for properties containing lot-line windows adjacent to new development in this area to close-up or otherwise protect unprotected lot-line windows in the event of adjacent construction. For example, multi-unit residential buildings located just across Third Street from the Project site at 2011 Third Street and 610 Illinois Street recently closed-up a number of their unprotected property-line windows in advance of construction of the approved six-story, 97-unit residential building at 2051 Third Street. Here, because the windows in question are non-operable and fire rated, they do not need to be closed up.

The existence of these unprotected property-line windows does not justify further reduction of the Project's appropriately-scaled development. Further, the Project has already been designed to incorporate significant setbacks designed to preserve light and air access to adjacent buildings, including:

- a 25-foot rear yard setback above the second floor along 18th Street;
- a 5-foot setback of all building levels along 3rd Street to extend the active sidewalk area;
- a 7'7" setback of the building's sixth-floor from Third Street to reduce the appearance of upper-level massing; and

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a 6'7" wide, 12'9" deep light well beginning at the building's second floor and • located adjacent to the irregularly-shaped light well at DR Requestors' property.

Requiring the Project to incorporate lot-line setbacks in excess of area development standards and neighborhood character to accommodate the private property interests of DR Requestors would unreasonably restrict development at the property.

d. The State Housing Accountability Act Precludes Disapproval of the Project.

The state Housing Accountability Act (the "HAA")² was adopted in response to lack of housing, which has become a critical problem "that threatens the economic, environmental, and social quality of life in California."³ The HAA expressly recognizes that the excessive cost of California housing is partially caused by the activities and policies of local governments that limit the approval of housing projects.

The HAA provides that when a proposed housing project complies with applicable general plan and zoning standards, a city cannot disapprove the project or condition its approval in a way that would lower its residential density unless it adopts written findings, supported by substantial evidence, that the project would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density.

A "specific adverse impact" is defined as a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

The HAA precludes disapproval of the Project, as these strict findings cannot be met. The Project poses no adverse impacts to health or safety. The Project is Code compliant. It is not requesting any variances or exceptions from the Planning Code, is consistent with all applicable General Plan findings, and is within the allowable height and bulk for its zoning district. It proposes multi-unit residential development over ground floor retail, which is consistent with the scale and character of numerous other developments in the neighborhood.

D. Conclusion

There are no exceptional or extraordinary circumstances associated with the Project which merit the exercise of the Commission's special discretionary review authority. The Project is appropriately-scaled for the neighborhood and constitutes smart infill development, which is consistent with the land use, density, height and bulk controls for the neighborhood.

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² Cal. Gov. Code §65589.5, et seq.

³ Cal. Gov. Code §65589.5(a)(1).

Further, the state Housing Accountability Act precludes disapproval of the Project. The Planning Commission should therefore deny the DR, and approve the Project as proposed.

Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

hat

Daniel Frattin

Enclosures

cc: Vice President Dennis Richards Commissioner Rodney Fong Commissioner Christine D. Johnson Commissioner Kathrin Moore Commissioner Joel Koppel Commissioner Myrna Melgar Kimberly Durandet, Planner Sherman Little, Property Owner

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EXHIBIT A



Rendered Perspective, Corner of 3rd and 18th Streets





Rendered Perspective, 18th Street looking East



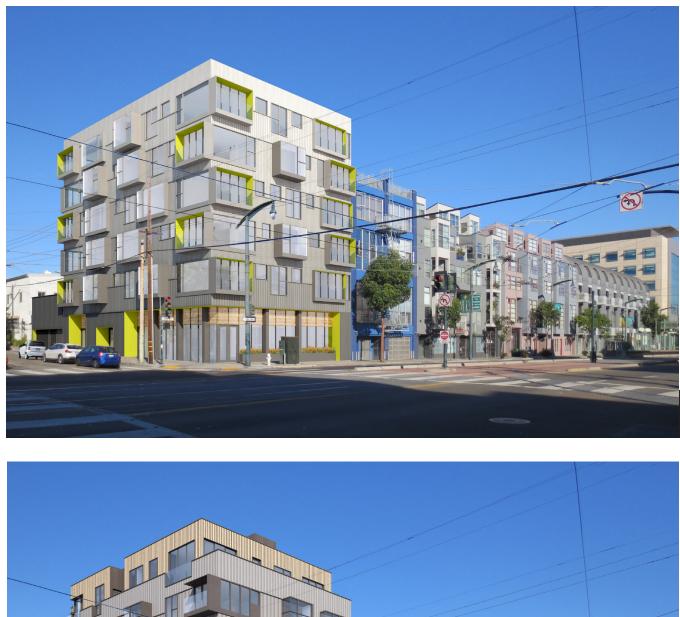
Rendered Perspective, 3rd Street looking South







March 2015 (Leavitt Architecture)



<image>

Project Development, Corner of 3rd and 18th Streets





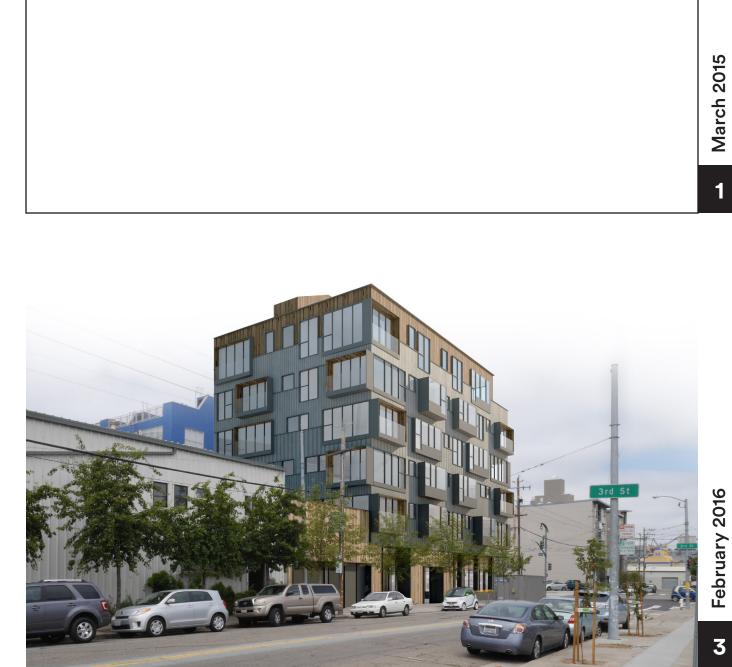
August 2015







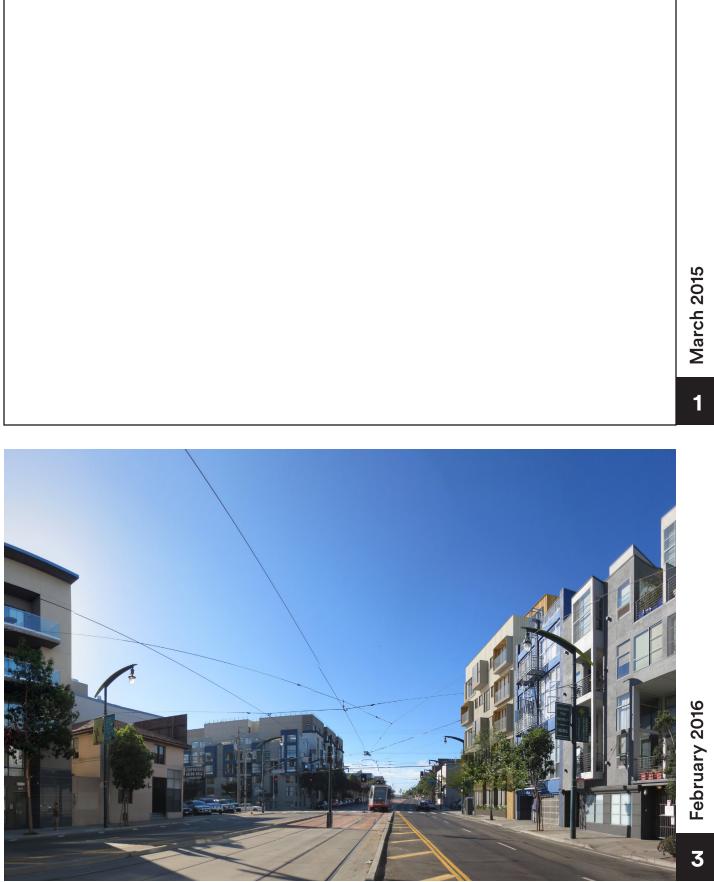




Project Development, 18th Street looking East











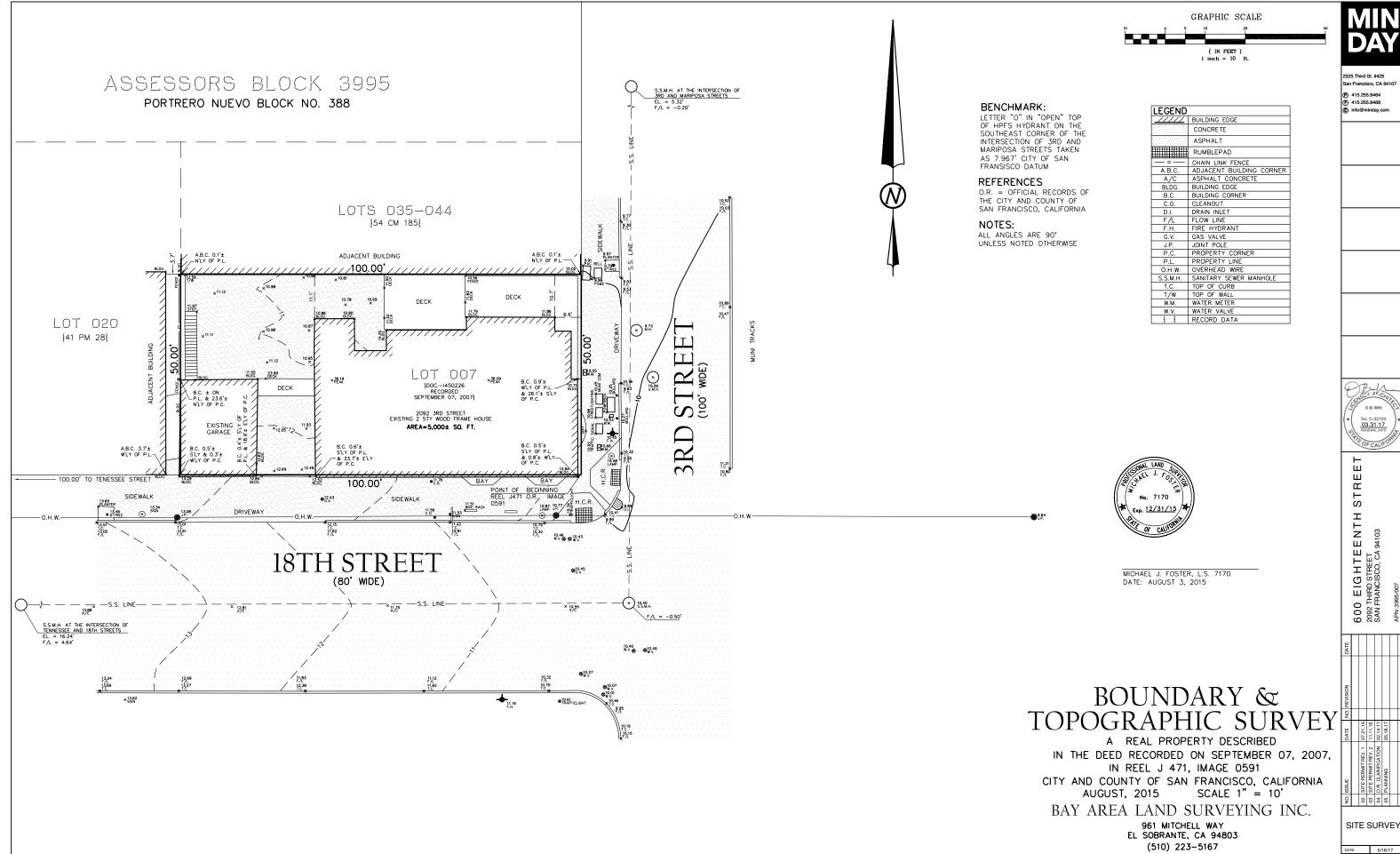


Project Development, 3rd Street looking South



	VICINITY MAP	SITE N.T.S	BUILDING PROGRAM							
	iposa Park	S (11910		Beds	Baths	Residential Area Gross Buildable ¹	Commercial	Other Area	l andscaned ³	Total Area
	Mariposa St Tata	8: Maripose St. #	an Bike Parking Car Parking					615 3,200		
	na St		Other (Circulation, Mechanical, Misc.) Common Landscaping					1,185		
		Moshi Moshi	Basement			0	0	5,000	0	5,000
	18th St	H 18th St	Commercial Lobby				3,245	300		
			Other (Circulation, Mechanical, Misc.) Common Landscaping					1,035	420	
	nnesota		Level 1	0		0	2,645	1,335	420	4,500
			Commercial				465			
		19th St	Lobby Other (Circulation, Mechanical, Misc.)					70		
	19th St		Common Landscaping Mezzanine	0		0	465	70	0	535
	LEGEND		201	1	1	580				
			202 203	1 2	1 2	655 895			25 25	
	မို CENTER LINE	CONCRETE: ELEVATIONS &	204 Other (Circulation, Mechanical, Misc.)	2	2	965		675		
			Common Landscaping	<u> </u>					1,250	
	WORKPOINT WHEN N	CONCRETE: DETAILS	Level 2	4		3,095	0	675	1,300	5,070
	4:12 4 PITCH OF ROOF	CONCRETE: PLANS	301 302	1	1	645 635			25	
	WINDOW OR SKYLIGHT NUMBER	AND SECTIONS	303 304	2	2	920 1,015			25	
	D-101 DOOR NUMBER	CONCRETE: PRECAST	Other (Circulation, Mechanical, Misc.) Common Landscaping					530		
	3/A.3 EXTERIOR ELEVATION	STEEL	Level 3	4		3,215	0	530	50	3,795
			401	1	1	645				
	BUILDING SECTION	WOOD	402 403	1 2	2	660 895			25 25	
	WALL SECTION	MDF	404 Other (Circulation, Mechanical, Misc.)	2	2	965		530		
	A.4 WALL SECTION		Common Landscaping	4		3,165	0	530	50	3,745
	4 A4.0 INTERIOR ELEVATION	GLASS					, , , , , , , , , , , , , , , , , , ,			3,143
		0000 0000 0000 PERFORATION	501 502	1	1	645 635			25	
	A5.1 DETAIL REFERENCE	BEAD FOAM PANEL	503 504	2	2	920 1,015			25	
	x 100.00' ELEVATION MARKER (ABOVE DATUM)		Other (Circulation, Mechanical, Misc.) Common Landscaping					530		
		FELT	Level 5	4		3,215	0	530	50	3,795
		BRICK	601	1	1	610			20	
			602 603	1	1 2	680 1,345			110 320	
ABBREVIATIONS			Other (Circulation, Mechanical, Misc.) Common Landscaping	+				510		
			Level 6	3		2,635	0	510	450	3,595
@ At DBL. Double GA. (E) Existing DIA. Diameter GALV.	Gauge O.C. On Ce Galvanized O.D. Outsid	enter T&G Tongue and Groove de Diameter T Tread	Private Open Space Other (Circulation, Mechanical, Misc.)					3,020	685	
(N) New DIM. Dimension G.S.M. DN. Down GYP.	Galvanized Sheet Metal O/ Over Gypsum	T.B. Towel Bar T.B.D. To Be Determined	Common Landscaping				0		605	0.705
A.B. Anchor Bolt D.F. Douglas Fir GWB ABV. Above DET. Detail ADJ. Adjustable H.B.	PL. Plate	bing Chase T.O. Top of T.O.B. Top of Beam /inyl Chloride T.O.F.F. Top of Finish Floor	Roof Level Building Total	19		15,325	3,710	3,020 12,200	685 3,005	3,705 22,715
ALUM. Aluminum EA. Each HDR. APPROX. Approximate EL. Elevation HORIZ.	Header PLYWD Plywo	ure Treated T.O.P. Top of Plate T.O.R.S. Top of Roof Sheathing	Unit Type	Qty	Avg Area]				
BASE. Baseboard EQ. Equal I.D. BD. Board EXT. Exterior INT.	Inside Diameter Interior RND. Round	T.O.S.F. Top of Sub Floor T.O.W. Top of Wall	1 bedroom, 1 bath 2 bedroom, 1 bath	10	640 950	-				
B.I.B.S. Blown-In Blanket System BLDG. Building F.D. Floor Drain JST.	R. Riser Joist R.H.W.S. Rough	THK. Thickness or Thick h Head Wood Screw TYP Typical h Opening	3 bedroom, 1 bath Total	1	1,345 807					
BLKG Blocking F.H.W.S. Flat Head Wood Screw BM Beam F.O. Face Of MAX.	RAD. Radius Maximum REQ'D. Requi	s U.O.N. Unless Otherwise Noted	Unit Type - by Level	L1	L2	L3	L4	L5	L6	Total
CL Centerline F.O.F. Face of Framing MFR. C Channel F.O.M. Face of Masonry MIxxN.	Manufacturer RWL Rain V Minimum	IND Shelf VAR. Varies Nater Leader VER. Verify V.I.F. Verify in Field	1 bedroom, 1 bath	0	2	2	2	2	2	10
C.J. Control Joint FIN. Finish M.R. C.T. Ceramic Tile FLSH. Flashing MTL.	Moisture Resistant S.C. Solid (Metal SHT. Sheet	Core VERT. Vertical	2 bedroom, 2 bath 3 bedroom, 2 bath	0	2 0	2 0	2	2	0	8
COL. Column FNDN. Foundation N.T.S.		fications W/ With	Total	0	4	4	4	4	3	19
CONC. Concrete FP Fireplace NAT. CONT. Continuous NO.or #	Natural S.S. Stainle	ess Steel W/O Without Structural Drawings WD. Wood ard WP. Waterproofing	Key Project Info Car Parking	Proposed 10		Buildable Residential is corridor and exterior w		the center line of p	arty walls and the	exterior finish
C.O.T.G. Clean out to grade O.C. O.D.	On Center STL. Steel Outside Diameter STRUC. Structu	WSTL Weathering Steel	Bike Parking - Class 1 Private Open Space	20 650	² Other A spaces.	rea includes vertical a	nd horizontal circ	ulation, amenity sp	oaces, storage ar	id mechanical
O/	Over		Common Open Space	1,935	³ Landsc	aping includes all priva rds, roof decks and ba	ate and common i	use, landscaped a	reas including rea	ar yards,
					countya	rao, roor ueurs ariu Da				

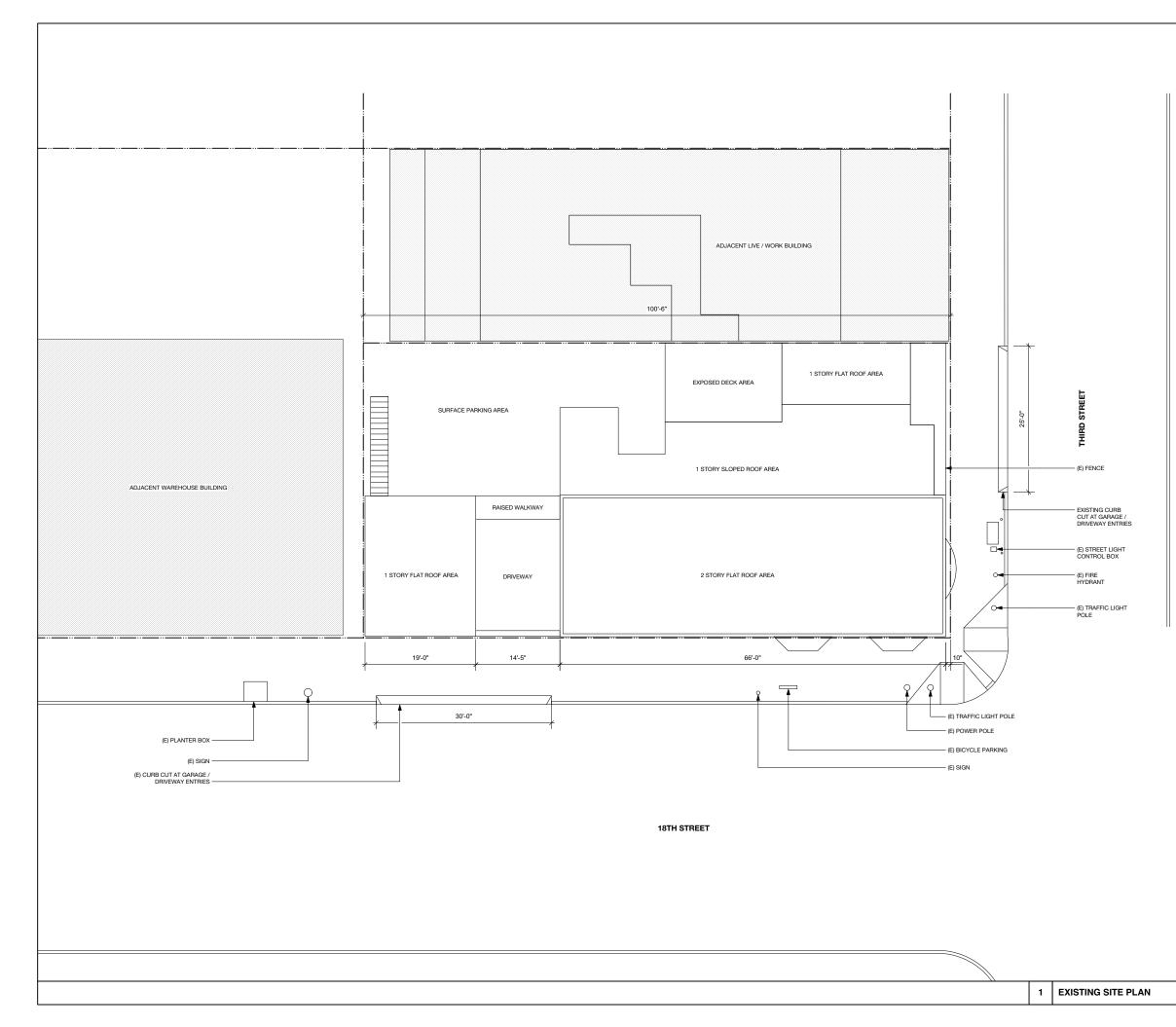
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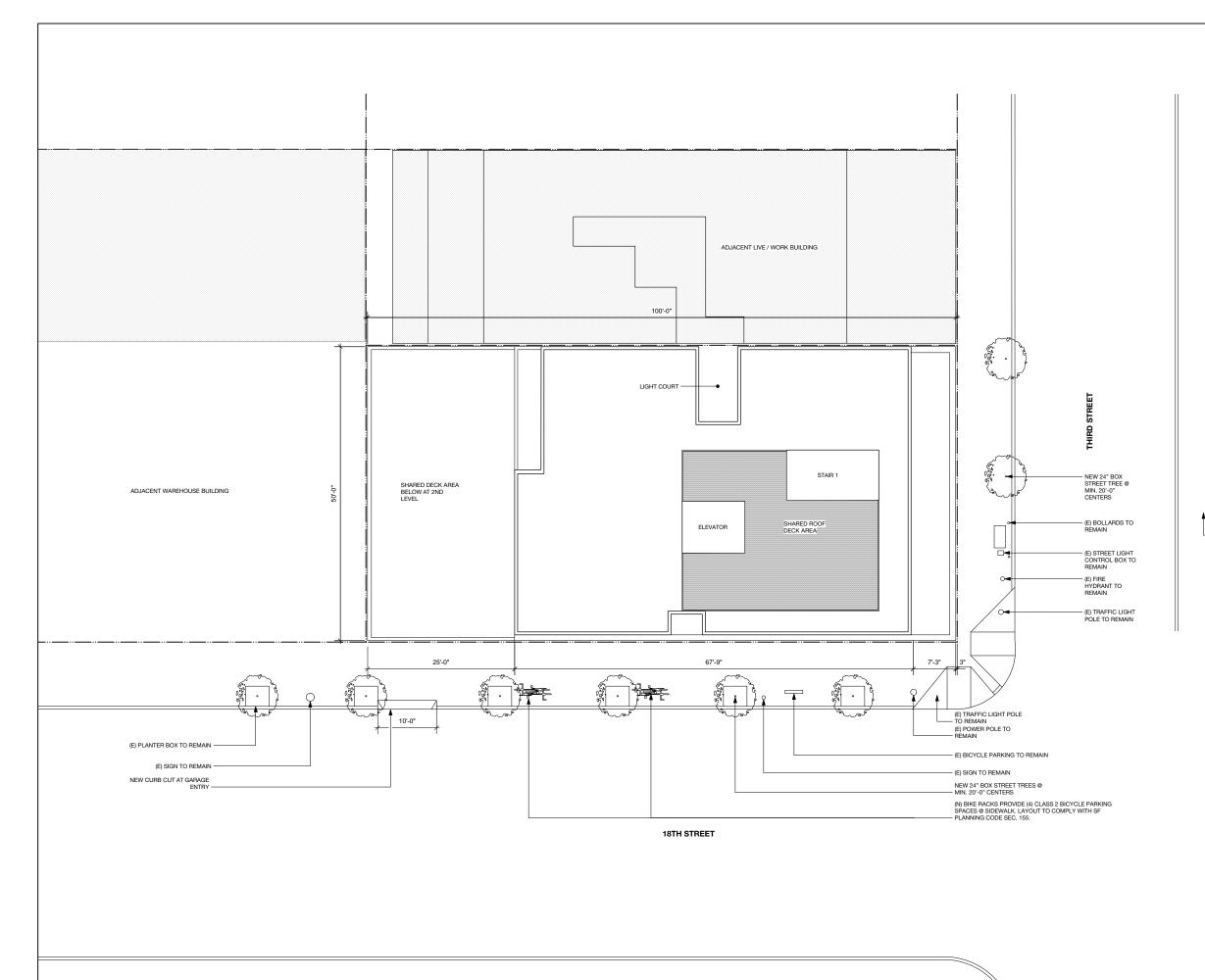
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BLDG.	BUILDING EDGE
B.C.	BUILDING CORNER
C.O.	CLEANOUT
D.I.	DRAIN INLET
F/L	FLOW LINE
F.H.	FIRE HYDRANT
G. V.	GAS VALVE
J.P.	JOINT POLE
P.C.	PROPERTY CORNER
P.L.	PROPERTY LINE
O.H.W.	OVERHEAD WIRE
S.S.M.H.	SANITARY SEWER MANHOLE
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1 SITE PLAN

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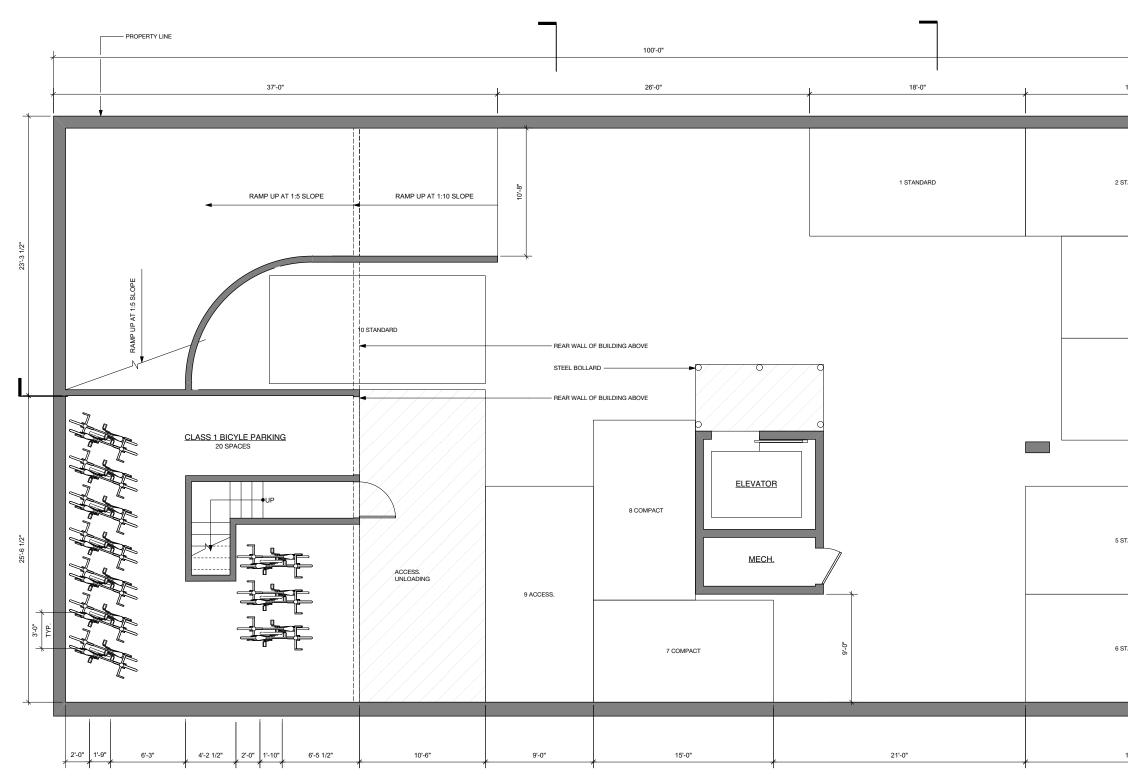
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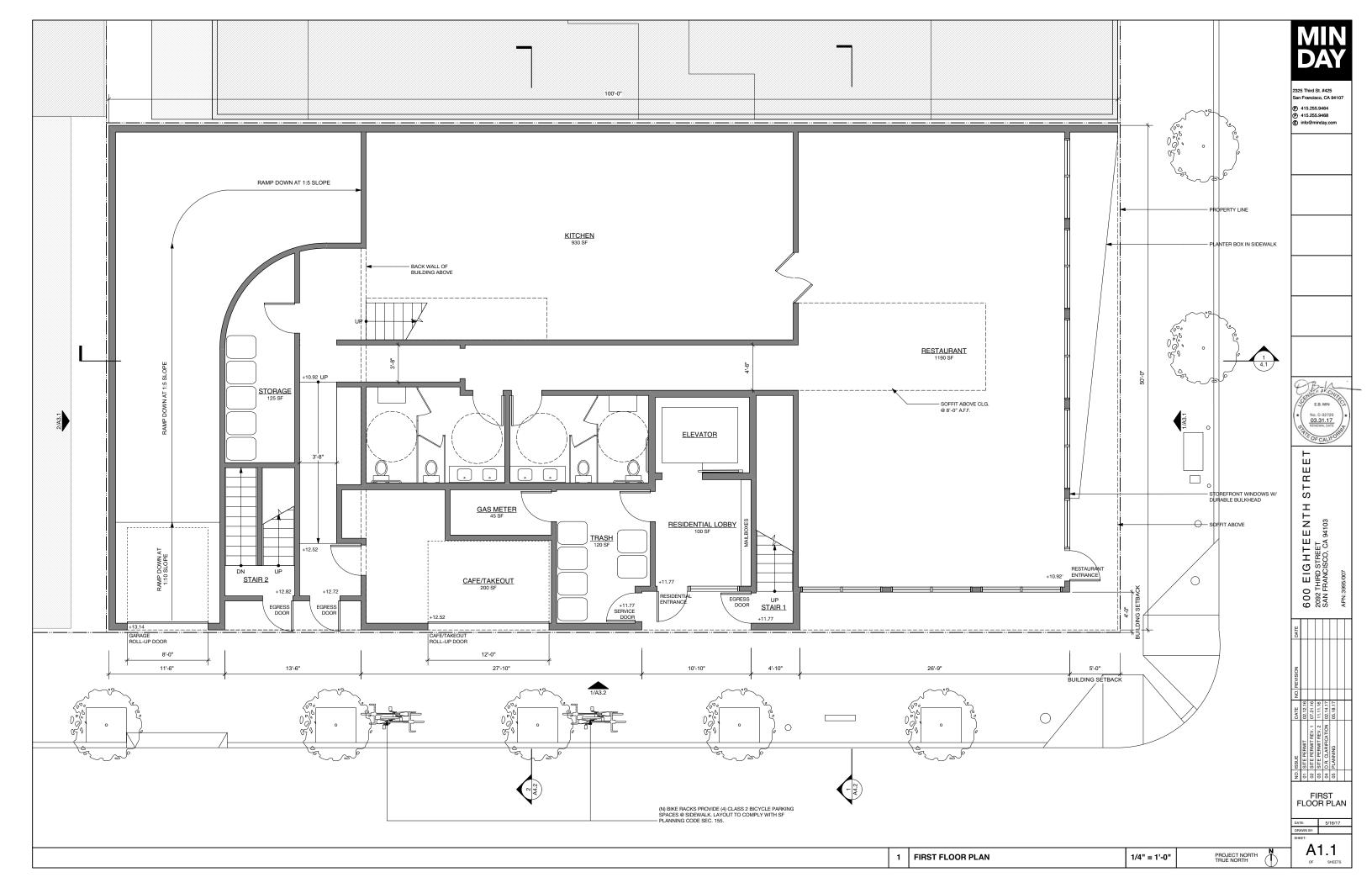


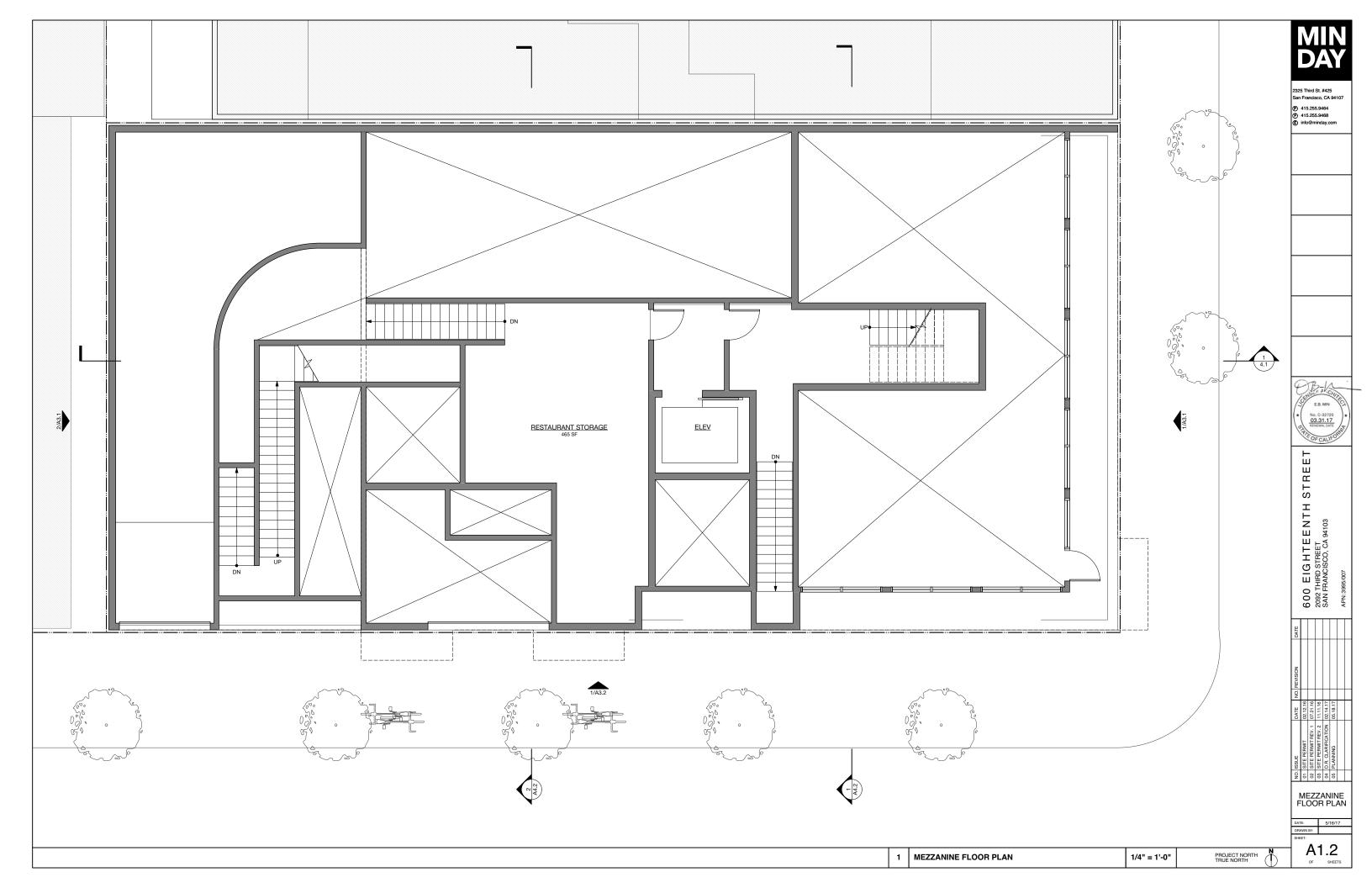
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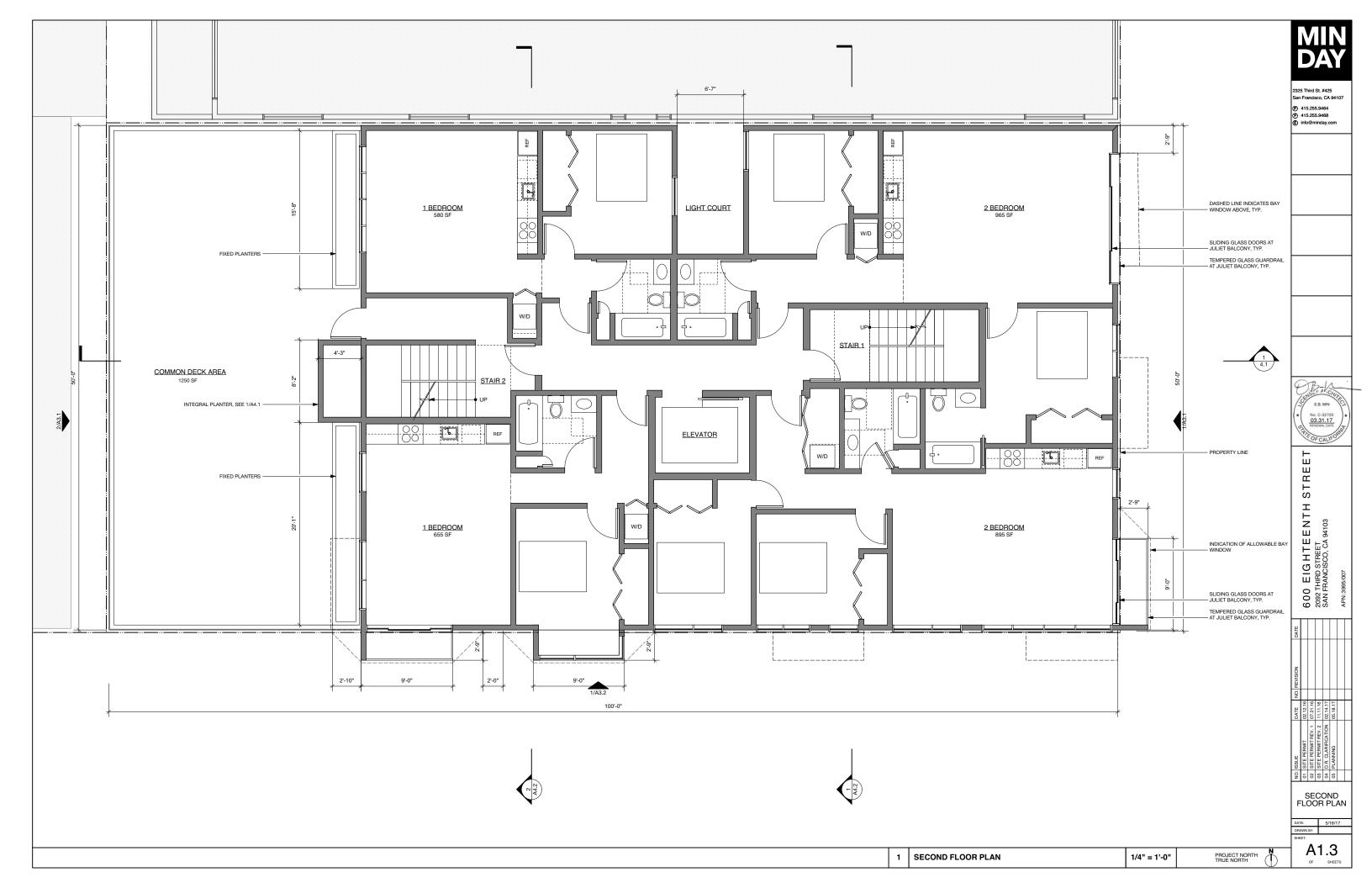
1 BASEMENT FLOOR PLAN

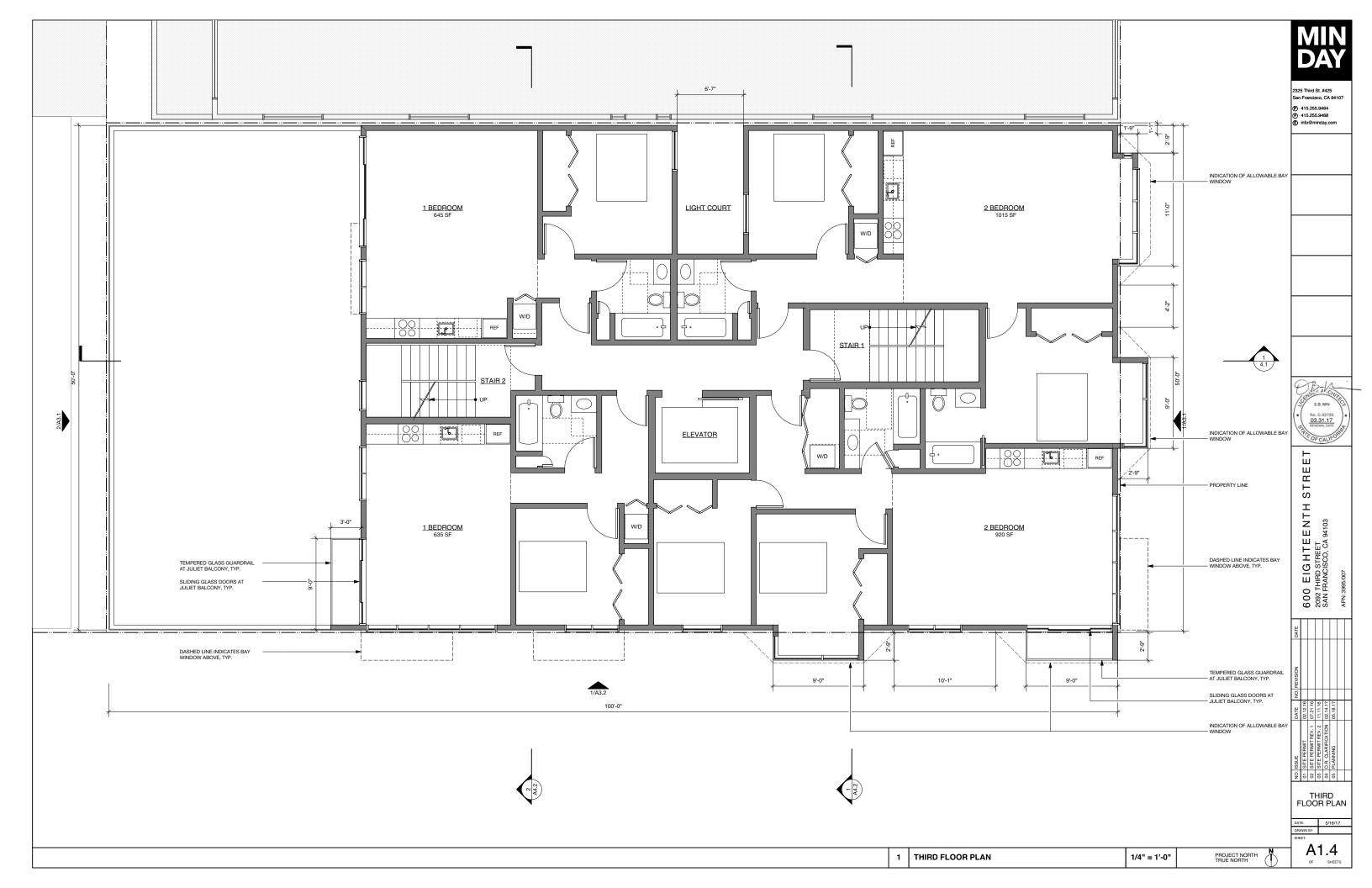
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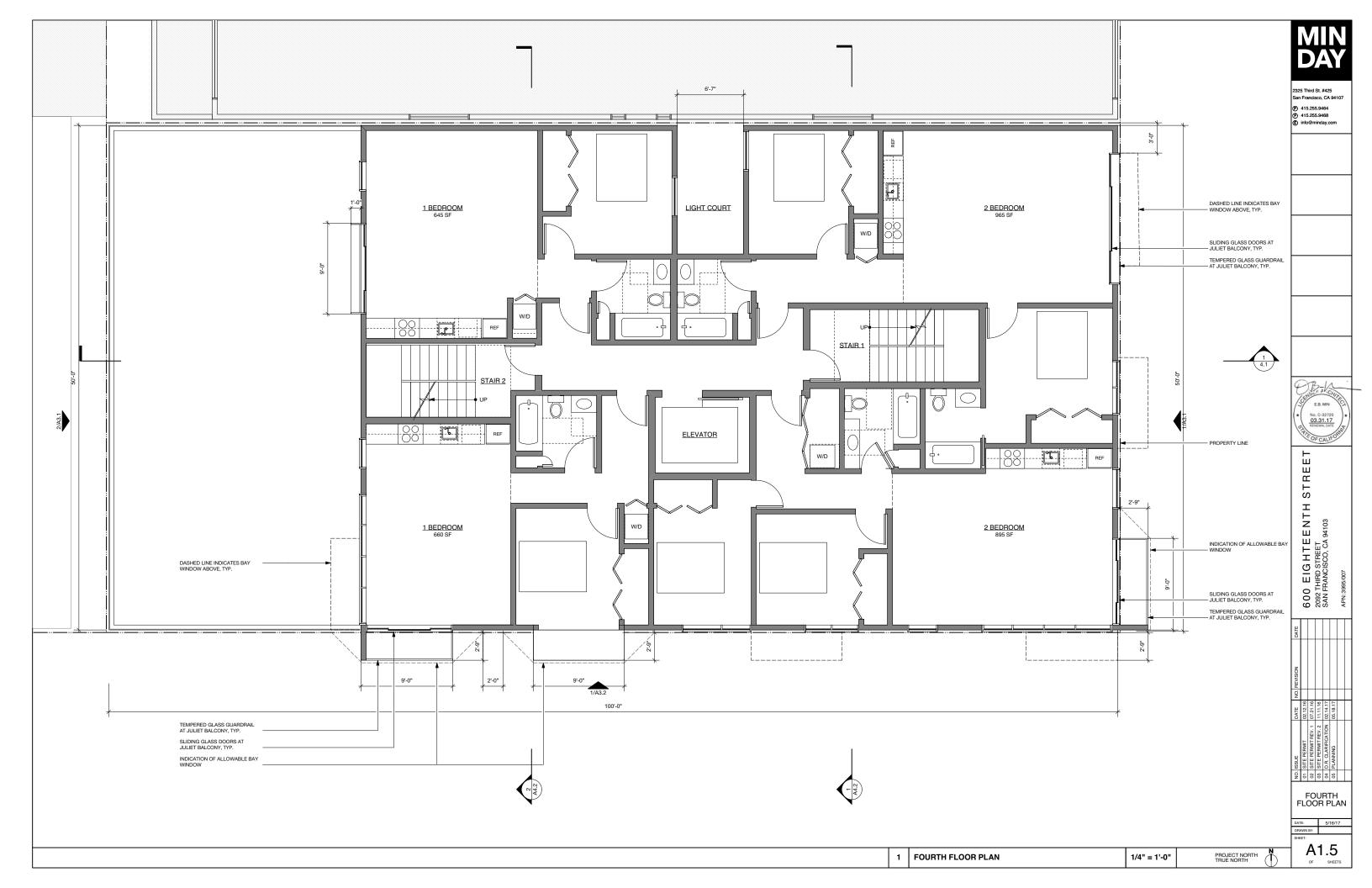
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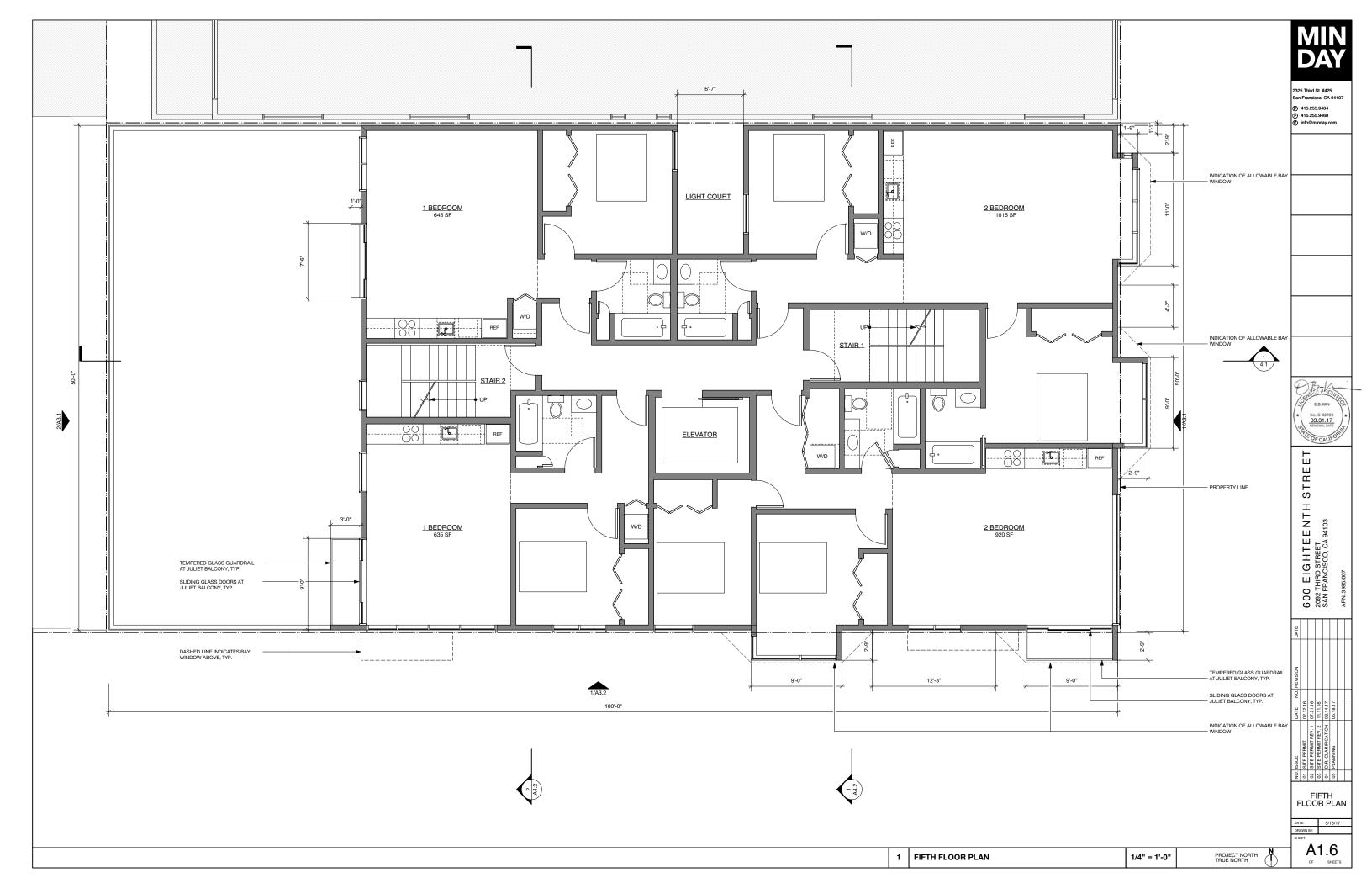


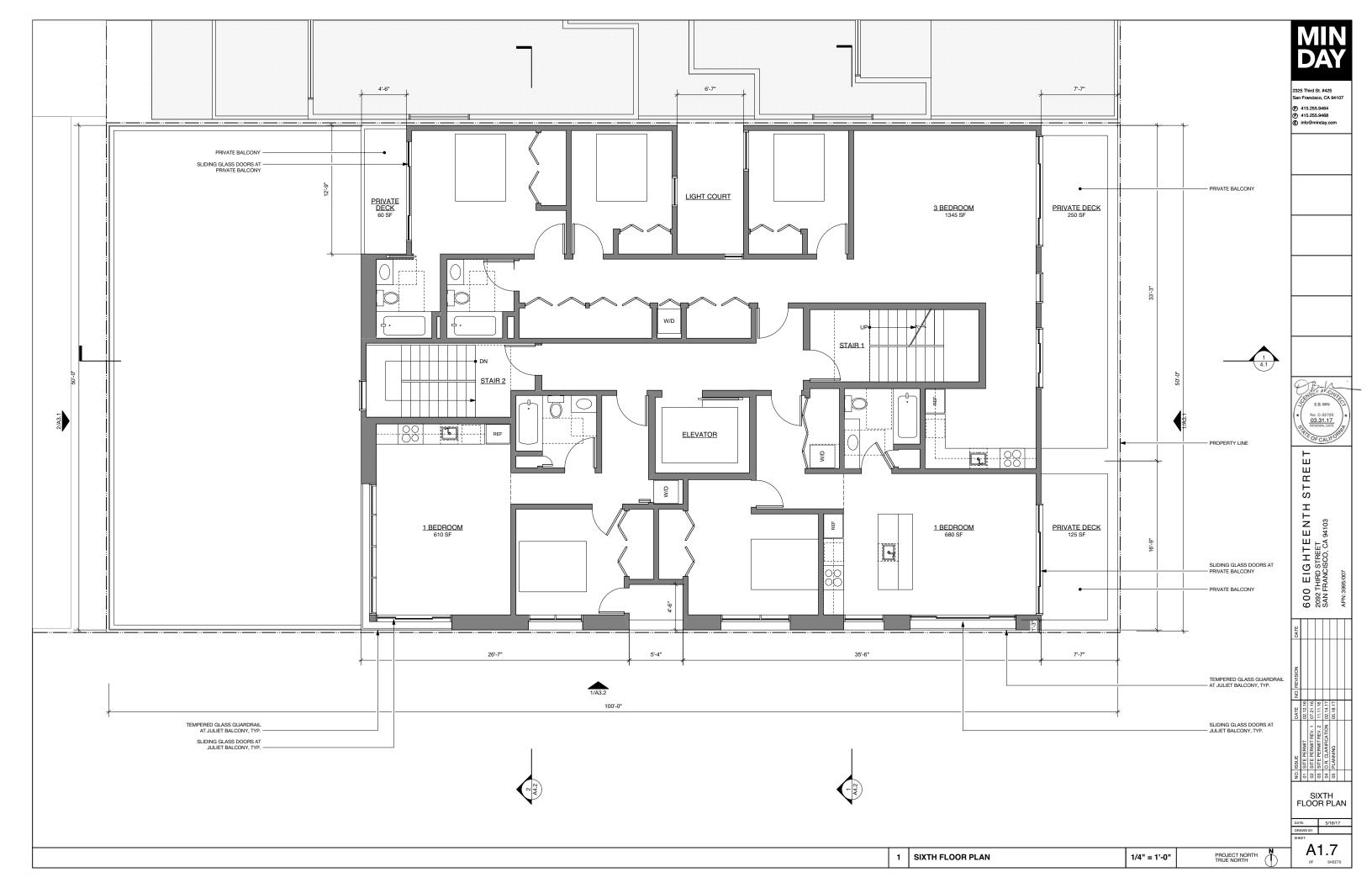


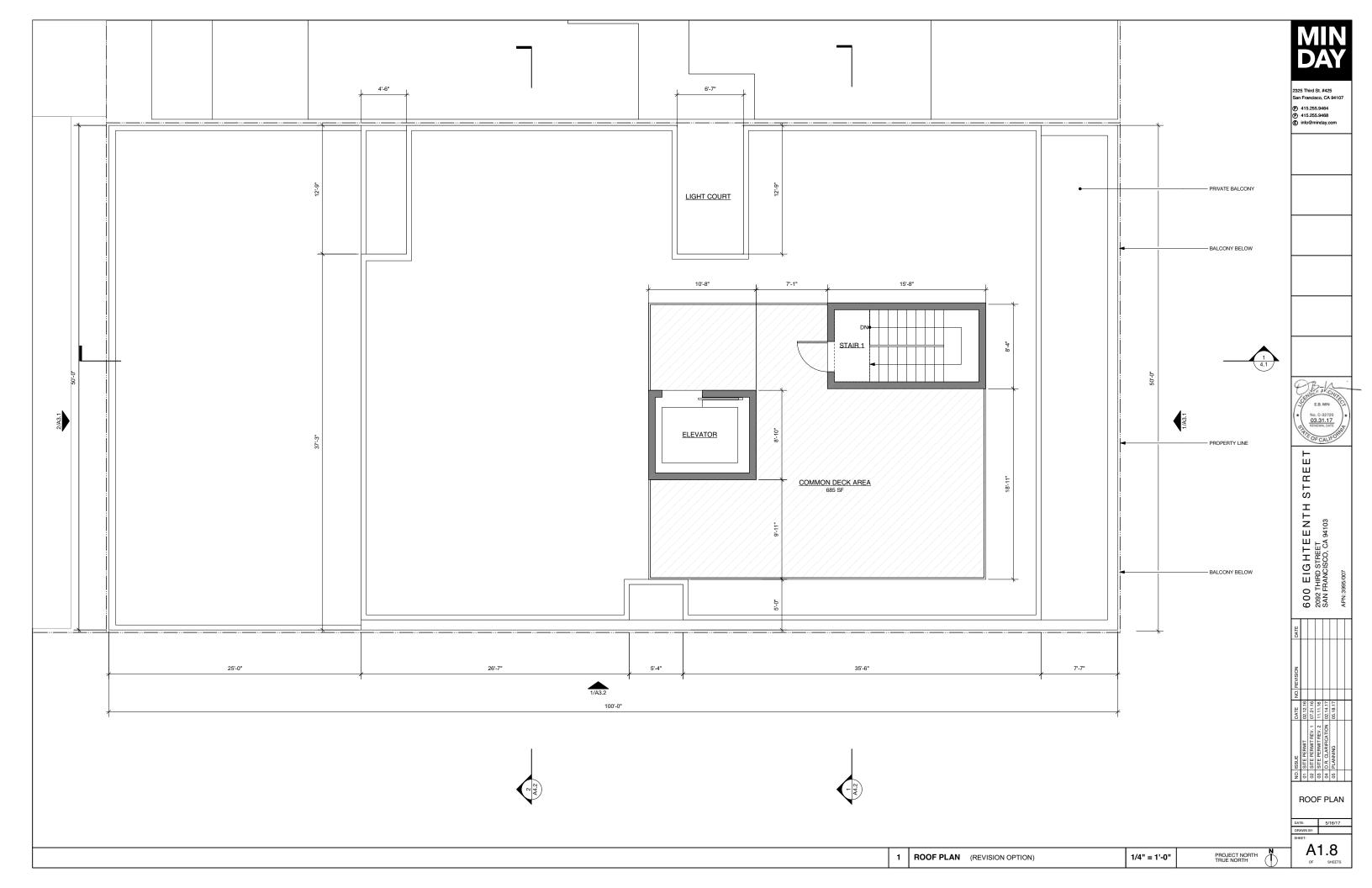








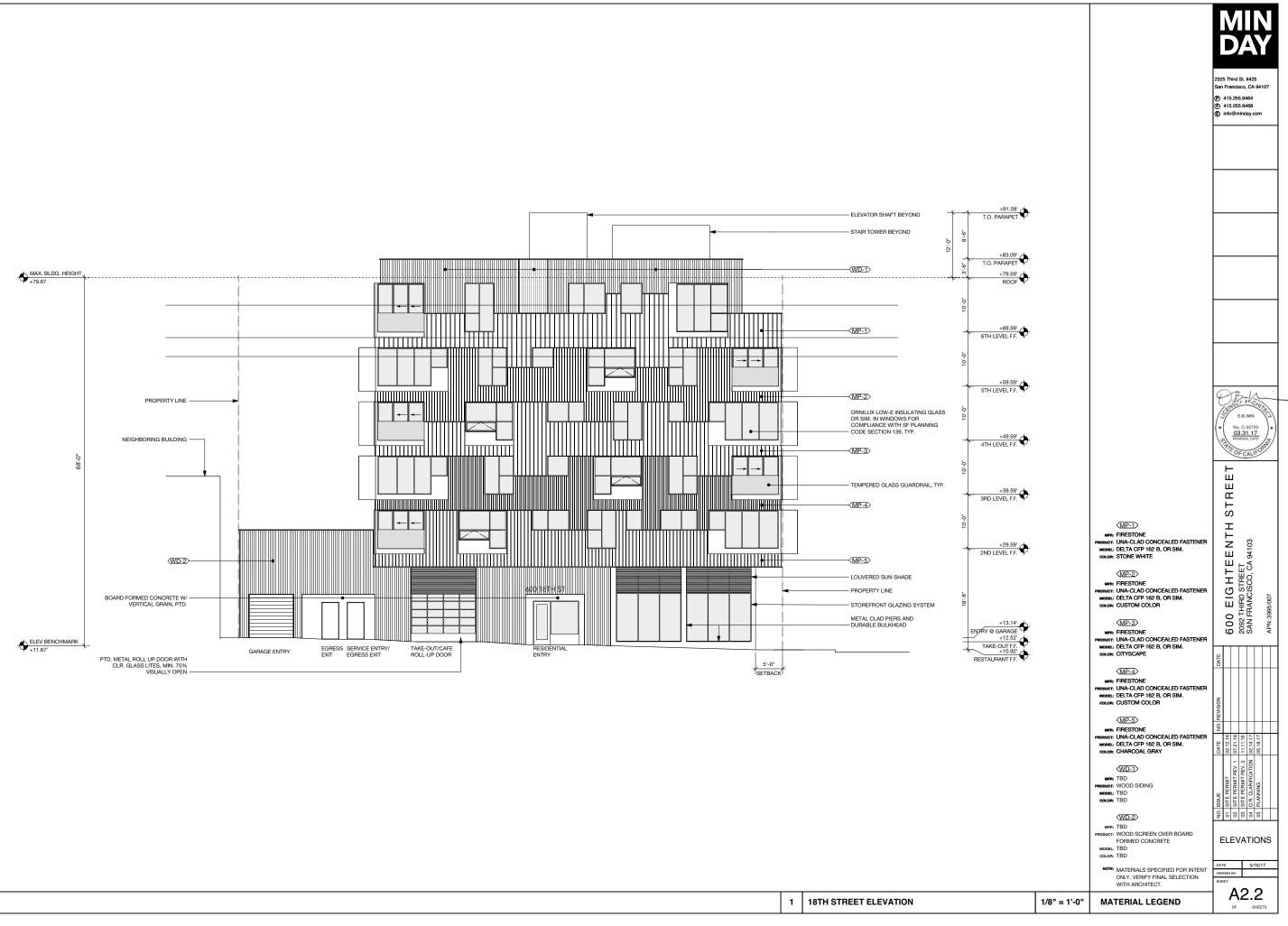


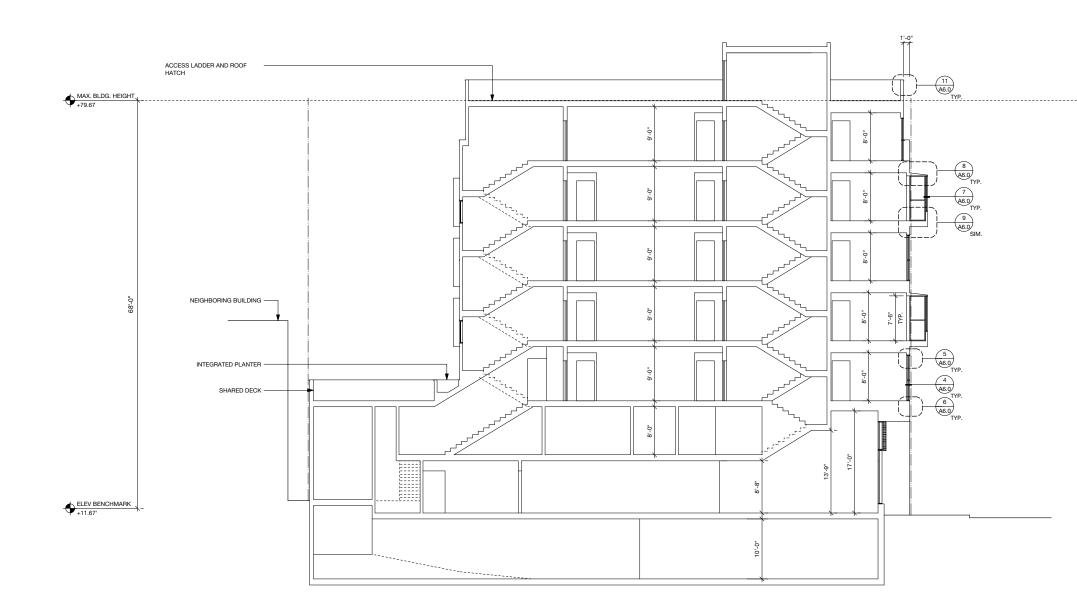






					2325 Third St. #425 San Francisco, CA 94107
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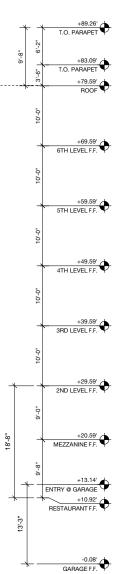


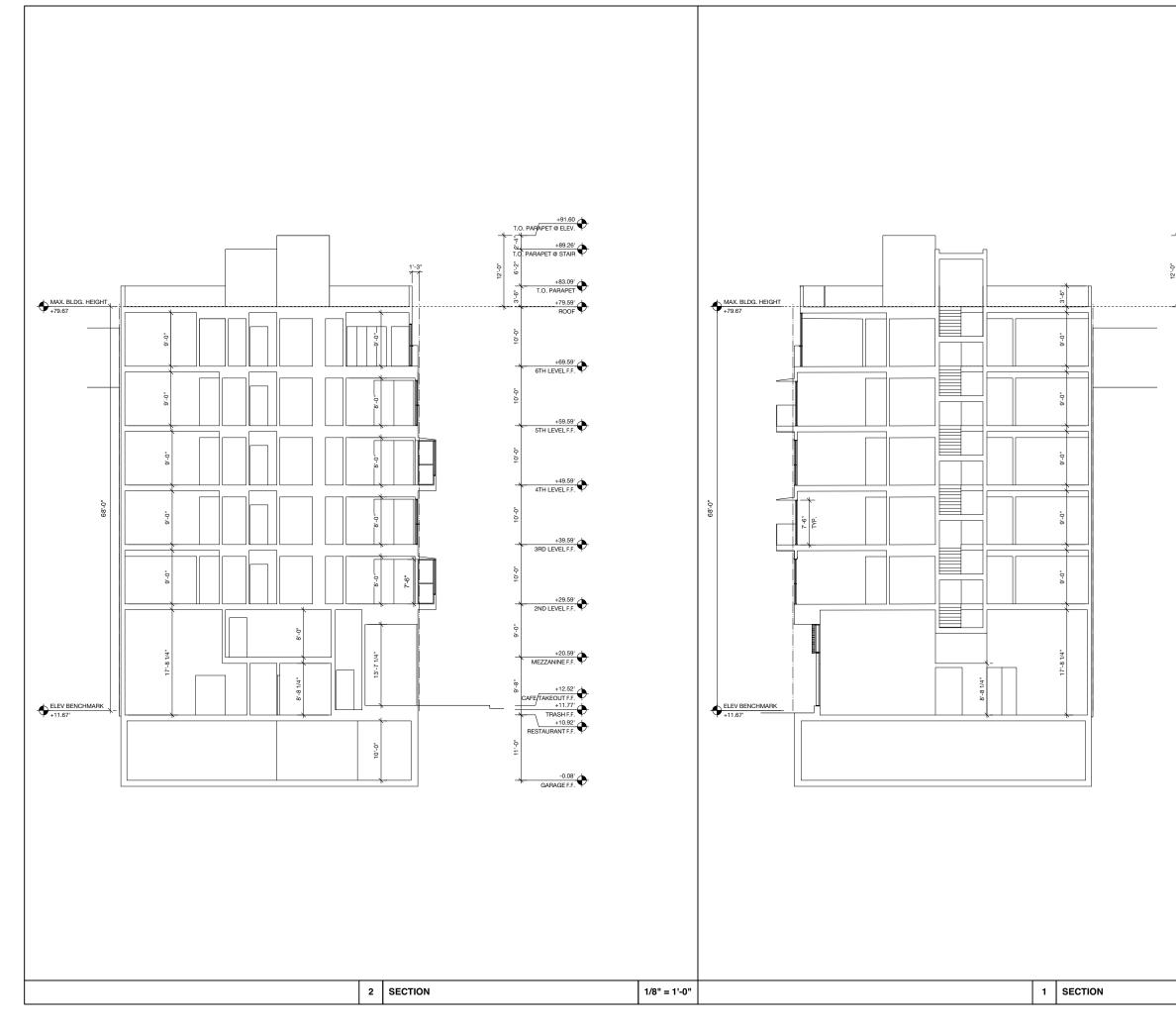




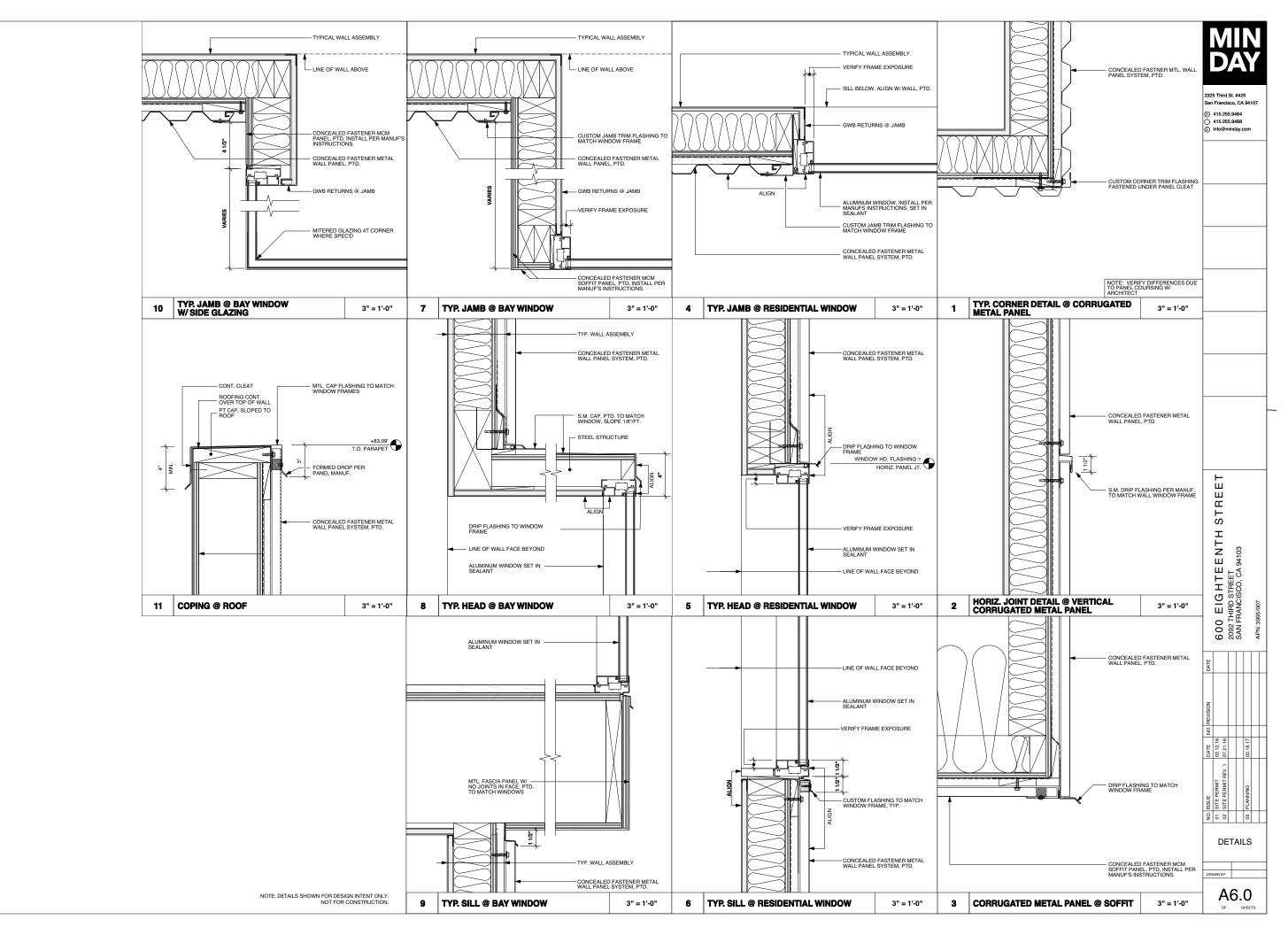
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# SAN FRANCISCO PLANNING DEPARTMENT

# Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	2014.0168E
Project Address:	600 18th Street
Zoning:	UMU (Urban Mixed Use) Zoning District
	68-X Height and Bulk District
	Life Science and Medical Special Use District
Block/Lot:	3995/007
Lot Size:	5,000 square feet
Plan Area:	Eastern Neighborhoods Area Plan
Project Sponsor:	Michael Leavitt, Leavitt Architecture, (415) 674-9100
Staff Contact:	Don Lewis – (415) 575-9168
	don.lewis@sfgov.org

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

# **PROJECT DESCRIPTION**

The project site is located on a rectangular-shaped lot at the northwest intersection of 18th and Third streets in the Central Waterfront neighborhood. The project site is occupied by a 23-foot-tall, two-story, 3,500-square-foot mixed-use building with a 320-square-foot storage structure and eight off-street parking spaces. The existing building was constructed in 1900 and includes a 2,130-square-foot ground-floor restaurant ("Moshi Moshi") with 1,350 square feet of office use above. The proposed project involves the demolition of the existing building and storage structure, and the construction of a 68-foot-tall (77 feet including the elevator penthouse), six-story, mixed-use building approximately 22,700 square feet in size. The proposed building would include 19 residential units, 3,065 square feet of ground-floor commercial use, and 12 off-street parking spaces located in a one-level underground garage accessed from 18th Street.

(Continue 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

## DETERMINATION

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

Sarah B. Jones

Environmental Review Officer

cc: Michael Leavitt, Project Sponsor Supervisor Malia Cohen, District 10 Kimberly Durandet, Current Planning Division

November 6, 2015

Dat

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

# **PROJECT DESCRIPTION (continued)**

The proposed mix of units would be 10 one-bedroom units, 8 two-bedroom units, and 1 three-bedroom unit. The proposed project would include 19 Class I bicycle spaces located at the basement level and two Class 2 bicycle spaces located along 18th Street. During the 14-month construction period, the proposed project would involve up to approximately 11 feet of excavation below ground surface and approximately 2,040 cubic yards of soil would be removed from the project site. The proposed building would be supported by a deep foundation that includes drilled piers. A total of eight new street trees would be planted along the project site. The proposed project would include an approximately 1,240-square-foot common deck at the 2nd floor and a 1,300-square-foot private roof deck. The project site is located within the Central Waterfront area of the Eastern Neighborhoods Plan Area.

### **PROJECT APPROVAL**

The proposed project at 600 18th Street would require a Building Permit from the Department of Building Inspections (DBI) for the proposed demolition and new construction on the project site. The issuance of the building permit by DBI is the Approval Action. 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 600 18th 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

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

and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 600 18th 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.

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 from M-2 (Heavy Industrial) to UMU (Urban Mixed Use). The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 600 18th Street site, which is located in the Central Waterfront area of the Eastern Neighborhoods, was designated as a site with a building up to 68 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 600 18th Street is consistent with and was encompassed within the analysis in the

²San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <u>http://www.sf-planning.org/index.aspx?page=1893</u>, accessed February 24, 2015.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <u>http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268</u>, accessed February 24, 2015.

Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 600 18th Street project, and identified the mitigation measures applicable to the 600 18th 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 600 18th 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 project site is located on a rectangular-shaped lot at the northwest intersection of 18th and Third streets in the Central Waterfront neighborhood. The property immediately adjacent to the north consists of a four-story building (constructed in 1999) containing 16 live/work condominium units, while the property to the west (rear) of the project site consists of a two-story industrial building (constructed in 1980) containing one dwelling unit and commercial use. The surrounding area around the project site is characterized by a mix of office, residential, industrial, and commercial uses in buildings ranging in height from two to six stories. Existing buildings within the vicinity of the project site that are similar in height to the proposed structure is the six-story residential building at 2121 Third Street and the five-story residential building located at 2068 Third Street.

Proposed development near the project site includes a six-story, seven-unit residential building at 2146-2148 Third Street (Case No. 2013.1109E) and a five-story, 20-unit residential building at 595 Mariposa Street (Case No. 2014.1579E). In addition, approximately 1,000 feet to the north of the project site is the proposed Golden State Warriors' project site (Case No. 2014.1441E) that is located on Assessor's Block 8722, Lots 001 and 008. The proposed Warriors' project would construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site. The proposed event center would host the Golden State Warriors basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions.

The project site is served by the T-Third Street light rail and is located four blocks east of Interstate-280. The Dogpatch Historic District is located one block to the west. All of the surrounding parcels are within the UMU zoning district except for a few parcels zoned RH-2 (Residential, House, Two Family) located along the west side of Tennessee Street, one block west of the project site. Height and bulk districts within a one-block radius range from 45-X to 68-X feet.

#### 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;

⁴ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 600 18th Street, March 6, 2015. This document, and other cited documents, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0168E.

⁵ Joslin, Jeff, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 600 18th Street, March 6, 2015.

archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 600 18th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 600 18th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not result in a loss of a PDR building and would not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. The proposed project would involve the demolition a building determined not to be an historical resource by Preservation staff; therefore, demolition of the building would not result in a significant impact on an historical resource. Traffic and transit ridership generated by the proposed project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. A shadow fan analysis was required for the proposed project because the proposed building height would be 68 feet (77 feet including the elevator penthouse). The analysis found that the project as proposed would not cast new shadows on Recreation and Parks Department parks, but would have the potential to cast new shadows on a narrow, paved walkway of an unnamed Port open space. Since the proposed project has the potential to shade only a relatively small area of the paved walkway, the shadow created by the proposed project would not be considered substantial.

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.

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	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-4: Siting of Noise-Sensitive Uses	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	The project sponsor has conducted and submitted a detailed analysis of noise

Table 1 – Ea	astern Neighb	orhoods PEIR	Mitigation	Measures

Not Applicable: no noise- generating uses proposed	reduction requirements.
	N/A
(residential use only)	
Applicable: new noise sensitive uses (dwelling units) proposed	The project sponsor provided an environmental noise report that demonstrates that the proposed open space is adequately protected from the existing ambient noise levels.
Not Applicable: project would comply with the San Francisco Dust Control Ordinance	N/A
Not Applicable: project site is not in the Air Pollutant Exposure Zone	N/A
Not Applicable: proposed residential uses are not uses that would emit substantial levels of DPM	N/A
Not Applicable: proposed residential land uses are not uses that would emit substantial levels of other TACs	N/A
Not Applicable: project site does not contain any previous archaeological studies	N/A
Applicable: project site is located in an area with no previous archaeological studies	The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
Not Applicable: project site is not located within the Mission Dolores Archaeological District	N/A
	Not Applicable: project would comply with the San Francisco Dust Control Ordinance         Not Applicable: project site is not in the Air Pollutant Exposure Zone         Not Applicable: proposed residential uses are not uses that would emit substantial levels of DPM         Not Applicable: proposed residential land uses are not uses that would emit substantial levels of other TACs         Not Applicable: project site does not contain any previous archaeological studies         Applicable: project site is located in an area with no previous archaeological studies         Not Applicable: project site is not located within the Mission Dolores

Mitigation Measure	Applicability	Compliance
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	Not Applicable: project does not involve demolition of an existing building	N/A
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level	N/A

Mitigation Measure	Applicability	Compliance
	mitigation by SFMTA	
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 measure. With implementation of this mitigation measure the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on February 20, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Responses included the concerns shown in the bulleted list below. Text in italics indicates how the identified concerns have been addressed in this environmental document.

- One commenter expressed concern about blockage of private views and windows by the proposed building. As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that aesthetic impacts of a residential project on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. In addition, the proposed building's 68-foot height would be consistent with the 68-X height and bulk district in which the project site is located.
- The same commenter indicated that the existing building on the project site is historic and should be retained. As discussed in the Historic Architectural Resources section of the CPE Checklist, the existing building on the project site is not individually eligible for listing in the California Register of Historic Resources and is not located within a historic district.
- The same commenter stated that the proposed number of parking spaces is not enough for the proposed project. As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that parking impacts of a residential project on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. In addition, the project site is located in a UMU zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking.
- One commenter asserted that the height and size of the proposed building is out of character with the neighborhood. As discussed in the Land Use and Land Use Planning section of the CPE Checklist, the proposed building's 68-foot height would be consistent with the 68-X height and bulk district in which the project site is located.

• The same commenter stated that the proposed building would cast substantial shadow on adjacent buildings and nearby streets. As discussed in the Wind and Shadow section of the CPE Checklist, the building's 68-foot height (plus rooftop features) would not be great enough to cause significant shadow impacts. The proposed project would shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas.

Other non-environmental comments submitted include the loss of property value on the adjacent building to the north, and general project opposition. These comments have been noted in the project record, but do not pertain to CEQA environmental review topics. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

# CONCLUSION

As summarized above and further discussed in the CPE Checklist⁶:

- 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.

⁶ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.0168E.

MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)	ORING AND REPO on Measures Adop	RTING PROGRAM Ited as Conditions	n ₃ of Approval)	Motion No March 23, 2015 Page 1 of 3
MITIGATION MEASURES	Responsibility for Implementation	r Mitigation Schedule	Monitoring/Report Responsibility	Status/Date
NOIGE				
NOISE Project Mitigation Measure 2 – Construction Noise (Eastern Neighborhoods Mitigation Measure E-2)	Project Sponsor	During	Each Project Sponsor	- Considered some
	along with Project Contractor of each	construction	to provide Planning	upon receipt of final
subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the protocol determines that	subsequent development project		monthly reports during construction period.	completion of construction.
	to the Eastern Neighborhoods			
	Plans Project.			
of Building Inspection to ensure that maximum feasible noise attenuation will				
following control strategies as feasible:				
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 size.				
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				
with telephone numbers listed.				
Project Mitigation Measure 3 – Interior Noise Levels (Eastern Pr Neighborhoods Mitigation Measure F-3) all	Project Sponsor along with Project	Design	ng	Considered complete
	Contractor of each	incorporated into	Department of Building	upon approval of final construction drawing set
re	subsequent development project	and evaluated in		
	to the Eastern	building porti		

	ort Status/Date
Responsibility for mitigation momentary	
Rezoning and Area issuance of a final building Plans Project. permit and certificate of occupancy	
Project Sponsor         Design         San Francisco Planning           along with Project         measures to be         Department and the           Contractor of each         incorporated into         Department of Building	nning Considered complete e upon approval of final ding construction drawing set.
oject and evaluated in suant environmental/ building permit	
includes, at a minimum, a site survey to identity potential rouse generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, Rezoning and Area issuance of a and including at least one 24-hour noise measurement (with maximum noise Plans Project. final building permit and	
certificate of occupancy	
	Considered complete
Project Architect of Design San rightsoo rightmine each subsequent measures to be Department and the development project incorporated into Department of Building	
undertaken pursuant project design Inspection to the Eastern and evaluated in Neichborhoods environmental/	
vrea	

File No. 2014.0168E 600 18th Street Motion No. March 23, 2015

File No. 2014.0168E 600 18th Street Motion No. March 23, 2015 Page 3 of 3

# MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

1



# SAN FRANCISCO PLANNING DEPARTMENT

# **Community Plan Exemption Checklist**

Case No.: Project Address: Zoning:	2014.0168E 600 18 th Street (2092 Third Street) UMU (Urban Mixed Use) Zoning District
	68-X Height and Bulk District
	Life Science and Medical Special Use District
Block/Lot:	3995/007
Lot Size:	5,000 square feet
Plan Area:	Eastern Neighborhoods Area Plan (Central Waterfront )
Project Sponsor:	Michael Leavitt, Leavitt Architecture, (415) 674-9100
Staff Contact:	Don Lewis - (415) 575-9168
	don.lewis@sfgov.org

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

## **PROJECT DESCRIPTION**

The project site is located on a rectangular-shaped lot at the northwest intersection of 18th and Third streets in the Central Waterfront neighborhood. The project site is occupied by a 23-foot-tall, two-story, 3,500-square-foot mixed-use building with a 320-square-foot storage structure and eight off-street parking spaces. The existing building was constructed in 1900 and includes a 2,130-square-foot ground-floor restaurant ("Moshi Moshi") with 1,350 square feet of office use above. The proposed project involves the demolition of the existing building and storage structure, and the construction of a 68-foot-tall (77 feet including the elevator penthouse), six-story, mixed-use building approximately 22,700 square feet in size. The proposed building would include 19 residential units, 3,065 square feet of ground-floor commercial use, and 12 off-street parking spaces located in a one-level underground garage accessed from 18th Street. The proposed mix of units would be 10 one-bedroom units, 8 two-bedroom units, and 1 three-bedroom unit. The proposed project would include 19 Class I bicycle spaces located at the basement level and two Class 2 bicycle spaces located along 18th Street. During the 14-month construction period, the proposed project would involve up to approximately 11 feet of excavation below ground surface and approximately 2,040 cubic yards of soil would be removed from the project site. The proposed building would be supported by a deep foundation that includes drilled piers. A total of eight new street trees would be planted along the project site. The proposed project would include an approximately 1,240square-foot common deck at the 2nd floor and a 1,300-square-foot private roof deck. The project site is located within the Central Waterfront area of the Eastern Neighborhoods Plan Area.

#### **PROJECT APPROVAL**

The proposed project at 600 18th Street would require a Building Permit from the Department of Building Inspections (DBI) for the proposed demolition and new construction on the project site. The issuance of the building permit by DBI is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

#### **EVALUATION OF ENVIRONMENTAL EFFECTS**

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

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

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

The proposed project involves the demolition of an existing 3,500-square-foot, mixed-use building with the 320-square-foot storage structure, and construction of a 68-foot-tall, six-story, mixed-use building approximately 22,700 square feet in size. The proposed building would include 19 residential units and 3,065 square feet of ground-floor commercial use. The proposed building would include 12 vehicular spaces and 19 bicycle spaces at the basement level. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

¹ San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <u>http://www.sf-planning.org/index.aspx?page=1893</u>, accessed February 24, 2015.



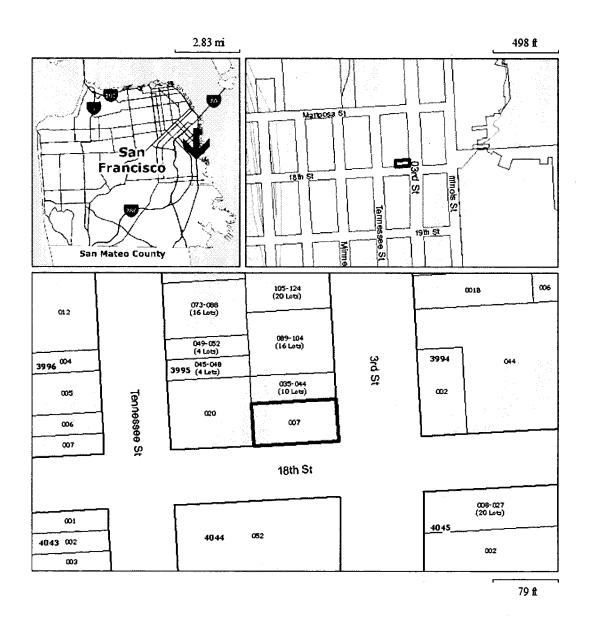
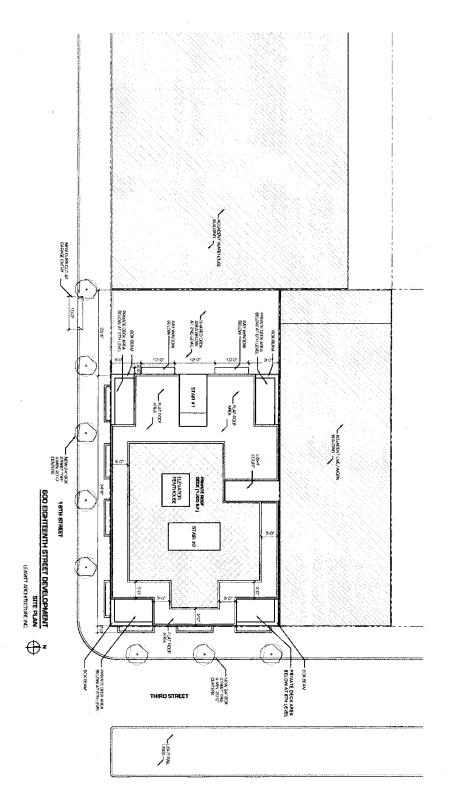
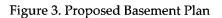
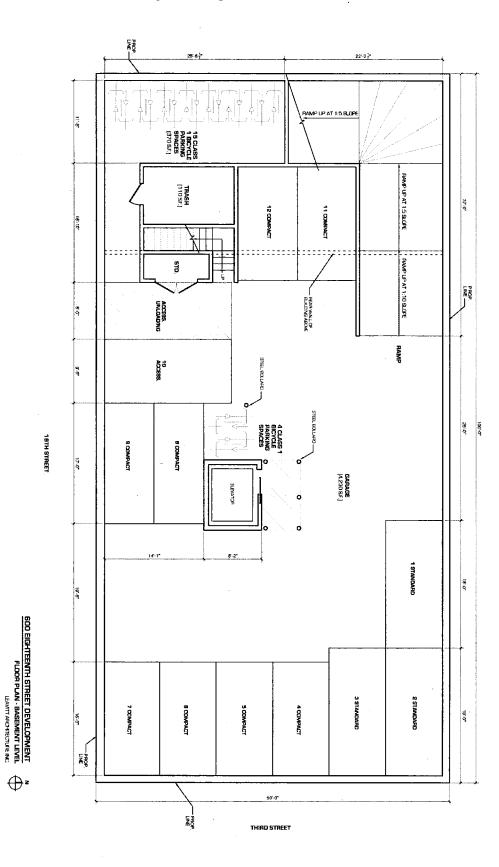


Figure 2: Site Plan

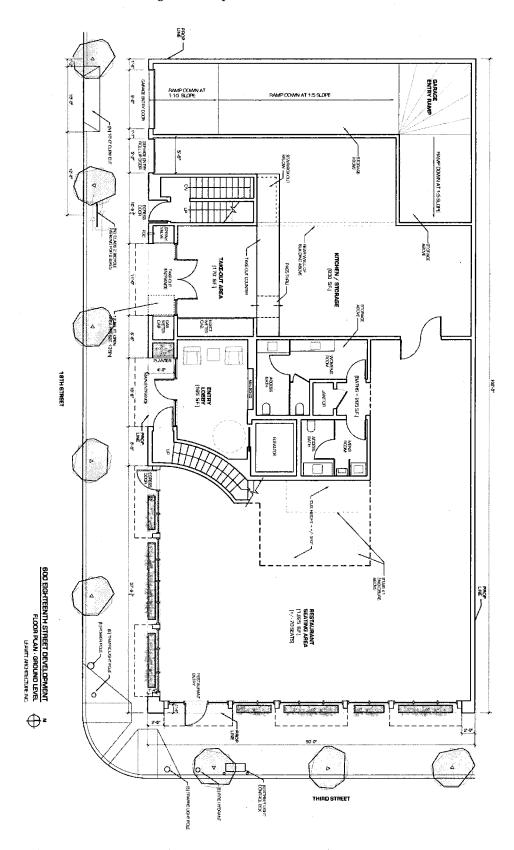


THIRD STREET



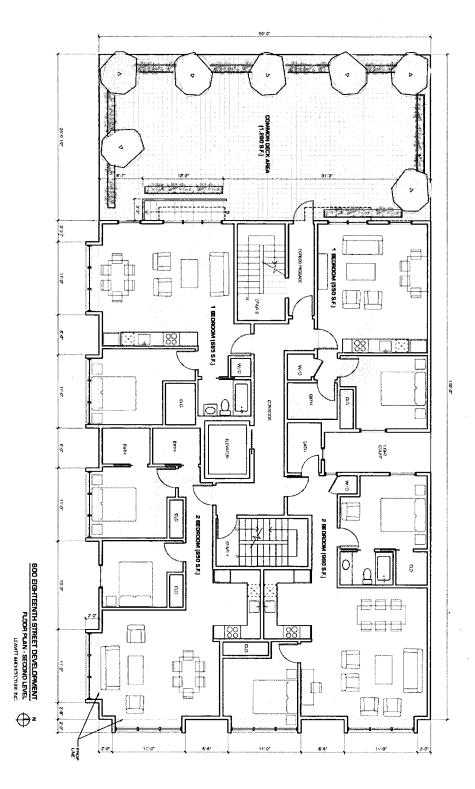




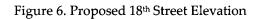


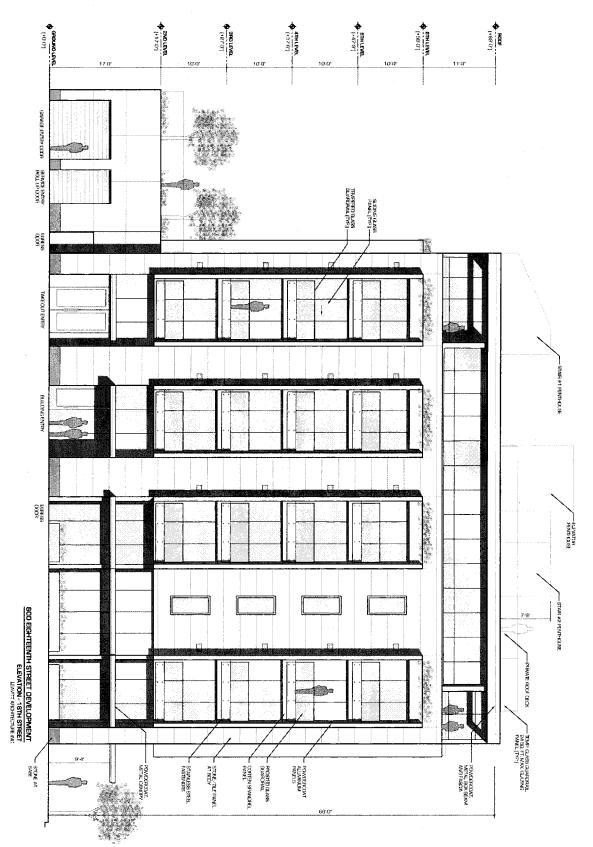
# Figure 4. Proposed Ground Floor Plan

# Figure 5. Proposed Upper Floor Plan

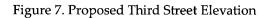


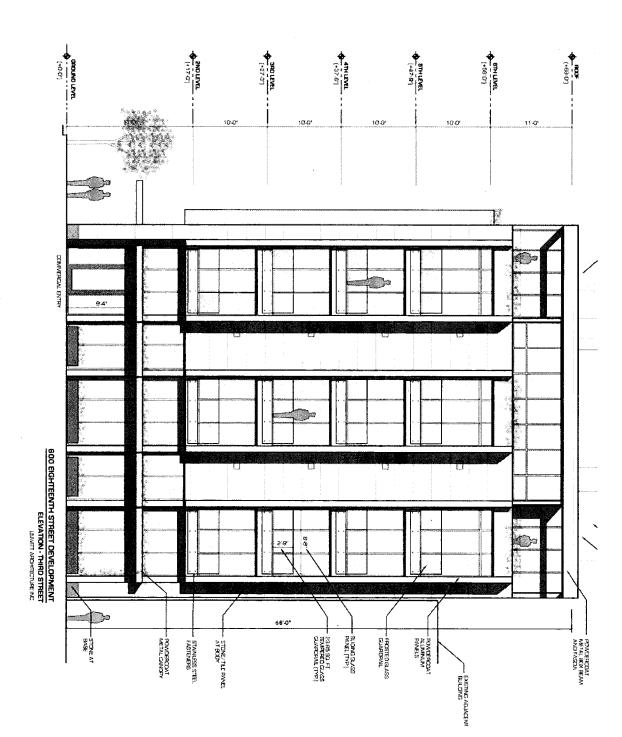
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#### CHANGES IN THE REGULATORY ENVIRONMENT

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

- State statute regulating Aesthetics and Parking Impacts for Transit Priority Infill, effective January 2014 (see associated heading below);
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka "Muni Forward") adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program process (see Checklist section "Transportation");
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section "Noise");
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, effective December 2014 (see Checklist section "Air Quality");
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see Checklist section "Recreation");
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see Checklist section "Utilities and Service Systems"); and
- Article 22A of the Health Code amendments effective August 2013 (see Checklist section "Hazardous Materials").

#### CHANGES IN THE PHYSICAL ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, as evidenced by the volume of development applications submitted to the Planning Department since 2012, the pace of development activity has increased in the Eastern Neighborhoods plan areas. The Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in a substantial amount of growth within the Eastern Neighborhoods Plan area, resulting in an increase of approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) through throughout the lifetime of the Plan (year 2025).² The growth projected in the Eastern

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.

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 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 Central Waterfront subarea, the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in an increase of 830 to 3,600 net dwelling units and 60,000 to 90,000 square feet of net non-residential space (excluding PDR gain) through the year 2025. As of July 31, 2015, projects containing 1,273 dwelling units and 66,514 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review within the list Central Waterfront subarea. These estimates include projects that have completed environmental review (1,053 dwelling units and 62,636 square feet of non-residential space) and foreseeable projects, including the proposed project (220 dwelling units and 3,878 square feet of non-residential space). Of the 1,053 dwelling units that have completed environmental review, building permits have been issued for 684 dwelling units, or approximately 65 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.

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

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

#### AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

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

a) The project is in a transit priority area;

b) The project is on an infill site; and

c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.⁵

Торіс	25:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
	LAND USE AND LAND USE PLANNING—Would the project:				
a)	Physically divide an established community?				$\boxtimes$
	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?				
,	Have a substantial impact upon the existing character of the vicinity?				$\boxtimes$

The Eastern Neighborhoods PEIR determined that adoption of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The proposed project would not remove any existing PDR uses and would therefore not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. While the project site was zoned M-2 prior to the rezoning of Eastern Neighborhoods, which is a use district that encouraged PDR uses, the existing building includes 2,130 square feet of ground-floor commercial use (restaurant) with 1,350 square feet of office use above, and there has been no PDR uses on the project site since the 1970's.⁶

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

⁵ San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 600 18th Street, January 23, 2015. This document, and other cited documents, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0168E.

⁶ The storage structure was used as an auto repair facility from the 1950's to the 1970's when it became part of the restaurant and office operations.

provide for any new major roadways, such as freeways that would disrupt or divide the project area or individual neighborhoods or subareas.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the UMU District and is consistent with applicable height, bulk, density, and land uses as envisioned in the Central Waterfront Area Plan. The proposed project falls within the "Northern Portion of Central Waterfront" generalized zoning district, meant to encourage housing and mixed uses, and to allow some bioscience and medical-related facilities. The plan also calls for improvements to transit and reduced parking requirements to encourage travel by non-auto modes. As a residential building with reduced parking, the proposed project is consistent with this designation. The proposed project is otherwise compliant with all applicable requirements of the Planning Code, and on balance, is consistent with the San Francisco General Plan.^{7,8} The proposed project would not conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

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

Тор	lcs:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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)?				
b)	Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?				
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				

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 effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City's Transit First

⁷ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 600 18th Street, March 6, 2015.

⁸ Joslin, Jeff, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 600 18th Street, September 25, 2015.

policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Area Plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

With implementation of the proposed project, 19 new dwelling units would be added to San Francisco's housing stock. As stated in the "Changes in the Physical Environment" section above, these direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the Central Waterfront Area Plan and evaluated in the Eastern Neighborhoods Plan Area PEIR.

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

Τομ	bics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
3.	CULTURAL AND				
	PALEONTOLOGICAL				
	<b>RESOURCES</b> —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 <i>Planning Code</i> ?				
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				$\boxtimes$
d)	Disturb any human remains, including those interred outside of formal cemeteries?				$\boxtimes$

#### **Historic Architectural Resources**

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009. The PEIR identified three mitigation measures that were tasked to the Planning Department that could reduce the severity of impacts to historic resources as a result of development enabled under the Plan Areas (Mitigation K-1 to K-3). These mitigation measures were the responsibility of the Planning Department and do not apply to subsequent development projects. Demolition or substantial alteration of a historic resource typically cannot be fully mitigated; therefore, the PEIR concluded that the Eastern Neighborhoods Area Plan would have a significant and unavoidable impact on historic resources.

The project site was surveyed as part of the Central Waterfront Survey in 2001 and then again in November 2012.⁹ In the more recent survey, the project site was assigned a California Historical Resource Status Code of "6L," which defines the project site as "determined ineligible for local listing or designation through local government review process; may warrant special considerations in local planning." As such, the subject property would not be considered a historic resource pursuant CEQA and its demolition would not result in a significant impact. The project site is not located within the Dogpatch Historic District or any other known or eligible historic district as identified in the results of the Central Waterfront Survey. In addition, there are no historic structures immediately adjacent to the project site.

Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

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

#### Archeological Resources

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

The proposed project at 600 18th Street would involve approximately 11 feet of excavation below ground surface and approximately 2,040 cubic yards of soil disturbance in an area where no previous archeological studies have been prepared. Therefore, the proposed project would be subject to Mitigation Measure J-2 (Project Mitigation Measure 1). In accordance with Mitigation Measure J-2, a Preliminary Archaeological Review (PAR) was conducted by Planning Department staff archeologists, which determined that the proposed project would not adversely affect CEQA-significant archeological resources as the project site is underlain with deep deposits of fill materials.¹⁰

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

¹⁰ Randall Dean, San Francisco Planning Department. Archeological Review Log.

⁹ Refer to <u>http://50.17.237.182/docs/DPRForms/3995007.pdf</u> for Department of Parks and Recreation 523 Forms for the 2001 and 2012 survey of the project site.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				
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?				
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?				
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?				
e)	Result in inadequate emergency access?				$\boxtimes$
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?				

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, which are described further below in the Traffic and Transit sub-sections. Even with mitigation, however, it was anticipated that the significant adverse cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

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

#### **Trip Generation**

The proposed project involves the demolition of an existing 3,500-square-foot, mixed-use building with office and commercial uses, and construction of an approximately 22,700-square-foot, mixed-use building

with 19 residential units and 3,065 square feet of ground-floor commercial use. The proposed mix of units would be 10 one-bedroom units, 8 two-bedroom units, and 1 three-bedroom unit. The proposed building would include 12 vehicular spaces and 19 bicycle spaces at the basement level accessed from 18th Street.

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 The proposed project would generate an estimated 625 person trips (inbound and outbound) on a weekday daily basis, consisting of 416 person trips by auto, 82 transit trips, 108 walk trips and 19 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 34 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

#### Traffic

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

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 2,500 feet) include Third Street/Mariposa Street and 16th Street/Third Street intersections. Table 1 provides existing and cumulative LOS data gathered for these intersections, per the *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*.¹²

¹¹ San Francisco Planning Department, Transportation Calculations for 600 18th Street, February 24, 2015. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0168E.

¹² The Eastern Neighborhoods Rezoning and Area Plans Transportation Study is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2004.0160E.

Intersection	Existing LOS (2007)	Cumulative LOS (2025)	
Third St./Mariposa St.	В	С	
16th St./Third St.	D	D	

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

More recent intersection turning movements were collected for the above four intersections as part of the environmental review for the proposed Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 project.¹³ Table 2 provides intersection LOS under current conditions (2015) and existing plus the proposed Warriors development project conditions.

#### Table 2: Existing and Existing-Plus-Project Intersection LOS (Weekday PM Peak Hour)¹⁴

Intersection	Existing LOS	Existing Plus	<u>Cumulative</u>	<u>Cumulative</u>
	(2015)	Warriors Project	<u>LOS (2040) –</u>	<u>LOS (2040) –</u>
			<u>No Event</u>	<u>Basketball</u>
				<u>Game</u>
Third St./Mariposa St.	D	D	D	D
16th St./Third St.	C	С	D	Е

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

The proposed project would generate an estimated 34 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 34 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' Plan projects. The proposed project would also not contribute considerably to 2040 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

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

#### Transit

Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant transit impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. In compliance with a portion of Mitigation Measure E-5: Enhanced Transit Funding, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding transit and complete streets. In addition, the City is currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding and Mitigation Measure E-11: Transportation Demand Management as part of the Transportation Sustainability Program.¹⁵ In compliance with all or portions of Mitigation Measure E-

¹³ Planning Department Case Number 2014.1441E

¹⁴ The LOS data does not include when there is San Francisco Giants game.

¹⁵ <u>http://tsp.sfplanning.org</u>

6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 16th Street to Mission Bay (expected construction between 2017 and 2020), and the Travel Time Reduction Project on Route 9 San Bruno (initiation in 2015). In addition, Muni Forward includes service improvements to various routes with the Eastern Neighborhoods Plan area; for instance the implemented new Route 55 on 16th Street.

Mitigation Measure E-7 also identifies implementing recommendations of the Bicycle Plan and Better Streets Plan. As part of the San Francisco Bicycle Plan, adopted in 2009, a series of minor, near-term, and long-term bicycle facility improvements are planned within the Eastern Neighborhoods, including along 2nd Street, 5th Street, 17th Street, Townsend Street, Illinois Street, and Cesar Chavez Boulevard. The San Francisco Better Streets Plan, adopted in 2010, describes a vision for the future of San Francisco's pedestrian realm and calls for streets that work for all users. The Better Streets Plan requirements were codified in Section 138.1 of the Planning Code and new projects constructed in the Eastern Neighborhoods Plan area are subject to varying requirements, dependent on project size. Another effort which addresses transit accessibility, Vision Zero, was adopted by various City agencies in 2014. Vision Zero focuses on building better and safer streets through education, evaluation, enforcement, and engineering. The goal is to eliminate all traffic fatalities by 2024. Vision Zero projects within the Eastern Neighborhoods Plan area include pedestrian intersection treatments along Mission Street from 18th to 23rd streets, the Potrero Avenue Streetscape Project from Division to Cesar Chavez streets, and the Howard Street Pilot Project, which includes pedestrian intersection treatments from 4th to 6th streets.

The project site is located within a quarter mile of several local transit lines including Muni lines 22-Fillmore, 48-Quintara/24th Street, T-Third Street, 14-X Mission Express, and 91-Owl. The proposed project would be expected to generate 82 daily transit trips, including ten during the p.m. peak hour. Given the availability of nearby transit, the addition of three p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts on transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines: 9-San Bruno, 22-Fillmore, 26-Valencia, 27-Bryant, 33-Stanyan, 48-Quintara/24th Street, and 49-Van Ness/Mission. Of those lines, the project site is located within a quarter-mile of Muni lines 22-Fillmore and 48-Quintara/24th Street.

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

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

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				
b)	Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				
c)	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
d)	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				$\boxtimes$
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?				
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?				
g)	Be substantially affected by existing noise levels?				$\boxtimes$

The Eastern Neighborhoods PEIR identified potential conflicts related to residences and other noisesensitive uses proximity to noisy uses such as PDR, retail, entertainment, in 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. The proposed project would utilitze a drilled pier foundation that does not necessitate the use of pile-driving. Since pile driving is not required Mitigation Measure F-1 is not applicable. Since heavy equipment would be required during excavation and construction of the proposed building, Mitigation Measures F-2 is applicable to the proposed project. The project sponsor has agreed to implement Eastern Neighborhoods

PEIR Mitigation Measure F-2 as Project Mitigation Measure 2 (full text provided in the "Mitigation Measures" section below).

In addition, all construction activities for the proposed project (approximately 14 months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn) or near existing noise-generating uses. Since certification of the PEIR, San Francisco adopted Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance 70-15, effective June 19, 2015). The intent of the regulations is to address noise conflicts between residential uses and in noise critical areas, such as in proximity to highways, country roads, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. Residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design will limit exterior noise to the 45 decibels in any habitable room. Furthermore, the regulations require the Planning Department and Planning Commission to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

The regulations and procedures set forth by the San Francisco Noise Regulations Relating to Residential Uses Near Places of Entertainment are consistent with the provisions of PEIR Mitigation Measure F-3 and F-4.¹⁶ In accordance with PEIR Mitigation Measure F-3 and F-4, the project sponsor has conducted an

¹⁶ There are no places of entertainment near the project site.

environmental noise study demonstrating that the proposed project can feasibly attain acceptable interior noise levels.¹⁷ The study concluded that outdoor noise levels reach 79 dBA along the Third Street frontage and 73 dBA along the 18th Street frontage of the project site. To meet the 45 dBA interior noise level, the noise study recommended that windows and exterior door assemblies should be sound rated with Sound Transmission Class (STC) rating of up to 44. The noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units.

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

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise sensitive uses. The proposed project would include an approximately 1,240-square-foot common deck at the 2nd floor and a 1,300-square-foot private roof deck. Mitigation Measure F-6 is therefore applicable to the proposed project, and has been agreed to by the project sponsor as Project Mitigation Measure 5 (full text provided in the "Mitigation Measures" section below). The noise study prepared in accordance with Mitigation Measure F-4 (Project Mitigation Measure 3) addressed noise levels at the proposed outdoor spaces. The noise study concluded that with 42-inch high shielding barriers at both open spaces, the existing noise exposure levels would not limit the enjoyment of the open space.¹⁸

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

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

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
6.	AIR QUALITY-Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?				
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				
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)?				

¹⁷ Charles M. Salter Associates, Inc., Environmental Noise Report, 600 18th Street, San Francisco, CA, August 19, 2014.
 ¹⁸ Ibid.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
d) Expose sensitive receptors to substantial pollutant concentrations?				$\boxtimes$
<ul> <li>e) Create objectionable odors affecting a substantial number of people?</li> </ul>				$\boxtimes$

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses¹⁹ as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, PEIR Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

### **Construction Dust Control**

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

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

### **Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that "Individual development projects undertaken in the future pursuant to the new zoning and area plans

¹⁹ The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

would be subject to a significance determination based on the BAAQMD's quantitative thresholds for individual projects."²⁰ The BAAQMD's *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria²¹ for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of a six-story, 19-unit residential building with 3,065 square feet of commercial use which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

#### **Health Risk**

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The proposed project is not within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways.

### Construction

As discussed above, the project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the remainder of 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 19 dwelling units which is considered a sensitive land use for purposes of air quality evaluation. As discussed above, the project is not within an Air Pollutant Exposure Zone 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.

²⁰ San Francisco Planning Department, Eastern Neighborhood's Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <u>http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003</u>. Accessed June 4, 2014.

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

## 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.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				$\boxtimes$
<b>b)</b>	Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Central Waterfront Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO₂E²² per service population,²³ respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

Regulations outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy.²⁴ Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on greenhouse gas emissions (including cumulative impacts) beyond those analyzed in the Eastern Neighborhoods PEIR.

²² 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.

²³ Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

²⁴ Greenhouse Gas Analysis: Compliance Checklist for 600 18th Street. March 2, 2015.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
8.	WIND AND SHADOW—Would the project:				
a)	Alter wind in a manner that substantially affects public areas?				$\boxtimes$
b)	Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?				$\boxtimes$

## Wind

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The proposed 68-foot-tall building (up to 77 feet including the elevator penthouse) would be two stories taller than the immediately adjacent building to the north. Heights in the project vicinity primarily range from two to six stories tall. Therefore, the proposed project 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 project-level or cumulative 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 Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods PEIR could not conclude that the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposed proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct an approximately 68-foot-tall building (up to 77 feet including the elevator penthouse). Therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks. The shadow fan analysis prepared by the Department found that the project as proposed would not cast shadows on Recreation and Parks Department parks, but would have the potential to cast shadows on an unnamed Port open space that is located adjacent to the Ramp Restaurant near the intersection of Illinois Street and Terry Francois Boulevard.²⁵ The open space, which is located approximately 420 feet to the northeast of the project site, is primarily used for passive recreation. The open space is largely paved and consists of an approximately 200-foot-long, narrow, paved walkway which leads to a waterfront setting

²⁵ San Francisco Planning Department, Shadow Fan – 600 18th Street, March 6, 2014.

that includes benches and a concrete surface. The proposed project has the potential to shade the usability of a small area of the walkway near Illinois Street. Under CEQA, a project is considered to have a significant shadow impact if the project would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. The new shadow created by the proposed project would not be substantial. Therefore, the project would not create new shadow in a manner that substantially affects this outdoor public area.

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

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

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
9.	<b>RECREATION – Would the project:</b>				
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?				
b)	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				
C)	Physically degrade existing recreational resources?				$\boxtimes$

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

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

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where proposed new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17th and Folsom, are set to open in 2015 and 2016, respectively. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to "Transportation" section for description) and the Green Connections Network in open space, and the waterfront, while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24).

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

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Торі	cs:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
10.	UTILITIES AND SERVICE SYSTEMS—Would the project:				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				$\boxtimes$
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?				
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?				
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?				
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?				
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				$\boxtimes$
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	Ú ,			$\boxtimes$

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

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

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

As the proposed project is within the 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.

	PUBLIC SERVICES—Would the project:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				

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

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

Тор	cs:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				$\boxtimes$
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?				
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?				
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?				$\boxtimes$
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			. 🗖	$\boxtimes$
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local,				$\boxtimes$

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 Central Waterfront 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.

regional, or state habitat conservation plan?

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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:				$\boxtimes$
	<ul> <li>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.)</li> </ul>				
	ii) Strong seismic ground shaking?				$\boxtimes$
	iii) Seismic-related ground failure, including liquefaction?				
	iv) Landslides?				$\boxtimes$
b)	Result in substantial soil erosion or the loss of topsoil?				$\boxtimes$
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?				
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?				$\boxtimes$
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?				
f)	Change substantially the topography or any unique geologic or physical features of the site?				$\boxtimes$

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

A geotechnical investigation was prepared for the proposed project.²⁶ The geotechnical report concluded that since the site is blanketed by heterogeneous fills of variable depths and densities and bordered on the

²⁶ Harold Lewis & Associates, Geotechnical Consultants, Foundation Investigation Proposed Mixed-Use Building, 600 Eighteenth Street, San Francisco, California. October 6, 2013.

north by a retaining wall of variable height, the proposed building should be supported on drilled, castin-place friction piers that extend through all existing fill and soft Bay Mud deposits into the underlying natural dense clayey sandy soils and/or bedrock materials.²⁷

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

In light of the above, the proposed project would not result in a significant impact related to seismic and geologic hazards and would not result in significant project-level or cumulative impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR. No mitigation measures are necessary.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
14.	HYDROLOGY AND WATER QUALITY—Would the project:				
a)	Violate any water quality standards or waste discharge requirements?				$\bowtie$
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)?				
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?				
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?				
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?				$\boxtimes$
f)	Otherwise substantially degrade water quality?				$\boxtimes$

²⁷ One of the two borings on the project site located serpentine bedrock materials at approximately 12 feet below ground surface.

#### **Community Plan Exemption Checklist**

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				$\boxtimes$
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?				
j)	Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?				$\boxtimes$

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

The project site is currently covered entirely with impervious surfaces. The amount of impervious surfaces on the project site would not change as the proposed building would comprise the entire lot. As a result, the proposed project would not increase stormwater runoff.

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

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR	
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?				$\boxtimes$	
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?				$\boxtimes$	
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				$\boxtimes$	
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?					

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				
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?				
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				$\boxtimes$
h)	Expose people or structures to a significant risk of loss, injury, or death involving fires?				

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

### **Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce impacts to less-than-significant levels. Because the proposed development includes demolition of the existing 3,500-square-foot, mixed-use building on the project site, Mitigation Measure L-1 would apply to the proposed project. See full text of Mitigation Measure L-1, as Project Mitigation Measure 6, in the Mitigation Measures Section below.

### Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks,

sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project would involve up to approximately 11 feet of excavation and approximately 2,040 cubic yards of soil disturbance, and is located in the Maher area. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

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

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA²⁸ to DPH²⁹. According to the Phase I ESA, the project site has been developed since about 1900 and the two-story building has always been a tavern, a restaurant or a food service facility. The storage structure was used as an auto repair facility from the 1950's to the 1970's when it became part of the restaurant and office operations. The Phase I ESA found no evidence of Recognized Environmental Conditions (RECs) related to the property. In addition, there are no active nearby properties or activities that are considered RECs.

Since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

### Naturally Occurring Asbestos

The proposed project would involve up to approximately 11 feet of excavation below ground surface and the project site is underlain by serpentine bedrock. Project construction could potentially release serpentinite into the atmosphere. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA) or tremolite-actinolite, a fibrous mineral that can be hazardous to human health if airborne emissions are inhaled. In the absence of proper controls, NOA could become airborne during excavation and handling of excavated materials. On-site workers and the public could be exposed to airborne asbestos unless appropriate control measures are implemented. Although the California Air Resources Board (ARB) has not identified a safe exposure level for asbestos in

²⁸ John Carver Consulting, Phase I Environmental Site Assessment at 600 18th Street, San Francisco, CA, February 5, 2014.

²⁹ Russell Yim, SFDPH, email to Don Lewis, 600 18th Street, March 10, 2015.

residential areas, exposure to low levels of asbestos for short periods of time poses minimal risk.³⁰ To address health concerns from exposure to NOA, ARB enacted an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations in July 2001. The requirements established by the Asbestos ATCM are contained in California Code of Regulations (CCR) Title 17, Section 93105³¹ and are enforced by the BAAQMD.

The Asbestos ATCM requires construction activities in areas where NOA is likely to be found to employ best available dust control measures. Additionally, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance in 2008 to reduce fugitive dust generated during construction activities. The requirements for dust control as identified in the Construction Dust Control Ordinance are as effective as the dust control measures identified in the Asbestos ATCM. Thus, the measures required in compliance with the Construction Dust Control Ordinance would protect the workers themselves as well as the public from fugitive dust that may also contain asbestos. The project sponsor would be required to comply with the Construction Dust Control Ordinance, which would ensure that significant exposure to NOA would not occur. Therefore, the proposed project would not result in a hazard to the public or environment from exposure to NOA.

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

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Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				$\boxtimes$
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?				$\boxtimes$
c) ⁻	Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?				

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

³⁰ California Air Resources Board, Fact Sheet #1 Health Information on Asbestos, 2002. Available online at:

http://www.arb.ca.gov/toxics/Asbestos/1health.pdf. Accessed August 18, 2014.

³¹ California Air Resources Board, Operations, July 29, 2002.

Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				$\boxtimes$
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)?				
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				
<b>e)</b>	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?				

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

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

## **MITIGATION MEASURES**

## **Archeological Resources**

Project Mitigation Measure 1 – Properties With No Previous Studies (Eastern Neighborhoods Mitigation Measure J-2)

This measure would apply to those properties within the project area 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 (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)), with the exception of those properties within Archeological Mitigation Zone B as shown in Figure 29 in Chapter IV, for which Mitigation Measure J-3, below, is applicable). That is, this measure would apply to the entirety of the study area outside of Archeological Mitigation Zones A and B.

For projects proposed outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The Sensitivity Study should contain the following:

- 1) Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps;
- 2) Determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the CRHR;
- 3) Determine if 19th or 20th century soils-disturbing activities may adversely affected the identified potential archeological resources;
- 4) Assess potential project effects in relation to the depth of any identified potential archeological resource;
- 5) Conclusion: assessment of whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHP-eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Planning Bulletin No. 5).

#### Noise

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

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

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

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

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

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

To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to

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

# Project Mitigation Measure 5 – Open Space in Noisy Environments (Eastern Neighborhoods Mitigation Measure F-6)

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

#### Hazardous Materials

# Project Mitigation Measure 6 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)

The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.