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January 13, 2020

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

**Re: Case No. 2016-010589 ENX 2300 Harrison Street  
Appeal of the December 12, 2019 Planning Commission Decision**

Dear Members of the Board of Supervisors:

I, Carlos Bocanegra, appeal the decision of the Planning Commission made on December 12, 2019 regarding the proposed project at 2300 Harrison Street (hereafter "proposed project"), including the adoption of CEQA findings under Section 15183 of the CEQA guidelines and Public Resources Code Section 21083.3.1, including the underlying Certificate of Determination of Community Plan Evaluation, Section 101.1(b) Priorities, and Initial Study-Community Plan Evaluation and Checklist.

**1. Appeal of the adoption of the CEQA Findings, Certificate of Determination - Community Plan Evaluation, Section 101.1(b) Priorities, Initial Study - Community Plan Evaluation and Checklist**

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

- The Proposed Project does not qualify for a Community Plan Evaluation under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 because the approval is based upon an out of date 2008 EIR prepared for the Eastern Neighborhoods Area Plan and the EIR's analysis and determination can no longer be relied upon to support the claimed exemption in the areas of, *inter alia*, direct, indirect, and cumulative impacts with respect to: consistency with area plans and policies, land use, recreation and open space, traffic and circulation, transit and transportation, noise, shadow, health and safety, and other impacts to the Mission.

- The project's cumulative impact was not considered because the PEIR's projections for housing, including this project and those, constructed, entitled, and/or in the pipeline, have been exceeded. Therefore "past, present, and reasonably foreseeable probable future projects" were not properly considered (Guidelines, § 15355).
- The CEQA findings did not take into account the potential impacts of the Proposed Project, due to increased traffic conditions, particularly those conditions resulting from TNCs, reverse commutes, deliveries, and shuttle buses which were not considered in the 2008 Eastern Neighborhoods Area Plan EIR.
- The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Considerations have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since the adoption of the 2008 plan and did not.
- Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report.
- The Proposed Project, considered both individually and cumulatively, is inconsistent with the General Plan and Mission Area Plan.
- The Proposed Project, considered both individually and cumulatively, is inconsistent with the Section 101.1(b) Priority Policies.

## 2. Pattern and Practice

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

environmental affects to the detriment of Mission residents.

The Final Motion, Certificate of Determination of Community Plan Evaluation, and Initial Study- Community Plan Evaluation and Checklist are attached as Exhibit A.

Sincerely,



Handwritten signature of Carlos Bocanegra, consisting of stylized initials 'CB' followed by a horizontal line.

Carlos Bocanegra

# Exhibit A

San Francisco Board of Supervisors



# SAN FRANCISCO PLANNING DEPARTMENT

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## Certificate of Determination Community Plan Evaluation

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Case No.: 2016-010589ENV  
 Project Address: 2300 Harrison Street/3101 19<sup>th</sup> Street  
 Zoning: UMU (Urban Mixed-Use)  
 68-X Height & Bulk District  
 Block/Lot: 3593/001  
 Lot Size: 38,676 square feet  
 Plan Area: Eastern Neighborhoods Area Plan (Mission Area Plan)  
 Project Sponsor: Tuija Catalano, Reuben, Junius & Rose, LLP, (415) 567-9000  
 Staff Contact: Megan Calpin, (415) 575-9049, megan.calpin@sfgov.org

### PROJECT DESCRIPTION

The approximately 38,676-square-foot project site is located on the west side of Harrison Street, on the southwest corner of the intersection of Harrison and 19th Streets in the Mission neighborhood. The project site is bounded by 19th Street to the north, Harrison Street to the east, Mistral Street to the south, and Treat Avenue to the west. The site is currently occupied by a 42-foot-tall, three-story, 68,538-square-foot office building, constructed in 1913, and a 14,000-square-foot surface parking lot with 61 parking spaces. The existing office building has a 1,300 square foot roof deck. There are currently five additional on-site parking spaces along the Harrison Street exterior of the existing office building, for a total of 66 off-street vehicle parking spaces. The existing office building provides a bicycle room with 48 Class 1 bicycle spaces, and two showers and a locker room with existing bicycle racks for 27 bicycles. There are nine Class 2 bicycle parking spaces in the existing parking lot. Adjacent to the project site, there are an additional 14 Class 2 bicycle parking spaces on the east side of Treat Avenue (five bicycle racks in an on-street bicycle corral and two bicycle racks on the sidewalk).

(Continued on next page.)

### CEQA DETERMINATION

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

### DETERMINATION

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

\_\_\_\_\_  
 for Lisa Gibson  
 Environmental Review Officer

4/30/19  
 \_\_\_\_\_  
 Date

cc: Tuija Catalano, Project Sponsor; Supervisor Hillary Ronen, District 9; Linda Ajello Hoagland, Current Planning Division; Monica Huggins, Environmental Planning Division; Project Distribution

**PROJECT DESCRIPTION (continued)**

The proposed project would include a horizontal and vertical addition to the existing building that would replace the surface parking lot with new construction of a 75-foot-tall (up to 85-foot-tall for the elevator penthouse), six-story-over-basement, 77,365-square-foot mixed-use building. The new building would be connected to the existing building at the second and third levels to expand the existing office use on those floors. An office lobby fronting Mistral Street would provide access to an elevator serving the basement garage through floor 3 of the new building. Other than for the connections at the second and third levels to expand the existing office use, no changes are proposed to the existing building.

The residential lobby would be at the corner of Treat Avenue and Mistral Street, fronting Mistral Street, with access to an elevator serving floors 1 and 4 through 6. Existing access to office uses would continue to be available at the ground floor from 19<sup>th</sup> and Harrison streets as well as from a new elevator serving the office space accessible from the basement garage and an office lobby fronting Mistral Street. Two arts activity or retail spaces would front Mistral Street, and the retail space would front Harrison Street.

The proposed addition would consist of 12,331 square feet of below-grade parking, a new bike room with lockers and two showers for office employees at the site<sup>1</sup>; 1,117 square feet of arts activity or retail uses, 2,483 square feet of retail, and 5,183 square feet of parking at the ground floor; 27,017 square feet of office use on floors 2 and 3; and 29,234 square feet of residential use on floors 4, 5, and 6. The project would include 24 dwelling units consisting of 14 one-bedroom and 10 two-bedroom units.

Open space for retail (112 square feet) would be provided on the Harrison Street frontage of the building, in front of the retail space. Approximately 545 total square feet of open space for office use would be provided on floors 2 and 3 as 272 square foot balconies, each facing Mistral Street. Approximately 2,722 square feet of residential common open space would be provided on the fourth and fifth floors in the form of terraces. In addition, approximately 1,405 square feet of private open space would be provided for some of the residential units as private balconies for five residential units.

The proposed project would remove the existing surface parking lot. It would provide 41 vehicle parking spaces: 31 for office and 10 for residential use as follows. Twenty-eight parking spaces for the office use would be located in the basement garage accessed from a proposed 14-foot-wide curb cut on Treat Avenue. Additionally, three of the five existing parking spaces located on the Harrison Street exterior of the building would be retained for the office use and would continue to be accessed from Harrison Street via the existing 20-foot-wide curb cut. Ten vehicle spaces for the residential use would be located in a ground floor parking garage accessed from a proposed 14-foot-wide curb cut on Mistral Street.

The proposed project would add 30 Class 1 bicycle parking spaces at the basement and ground floor levels—24 for residential use, five for office employees, and one for retail employees. Following implementation of these improvements, the project site would provide 105 Class 1 bicycle parking spaces and five Class 2 bicycle parking spaces on the sidewalks surrounding the site. The proposal also includes the addition of 15 street trees: one on Treat Avenue, 12 on Mistral Street, and two on Harrison Street.

The project sponsor would widen the sidewalk along the north side of Mistral Street, between Harrison Street and Treat Avenue, from 5 feet to 8-feet-8-inches, to improve access to the site for people walking, and would request that all on-street parking along the south side of Mistral Street be removed to provide clearance for fire department vehicles. Additionally, a bulb out at the corner of Harrison and Mistral streets would extend 9 feet into Harrison Street. North/south crosswalk striping across Mistral Street at the

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<sup>1</sup> For compliance with Planning Code sections 155.1-155.4, Bicycle Parking, Showers, and Lockers in New and Expanded Buildings.

southeast corner of the project site is also proposed. Following development, the land uses onsite would consist of 95,555 square feet of office use, 29,234 square feet of residential use, 1,117 square feet of ground floor arts activity or retail uses, 2,483 square feet of retail, 17,514 square feet of parking, and 6,176 square feet of open space.

The project would use the state density bonus law (California Government Code sections 65915-65918), which allows waivers, concessions, and modifications from local development standards for projects. Under the state density bonus law, the project would seek modifications and concessions for active ground floor uses, narrow street height limit, ground floor height, and rear yard setback. The project also seeks a waiver to add one additional floor over the existing height limit to permit development up to 75 feet in height.

### **APPROVAL ACTION**

Pursuant to Planning Code section 329, the proposed project requires a Large Project Authorization from the City Planning Commission. The approval of the large project authorization would be the *approval action* for the project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code. A list of other approvals required for the project is provided in the project's Initial Study Checklist.

### **COMMUNITY PLAN EVALUATION OVERVIEW**

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 2300 Harrison Street/3101 19<sup>th</sup> Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR).<sup>2</sup> Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

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

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

The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 2300 Harrison Street/3101 19<sup>th</sup> Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>3,4</sup>

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

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 was rezoned to UMU (Urban Mixed Use) District from M-1 (Light Industrial). 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 are discussed further in the Community Plan Evaluation (CPE) Checklist, under Land Use. The 2300 Harrison Street/3101 19<sup>th</sup> Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site allowing buildings 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 2300 Harrison Street/3101 19<sup>th</sup> Street is consistent with and was encompassed within the analysis

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<sup>3</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>4</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.



in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 2300 Harrison Street/3101 19<sup>th</sup> Street project, and identified the mitigation measures applicable to the 2300 Harrison Street/3101 19<sup>th</sup> Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>5,6</sup> Therefore, no further CEQA evaluation for the 2300 Harrison Street/3101 19<sup>th</sup> Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on the west side of Harrison Street, on the southwest corner of the intersection of Harrison and 19<sup>th</sup> streets in the Mission neighborhood. Harrison and 19<sup>th</sup> streets are both two-way streets with one travel lane in each direction. In addition, there is a bicycle lane in each direction on Harrison Street. Treat Avenue is also a two-way street with one travel lane in each direction, and it ends just beyond its intersection with Mistral Street at the property line of John O'Connell Technical High School. Mistral Street is a one-way alley with traffic flowing to the east. Due to the existing curb cuts at the site, there is no parking on the west side of Harrison Street adjacent to the site. All other streets surrounding the site include parking on both sides of the street.

South of the project site across Mistral Street is a recreational area for John O'Connell Technical High School consisting of hardtop courts for basketball and other sports. Across 19<sup>th</sup> Street north of the project site is a Pacific Gas & Electric service center and equipment yard. To the west across Treat Avenue from the project site, the properties are a one-story industrial building (600 Treat Ave; constructed in 1962), a two-story warehouse brewery (620 Treat Ave; constructed in 1900), and a single-story industrial building (630 Treat Ave; constructed in 1920). Across Harrison Street, the properties to the east of the project site are a two-story industrial building (constructed in 1914) and a three-story live-work condominium (constructed in 1993).

The area surrounding the project site is characterized by commercial, residential, and production, distribution, and repair (PDR) buildings, and institutional uses, in buildings ranging from one- to four-stories in height. The immediately surrounding parcels are either within the Urban Mixed Use, Production Distribution and Repair, or Public zoning districts. North of 19<sup>th</sup> Street is a mix of PDR, mixed-use with and without residential use, and office land uses. The closest residential uses are directly across Harrison Street south of 19<sup>th</sup> Street. Further to the southwest, south of 20<sup>th</sup> Street and west of Harrison Street, the zoning includes Residential-House, Two Family (RH-2), Residential-House, Three Family (RH-3), and Residential-Mixed, Low Density (RM-1). South of 20<sup>th</sup> Street, the land uses are largely residential, with some commercial and institutional/educational uses. In addition, there are office uses within ½ mile of the project site. Height and bulk districts within a one-block radius of the project site include 45-X, 58-X, 65-X, and 68-X.

Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: 12 and 27. The nearest bus stop, which serves the 27 bus line, is approximately 760 feet

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<sup>5</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2300 Harrison Street/3101 19<sup>th</sup> Street, October 4, 2018. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2016-010589ENV.

<sup>6</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2300 Harrison Street/3101 19<sup>th</sup> Street, February 12, 2018.

east of the project site at the intersection of 19<sup>th</sup> and Bryant streets. Both routes provide service to 24<sup>th</sup> Street Mission BART Station. Additionally, the 22-Filmore, 33-Ashbury/18<sup>th</sup> Street, and 55-16<sup>th</sup> Street bus routes are within 0.35 miles of the project site along 16<sup>th</sup> Street. These routes provide service to the 16<sup>th</sup> Street Mission BART Station. The 14-Mission, 14R-Mission Rapid, and 49-Van Ness/Mission routes are also within 0.35 miles of the project site, which provide service to the 16<sup>th</sup> Street and 24<sup>th</sup> Street Mission BART stations. There are Class II bicycle lanes in the north and south directions on Harrison Street.<sup>7</sup>

**POTENTIAL ENVIRONMENTAL EFFECTS**

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 2300 Harrison Street/3101 19<sup>th</sup> 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 2300 Harrison Street/3101 19<sup>th</sup> 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. Development of the proposed project may preclude development of PDR on this site. The loss of 14,000-square-foot of PDR would indirectly contribute to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR because it would occur in an area that was anticipated to allow for some PDR use. However, this loss would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project’s contribution to this cumulative impact does not require any additional environmental review beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study. The proposed project would not contribute to any of the historical architectural resources, transportation and circulation, or shadow significant and unavoidable impacts identified in the PEIR.

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

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

Mitigation Measure	Applicability	Compliance
F. Noise		

<sup>7</sup> Class II bikeways are bike lanes established along streets and are defined by pavement striping and signage to delineate a portion of a roadway for bicycle travel. Bike lanes are one-way facilities, typically striped adjacent to motor traffic travelling in the same direction. Contraflow bike lanes can be provided on one-way streets for bicyclists travelling in the opposite direction. Source: California Department of Transportation, A Guide to Bikeway Classification, July 2017, accessed on February 13, 2019 at [http://www.dot.ca.gov/d4/bikeplan/docs/caltrans-d4-bike-plan\\_bikeway-classification-brochure\\_072517.pdf](http://www.dot.ca.gov/d4/bikeplan/docs/caltrans-d4-bike-plan_bikeway-classification-brochure_072517.pdf).

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
F-1: Construction Noise (Pile Driving)	Not applicable: pile driving is not proposed for foundation work.	Not applicable.
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 construction noise attenuation measures (Project Mitigation Measure 2).
F-3: Interior Noise Levels	Not applicable: CEQA no longer requires consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	Not applicable
F-4: Siting of Noise-Sensitive Uses	Not applicable: CEQA no longer requires consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	Not applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: the project does not include any noise generating uses.	Not applicable
F-6: Open Space in Noisy Environments	Not applicable: CEQA no longer requires consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	Not applicable
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not applicable: the project site is not located within an Air Pollutant Exposure Zone and the requirements of the Dust	Not applicable

Mitigation Measure	Applicability	Compliance
	Control Ordinance supersede the dust control provisions of PEIR Mitigation Measure G-1.	
G-2: Air Quality for Sensitive Land Uses	Not applicable: superseded by applicable Article 38 requirements.	Not applicable
G-3: Siting of Uses that Emit DPM	Not applicable: the project would not include uses that would emit substantial levels of DPM.	Not applicable
G-4: Siting of Uses that Emit other TACs	Not applicable: the project would not include uses that would emit substantial levels of other TACs.	Not applicable
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not applicable: no previous studies have been performed on the project site.	Not applicable
J-2: Properties with no Previous Studies	Applicable: Preliminary Archeological Review by the Planning Department indicates the potential to adversely affect archeological resources and archeological testing is warranted.	The project sponsor has agreed to implement an archeological testing mitigation measure (Project Mitigation Measure 1).
J-3: Mission Dolores Archeological District	Not Applicable: the project site is not located within the Mission Dolores Archeological District.	Not applicable
<b>K. Historical Resources</b>		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	Not applicable
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	Not applicable

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
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	Not applicable
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: the proposal involves removal of building walls on a structure constructed in 1913.	The project sponsor has agreed to dispose of demolition debris in accordance with applicable regulations (Project Mitigation Measure 3).
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	Not applicable
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not applicable
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	Not applicable
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	Not applicable
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	Not applicable
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	Not applicable
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	Not applicable
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	Not applicable
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	Not applicable
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	Not applicable

Mitigation Measure	Applicability	Compliance
E-11: Transportation Demand Management	Not Applicable: superseded by the Transportation Demand Management Ordinance.	Not applicable

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

### **PUBLIC NOTICE AND COMMENT**

A “Notification of Project Receiving Environmental Review” was mailed on October 26, 2018, to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Three members of the community requested a copy of the final environmental document, and one member of the community commented on the proposed project. The comments included concerns about traffic congestion and potential conflicts between an on-street commercial loading area on Treat Avenue and the proposed driveway for the office parking also on Treat Avenue. Please see Section 4. Transportation and Circulation of this Community Plan Evaluation’s Initial Study Checklist. Additional concerns related to the proposed building’s height and potential shadows that would be cast on nearby businesses. These concerns are addressed in Section 8. Wind and Shadow of the associated CPE Initial Study Checklist. Another concern raised by the commenter regarded noise conflicts between an existing business and the proposed residential uses; these concerns are addressed in Section 5. Noise of the Initial Study Checklist. Lastly, the commenter suggested that the proposed ground floor retail space front Treat Avenue instead of Harrison Street. This is a comment on the project’s merit and may be considered by the decision-makers as part of their review for project approvals. 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 Initial Study Checklist<sup>8</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;

<sup>8</sup> The Initial Study Checklist for this project is available for review on the Planning Department’s website, under Case File No. 2016-010589ENV. <https://sf-planning.org/community-plan-evaluations>.

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

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2020 JAN 13 PM 12: 29

## Planning Commission Motion No. 20595

HEARING DATE: DECEMBER 12, 2019

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Record No.: 2016-010589ENX  
 Project Address: 2300 HARRISON STREET  
 Zoning: UMU (Urban Mixed Use) Zoning District  
 68-X Height and Bulk District  
 Mission Alcoholic Beverage Special Use District  
 Fringe Financial Restricted Use District  
 Block/Lot: 3593/001  
 Project Sponsor: Tuija Catalano, Reuben, Junius & Rose LLP  
 One Bush Street, Suite 600  
 San Francisco, CA 94104  
 Property Owner: 562 Mission Street, LLC  
 San Francisco, CA 94104  
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ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW THE DEMOLITION OF AN EXISTING SURFACE PARKING LOT AND CONSTRUCTION OF A SIX-STORY OVER BASEMENT GARAGE, 75-FOOT TALL, 77,365 SQUARE FOOT, VERTICAL ADDITION TO AN EXISTING THREE-STORY, 42-FOOT TALL, 68,538 SQUARE FOOT OFFICE BUILDING, RESULTING IN A MIXED-USE BUILDING WITH 24 DWELLING UNITS (CONSISTING OF 14 ONE-BEDROOM AND 10 2-BEDROOM UNITS), 27,017 SQUARE FEET OF ADDITIONAL OFFICE SPACE, 2,483 SQUARE FEET OF GROUND FLOOR RETAIL, 1,117 SQUARE FEET OF GROUND FLOOR ARTS ACTIVITIES/RETAIL SPACE, 31 ADDITIONAL CLASS 1 BICYCLE PARKING SPACES, 8 CLASS 2 BICYCLE PARKING SPACES AND A TOTAL OF 41 OFF-STREET PARKING SPACES, LOCATED AT 2300 HARRISON STREET, LOT 001, BLOCK 3593, WITHIN THE UMU (URBAN MIXED-USE) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On December 14, 2017, Tuija Catalano (hereinafter "Project Sponsor") on behalf of 562 Mission Street, LLC, filed Application No. 2016-010589ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization for the demolition of an existing surface parking lot and the construction of a six-story over basement garage, 75-foot tall, 77,365 square foot vertical addition to an existing 3-story, 42-foot tall, 68,538 square foot office building, resulting in a mixed-use building with 24 dwelling units, 27,017 square feet of additional office space, 2,483 square feet of ground floor retail, and 1,117 square feet of ground floor arts activities/retail space within the UMU (Urban Mixed Use) Zoning District, and 68-X Height and Bulk District.



The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with an 18-unit base density that would include housing affordable to low income households. Because the Project Sponsor is providing 3 below market rate (BMR) units. All three units will be provided at 50% AMI. The Project requests three concessions and incentives, including: 1) Rear Yard (Planning Code Section 134); 2) Ground Floor Height (Planning Code Section 145.1); and, 3) Active Uses (Planning Code Section 145.1). The Project requests three waivers from the development standards, including: 1) Height (Planning Code Section 250); 2) Narrow Street Height Limit (Planning Code Section 261.1) and 3) Mass Reduction (270.1).

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

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

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

On April 30, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section

21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On December 12, 2019, the Commission adopted Motion No. 20596, approving an Office Development Authorization for the Proposed Project (Office Development Application No. 2016-010589OFA). Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.

On April 25, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2016-010589ENX. At this public hearing, the Commission continued the Project to the public hearing on May 9, 2019. At the public hearing on May 9, 2019 the Commission continued the Project to the public hearing on August 22, 2019. At the public hearing on August 22, 2019, the San Francisco Planning Commission continued the Project to the public hearing on October 10, 2019. At the public hearing on October 10, 2019, the Commission continued the Project to November 14, 2019. On November 14, 2019, the public hearing was cancelled; subsequently, the Project was continued to the public hearing on December 12, 2019.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2016-010589ENX is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Large Project Authorization as requested in Application No. 2016-010589ENX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the demolition of an existing surface parking lot and the construction of a six-story over basement garage, 75-foot tall, 77,365 square foot vertical addition to an existing 3-story, 42-foot tall, 68,538 square foot office building. The addition will result in a mixed-use building with 24 dwelling units, 27,017 square feet of additional office space, 2,483 square feet of ground floor retail, 1,117 square feet of ground floor arts activities/retail space, 31 additional Class 1 bicycle parking spaces, 8 Class 2 bicycle parking spaces and a total of 41 off-street parking spaces. In total, the Project would result in 95,555 square feet of office use on the project site. The dwelling-unit mix includes 14 one-bedroom and 10 two-bedroom units. The Project includes 4,876 square feet of usable open space through a combination of private and common open space. Pursuant to California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law.
3. **Site Description and Present Use.** The Project site, which occupies the entire block, is located on a 38,700 square foot lot with approximately 158-ft of frontage along Harrison Street and Treat Avenue, and 245-ft of frontage along 19<sup>th</sup> and Mistral Streets. The Project Site is currently developed with a three-story, 68,538 square foot office building and associated surface parking lot. Currently, the existing building is occupied by one master tenant and three sub-tenants.

The existing building at 2300 Harrison Street was constructed in 1913 as an industrial building, originally occupied by the American Can Company. A single-story metal building addition once occupied what is now the surface parking lot. The metal structure was demolished as part of a remodel in the late 1990's – early 2000 and the surface parking lot was established. Since the early 2000's, the building has been continuously occupied by office uses. As part of the Eastern Neighborhood Plan, the site was rezoned from M-1 (Light Industrial) to Urban Mixed-Use (UMU) Zoning District. Pursuant to Planning Code Section 843.66, office uses within the UMU Zoning District are subject to the vertical controls for office uses (Planning Code Section 803.9(f)), which does not allow office uses on the ground floor and limits the number of office stories permitted based on the number of stories of the building. Based on this, the Project is allowed a maximum of one floor of designated office space in the existing three-story building. The existing building has three floors of office space, including the ground floor. On September 22, 2011, a Letter of Legitimization for the ground floor office use was issued by the Zoning Administrator (Exhibit J). The additional two floors of office use on the second and third floors were established when the property was zoned Light Industrial (M-1), which allowed office as a principally permitted use, therefore it is now a legal non-conforming use.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the UMU Zoning Districts in the Mission Area Plan. The immediate context is mixed in character with residential, industrial, and institutional uses. The immediate neighborhood includes John O'Connell Technical High School to the south (across Mistral), PG&E Offices and vehicle storage yard to the north (across 19<sup>th</sup> Street), commercial and industrial uses to the west and retail sales and service and live/work condominiums to the east. The PG&E facility occupies the entire block face on 19<sup>th</sup> Street, between Harrison and Folsom Streets and John O'Connell Technical High School occupies the entire block on Harrison Street, between Mistral and 20<sup>th</sup> Streets. Other zoning districts in the vicinity of the Project Site include: PDR-1-G (Production, Distribution, and Repair - General); RH-3 (Residential-House, Three Family); and, P (Public).
5. **Public Outreach and Comments.** To date, the Department has not received any comments regarding the Project. The Project Sponsor held a community meeting on November 28, 2017 and has been working with United to Save the Mission (USM), Our Mission No Eviction and Southern Pacific Brewing to discuss and address community concerns.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Permitted Uses in UMU Zoning Districts.** Planning Code Section 843 states that residential, and office uses are permitted within the UMU Zoning District. Retail uses are principally, conditionally or not permitted.

*The Project would construct new residential and retail uses and additional office space to an existing office building; therefore, the Project complies with Planning Code 843. Depending on the specific retail tenant(s), they will comply as principally permitted retail uses per Sec. 754 or seek a Conditional Use, as required by the Planning Code. New office use is principally permitted but is regulated by the vertical office controls in Planning Code Section 803.9(f). However, new office uses are not permitted on the ground floor and limits the number of office stories permitted based on the number of stories of the building. Based on this, the Project is allowed a maximum of one floor of designated office space in the existing three-story building. The existing building has three floors of office space, including the ground floor. On September 22, 2011, a Letter of Legitimization for the ground floor office use was issued by the Zoning Administrator. The additional two floors of office use on the second and third floors were established when the property was zoned Light Industrial (M-1), which allowed office as a principally permitted use, therefore it is now a legal non-conforming use. As of October 19, 2018, there is approximately 904,637 square feet of "Small" Cap Office Development available under the Section 321 office allocation program. The Project is unique, in that it is providing residential units via an addition to an existing three-story office building, that will be constructed on an existing surface parking lot and will also provide additional office space without the displacement of any existing residents or businesses.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 5:1 for properties within the UMU Zoning District and a 68-X Height and Bulk District.

*The subject lot is 38,700 square feet, thus resulting in a maximum allowable floor area of 193,500 square feet for non-residential uses. The Project would construct approximately 2,483 square feet of ground floor retail, 1,117 square feet of ground floor arts activities/retail space and would comply with Planning Code Section 124.*

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot.

*The Project includes an above-grade rear yard that extends over the roof of the existing building, which measures approximately 3,800 square feet. However, due to the location of the existing mechanical equipment and elevator penthouse on the roof, the rear yard will be partially obstructed.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a concession and incentive for the reduction of site development standards for rear yard, which are defined in Planning Code 134. This reduction in the rear yard requirements is necessary to enable the construction of the project with the increased density provided by as required under Government Code Section 65915(d). Without the rear yard concession and incentive, the existing office building would have to be significantly altered to relocate the existing elevator and mechanical equipment.*

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

*The Project includes 5 units with private open space meeting the size and dimensional requirements of the Planning Code. For the remaining 19 units, 2,722 sq. ft. of common open space meeting the size and dimensional requirements of the Planning Code is provided via common terraces on the fourth and 5<sup>th</sup> floors; therefore, the Project complies with Planning Code Section 135.*

- E. **Non-Residential Open Space Requirement.** Planning Code Section 135.3 requires 1 sq. ft. per 250 sq. ft. of occupied floor area for new retail and arts activities uses and new office square footage and 1 sq. ft. per 50 sq. ft. of occupied floor area for new office uses.

*The Project provides 544 square feet of open space for the new office, retail and arts and activities uses and, therefore, complies with Planning Code Section 135.3.*

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

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

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley, side yard or rear yard must be at least 25 feet in width.

*The Project organizes the dwelling units to have exposure on Harrison Street, Mistral Street and Treat Avenue. As proposed, 12 dwelling units face Mistral Street, 3 units face Mistral and Harrison Streets, 3 units face Mistral Street and Treat Avenue, 3 units face Harrison Street and 3 units face Treat Avenue; therefore, the Project complies with Planning Code Section 140.*

- H. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

*The off-street parking garages are located on-grade and below grade. The on-grade garage is accessed through one 14-ft wide garage entrance located along Mistral and the below-grade garage is accessed through one 14-ft wide garage along Treat Avenue. The Project features active uses on the ground floor with a residential lobby, and retail and arts activities space. The ground floor ceiling height of the non-residential uses are a minimum of 15 feet, 4-inches where 17 feet is required.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver from the development standards for street frontage requirements, which are defined in Planning Code 134.*

- I. **Off-Street Parking.** Planning Section 151.1 of the Planning Code does not require off-street parking for residential and non-residential uses and allows up to maximum of ratio of .75 per dwelling unit and is allowed for residential uses; and up to one per 1,000 occupied square feet for office.

*The Project provides 28 off-street parking spaces below grade, with the entrance located on Treat Avenue, three off-street parking spaces at grade near the 19<sup>th</sup> and Harrison Street corner, and 10 off-street parking spaces provided on the ground floor parking garage with the entrance on Mistral Street. The 10 off-street spaces will be designated to the residential uses and 31 off-street spaces will be designated to the office uses. The Project is allowed a maximum of 18 residential and 96 office off-street parking spaces (including existing office space). Therefore, the Project complies with Planning Code Section 151.1.*

- J. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires no off-street freight loading space for retail sales and service uses and residential uses between 0 and 10,001 gsf and 0.1 spaces per 10,000 square feet for non-residential uses.

*The Project includes approximately 29,234 square feet of residential use, 4,400 square feet of retail sales and services use; and 27,017 square feet of additional office; thus, no off-street freight loading spaces are required.*

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

*The Project includes 24 dwelling units; therefore, the Project is required to provide 24 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces for residential uses and 7 Class 1 and 6 Class 2 spaces for the office and ground floor non-residential uses. The Project will provide 34 Class 1 bicycle parking spaces and 8 Class 2 bicycle parking spaces, in addition to the 75 existing Class 1 bicycle spaces for the existing office building. Therefore, the Project complies with Planning Code Section 155.2.*

- L. **Car Share.** Planning Code Section 166 requires that car-sharing spaces be provided in newly constructed buildings containing residential uses and newly constructed buildings containing parking for non-residential uses, including non-accessory parking in a garage or lot. For a project with 0 – 49 units, car-share parking spaces are not required. For non-residential uses with 25 – 49 parking spaces, one car-share parking space is required.

*The Project provides 41 off-street parking spaces, ten of which will be designated for the housing, therefore one car-share space is required. The Project shall incorporate a minimum of one car-share space into the Project, prior to site permit approval.*

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

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

- N. Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 11 points.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 75% of the point target established in the TDM Program Standards, resulting in a required target of 8.25 points. As currently proposed, the Project will achieve its required 8.25 points through the following TDM measures:*

Office Use:

- Parking Supply (Option K)
- Bicycle Parking (Option A)
- On-Site Affordable Housing (Option C)

Retail and Retail/Arts Activities Use:

- Unbundled Parking
- Parking Supply (Option D)

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

*For the 24 dwelling units, the Project is required to provide at least 10 two-bedroom units or 7 three-bedroom units. The Project provides 14 one-bedroom units and 10 two-bedroom. Therefore, the Project meets the requirements for dwelling unit mix.*

- P. Horizontal Mass Reduction.** Planning Code Section 270.1 requires that all buildings in the Eastern Neighborhoods that have a street or alley frontage greater than 200 feet in length incorporate mass reduction breaks that reduce the horizontal scale of the building into discrete sections of not more than 200 feet in length that: 1) not less than 30 feet in width; 2) not less than 60 feet in depth from street-facing façade; 3) extend up to the sky level not higher than 25 feet above grade or the third story, whichever is lower; and 4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200 feet.

*The Project site has four street frontages, with the frontages along 19<sup>th</sup> and Mistral Streets in excess of 200 feet in length. The existing building on the site occupies the entire length of the lot along 19<sup>th</sup>*



*Street and approximately two-thirds of the frontages along Treat Avenue and Harrison Street. The existing surface parking lot for which the Project will be constructed, has a depth of 57 feet, 8-inches resulting in a developable area with a depth of less than 60 feet. The massing of floors three to six are set back 10-feet from the front wall of the lower floors for approximately 7seventy-two percent of the street frontage and the front wall of the ground floor steps back from zero to 3 feet, 6 inches along the property line, which helps breaks down the massing along Mistral Street, but does not meet the minimum requirements for horizontal mass reduction.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver from the development standards for horizontal mass reduction requirements, which are defined in Planning Code 270.1.*

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

*The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces under the jurisdiction of the San Francisco Recreation and Parks Commission at any time during the year.*

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

*The Project includes more than twenty dwelling units, and construction of non-residential uses greater than 800 gross square feet; therefore, the TSF, as outlined in Planning Code Section 411A, applies.*

- S. **Jobs-Housing Linkage Fee.** Planning Code Section 413 established the Jobs-Housing Linkage Fee and is applicable to projects that that: (1) increases by 25,000 or more gross square feet the total amount of any combination of the following uses; entertainment, hotel, Integrated PDR,

office, research and development, retail, and/or Small Enterprise Workspace, and (2) whose environmental evaluation application for the development project was filed on or after January 1, 1999.

*The Project includes the addition of 27,017 gross square feet of office space and 2,486 gross square feet of retail; therefore, the Jobs-Housing Linkage Fees outlined in Planning Code Section 413.*

- T. **Inclusionary Affordable Housing Program in UMU Zoning District. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 16% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6 and has submitted an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project to be eligible for the On-Site Affordable Housing Alternative, the Project must submit an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on April 30, 2019. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on December 14, 2017. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 16 percent. Three units (2 one-bedroom, and 1 two-bedroom) of the 24 total units provided will be provided on-site as affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, then this approval is null and void.*

- U. **Childcare Impact Fee.** Planning Code Sections 414 and 414A is applicable to any residential development citywide that results in the addition of a residential unit and office and hotel development projects proposing the net addition of 25,000 or more gross square feet of office or hotel space.

*The Project includes approximately 29,234 square feet of new residential use, 27,152 square feet of additional office, 3,242 square feet of retail and 1,117 square feet of arts activities/retail use. Therefore, the proposed Project is subject to fees as outlined in Planning Code Sections 414 and 414A.*

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

*The Project includes approximately 78,096 gross square feet of new development consisting of approximately 29,234 square feet of residential use, 27,017 additional office square footage, 2,843 square feet of retail and 1,117 square feet of arts activities/retail use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees Tier 1 for residential and Tier 2 for non-residential, as outlined in Planning Code Section 423.*

- W. **Vertical Controls for Office Use.** Office uses within the UMU Zoning District are subject to the vertical controls for office uses (Planning Code Section 803.9(f)), which does not allow office uses on the ground floor and limits the number of office stories permitted based on the number of stories of the building. Based on this, the Project is allowed a maximum of one floor of designated office space in the existing three-story building.

*The existing building has three floors of office space, including the ground floor. On September 22, 2011, a Letter of Legitimization for the ground floor office use was issued by the Zoning Administrator. The additional two floors of office use on the second and third floors were established when the property was zoned Light Industrial (M-1), which allowed office as a principally permitted use, therefore it is now a legal non-conforming use. The Project has utilized the State Density Bonus Law, which allows the expansion of the non-conforming office space, in that it facilitates the ability to provide a higher density of residential units on the site.*

7. **State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

- A. **The Housing Project is eligible for the Individually Requested Density Bonus Program.**

*The Project consists of five or more dwelling units on a site that in the UMU Zoning District that is currently used as a surface parking lot and is, therefore, eligible for the Individually Requested Density Bonus Program.*

- B. **The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.**

*The Project is seeking Concessions or Incentives from the residential rear yard, ground floor ceiling height and active use requirements. The Project is required to provide a rear yard setback on the lowest floor containing residential units and at each subsequent floor. The Project will provide residential*

*units on the fourth to sixth floors, which is above the roof of the existing building on the site, which exceeds 25 percent rear yard requirement, however, the existing mechanical equipment and elevator penthouse on the roof obstructs the rear yard.*

*The requested Concessions or Incentives would result in financially sufficient and actual cost reductions to housing costs by not having to relocate the existing elevator and rooftop equipment. In addition, the Project Sponsor has demonstrated the financial hardship with fully aligning the new building with the existing building. A financial analysis submitted by the Project Sponsor estimates that the cost to make all necessary modification to the existing building to accommodate the required rear yard would be in excess of 1 million dollars.*

*The development site is restricted due to its limited depth and the existing building. Without the concessions and incentives for the ground floor ceiling height and active use requirements, the Project would need to eliminate the residential parking garage, which includes the ADA parking spaces for residents. In addition, the Project is not able to create the 17-ft ground floor height without creating a hardship between the new office portions and the residential portions of the new building.*

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.**

*The Project is seeking a waiver or modification from the following development standards: 1) Height (Planning Code Section 250); 2) Narrow Street Height Limit (Planning Code Section 261.1; and 3) Mass Reduction (Planning Code Section 270.1). Without the waivers or modifications, the construction of the housing project with the added density would be physically precluded. The Project includes an addition to two floors to an existing three-story office building, which includes required non-residential uses on the ground floor and residential units above. In order to achieve proposed density to accommodate the residential units, a waiver or modification to allow the additional height are necessary. Without the requested waivers from height and narrow street height limit, the Project could not construct the sixth floor, thus eliminating eight residential units.*

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.**

*The Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.*

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.**

*The requested Concession or Incentive for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

*The Project is located in the UMU Zoning District, which is intended for a mix of uses, and as a buffer zoning between residential and PDR zones. The project site is surrounded by a mix of uses, and the project itself includes office, retail and arts activity/retail uses. All of the proposed non-residential uses are permitted. The Project Sponsor has agreed to provide the proposed ground floor arts activity/retail space at below market rate rents for a certain period in response to a request by neighborhood groups. However, the proposed 27,000 sf of new office use is a component that is vital to the overall project's financial feasibility, and also provides an appropriate use for the 2nd and 3rd floors which due to the site configuration and Code requirements would not be appropriate for residential uses.*

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

A. **Overall building mass and scale.**

*The Project is designed as a six-story, 75-ft tall, mixed-use addition to an existing three-story, 40-ft tall office building. The Project incorporates residential, retail, and arts activities/retail entryways along Mistral Street and a retail entryway along Harrison Street, as well as massing setbacks. This massing is appropriate given the larger neighborhood context, which includes one-and-two-story industrial buildings, and two-and-three-story residential buildings. The surrounding neighborhood is extremely varied with many examples of smaller-scale residential properties along Folsom Street and larger-scale industrial properties to the east of Treat Avenue. The Project's overall mass and scale are further refined by the building modulation, which incorporates projecting bays and sunken entryways. Overall, these features provide variety in the building design and scale, while providing for features that strongly complement the neighborhood context. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*

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

*The Project's architectural treatments, facade design and building materials include a fiber cement board horizontal lap siding in two tones, metal siding, aluminum storefront, iron railings and gates, and dark bronze frame aluminum windows. The Project is distinctly contemporary in its character. The Project incorporates a simple, yet elegant, architectural language that is accentuated by contrasts in the exterior materials. Overall, the Project offers a high-quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.*

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

*The Project is consistent with the development density established for the Project Site in the Eastern Neighborhoods Area Plan. The building's ground floor retail/commercial and residential lobby along Mistral and Harrison Streets provide active street frontages which will enhance and offer an effective and engaging connection between the public and private areas. The garage entrances are located along Treat Avenue and Mistral Street through 14-ft wide garage doors which provides access to the ground level and basement garages. The residential units have exposure on all four sides of the building to maximize natural light exposure and overall livability of the units. Overall, the design of the lower floors enhances the pedestrian experience and accommodates new street activity and has an appropriate ground plane, which is beneficial to the large and narrow streets.*

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

*The Project meets the open space requirement through a combination of private and common open spaces, via common terraces on the fourth and 5<sup>th</sup> floors and private balconies/terraces.*

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

*The Project is not required to provide a mid-block alley due to the existing building on the project site.*

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

*In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as a new, widened concrete sidewalk and new crosswalk along Mistral Street, and new street trees. These improvements would vastly improve the public realm and surrounding streetscape.*

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

*The Project site occupies an entire block and has frontage along four streets which provides ample circulation around the project site.*

- H. Bulk limits.**

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

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

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

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1**

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

#### **Policy 1.2**

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

#### **Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

#### **OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### **Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

#### **Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

#### **Policy 4.5**

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

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4:**

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

**Policy 11.6**

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

**Policy 11.8**

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

**OBJECTIVE 12:**

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

**Policy 12.2**

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

**COMMERCE & INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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



**Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The proposed office development will provide net benefits to the City and the community in the form of an expansion of existing office space located within a zoning district with the stated intent of promoting a vibrant mix of uses while maintaining the characteristics of the neighborhood. The Project will enlarge an existing office building and also introduce new housing and retail uses to the neighborhood and has few physical consequences that are undesirable and the standard Conditions of Approval (Exhibit A) will help ensure that the operations will not generate any unforeseen problems.*

**OBJECTIVE 2:**

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

**Policy 2.3:**

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed office development expansion will help attract new commercial activity to San Francisco as it provides a large quantity of office space for use, as well as provide an opportunity for the existing office tenants to expand without having to relocate. It also contributes to San Francisco's attractiveness as a firm location in that the site is within short walking distance of the commercial core of the Mission District.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**MISSION AREA PLAN**

**LAND USE**

**Objectives and Policies**

**OBJECTIVE 1.2:**

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

**Policy 1.2.1**

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

**Policy 1.2.3**

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

**Policy 1.2.4**

Identify portions of the Mission where it would be appropriate to increase maximum heights for residential development.

*The Project will replace a surface parking lot with a mixed-use development, providing 24 new dwelling units and 27,017 additional square feet of office space in a mixed-use area. The Project is unique, in that it is providing residential units via an addition to an existing three-story office building, that will be constructed on an existing surface parking lot and will also provide additional office space without the displacement of any existing residents or businesses. The Project includes 3 on-site affordable housing units for rent, which assist in meeting the City's affordable housing goals and will provide additional office space which will allow existing office tenants to grow in place.*

*The Project provides for a high-quality designed exterior, which features a variety of materials, colors and textures, including cement plaster, metal siding, aluminum storefront, metal canopies, metal railings and aluminum windows. On balance, the Project is consistent with the Objectives and Policies of the General Plan.*

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

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

*Currently, the project site is a surface parking lot and does not possess any neighborhood-serving retail uses. The Project provides 24 new dwelling units and ground floor retail and arts activities uses, which will improve the urban form of the neighborhood by adding new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses. The expansion of the existing office use will also provide new employees who can patronize local retail establishments in the neighborhood.*

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

*The Project site does not contain any existing housing. The Project would provide 24 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add retail and arts activity uses. The Project offers an architectural treatment that is contemporary, yet contextual, and an architectural design that is consistent and compatible with the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

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

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

*The Project Site is served by nearby public transportation options. The Project is within a quarter mile from the 12 and 27 Muni bus lines and is within walking distance (0.07 miles) of the BART Station at 16th and Mission Streets. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and employees.*

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

*The Project will replace an existing surface parking lot; thus, no industrial and service sectors will be displaced by the new commercial office expansion. The Project would enhance opportunities for resident employment and ownership in retail sales and service sectors by providing for new housing and retail space, which will increase the diversity of the City's housing supply (a top priority in the City) and provide new potential neighborhood-serving uses and employment opportunities.*

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

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

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

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

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

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

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

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

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2016-010589ENX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 24, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 12, 2019.

  
Jonas P. Ionin  
Commission Secretary

AYES: Diamond, Fung, Johnson, Koppel, Melgar

NAYS: Moore

ABSENT: Richards

ADOPTED: December 12, 2019



# SAN FRANCISCO PLANNING DEPARTMENT

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## Initial Study – Community Plan Evaluation

*Case No.:* **2016-010589ENV**  
*Project Address:* **2300 Harrison Street/3101 19<sup>th</sup> Street**  
*Zoning:* **UMU (Urban Mixed-Use)**  
**68-X Height & Bulk District**  
*Block/Lot:* **3593/001**  
*Lot Size:* **38,676 square feet**  
*Plan Area:* **Eastern Neighborhoods Area Plan (Mission Plan Area)**  
*Project Sponsor:* **Tuija Catalano, Reuben, Junius & Rose, LLP, (415) 567-9000**  
*Staff Contact:* **Megan Calpin, (415) 575-9049, megan.calpin@sfgov.org**

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### PROJECT DESCRIPTION

The approximately 38,676-square-foot project site is located on the west side of Harrison Street, on the southwest corner of the intersection of Harrison and 19th streets in the Mission neighborhood. The project site is bounded by 19th Street to the north, Harrison Street to the east, Mistral Street to the south, and Treat Avenue to the west (see Project Site Location in Appendix A). The site is currently occupied by a 42-foot-tall, three-story, 68,538-square-foot office building, constructed in 1913, and a 14,000-square-foot surface parking lot with 61 parking spaces. The existing office building has a 1,300-square-foot roof deck. There are currently five additional on-site parking spaces along the Harrison Street exterior of the existing office building, for a total of 66 off-street vehicle parking spaces. The existing office building provides a bicycle room with 48 Class 1 bicycle spaces, and two showers and a locker room with existing bicycle racks for 27 bicycles.<sup>1</sup> Nine Class 2 bicycle parking spaces are currently provided in the existing parking lot (see Existing Site Plan in Appendix B, Sheet A110). Adjacent to the project site, there are an additional 14 Class 2 bicycle parking spaces on the east side of Treat Avenue (five bicycle racks in an on-street bicycle corral and two bicycle racks on the sidewalk).

Pedestrian access to the existing office building is located on 19<sup>th</sup> Street, Harrison Street, and from the existing surface parking lot on the southside of the building. The project site has four existing curb cuts. There is a 17-foot-wide curb cut on Treat Avenue to access the surface parking lot, and there are also three curb cuts on Harrison Street: a 17-foot-4-inch-wide curb cut to access the surface parking lot and two to the north of that curb cut, 18-foot-6-inch-wide and 20-foot-wide, respectively (see Existing Site Plan in Appendix B, Sheet A110).

The proposed project would include a vertical and horizontal addition to the existing building that would replace the surface parking lot with new construction of a 75-foot-tall (up to 85-foot-tall for the elevator penthouse), six-story-over-basement, 77,365-square-foot mixed-use building (see Appendix B for project site plan and project figures). The new building would be connected to the existing building at the second

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<sup>1</sup> Class 1 bicycle parking spaces are spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage. Class 2 bicycle parking spaces are spaces located in a publicly accessible, highly visible location intended for transient or short-term use. Each Class 2 rack serves two bicycles.

and third levels to expand the existing office uses on those floors. An office lobby fronting Mistral Street would provide access to an elevator serving the basement garage through floor 3 of the new building. Other than for the connections at the second and third levels to expand the office use, no changes are proposed to the existing building. The project would use the state density bonus law (California Government Code sections 65915-65918), which allows waivers, concessions, and modifications from local development standards for projects. Under the state density bonus law, the project would seek modifications and concessions for active ground floor uses, narrow street height limit, ground floor height, and rear yard setback. The project also seeks a waiver for one additional floor above the existing height limit. Table 1 below details the existing, proposed, and proposed combined new project's uses and square footage.

**Table 1: Project Characteristics**

	Existing (gross square feet - gsf)	Proposed (gsf)	Total onsite after addition (gsf)
Office	68,538	27,017	95,555
Office Open Space	1,300	544	1,844
Retail	--	2,483	2,483
Retail Open Space	--	112	112
Arts Activity or Retail	--	1,117	1,117
Residential	--	29,234	29,234
Residential Open Space	--	4,220	4,220
Parking	14,000 (surface parking lot)  66 spaces	-14,000 surface parking lot  + 17,514 (garage)  -25 spaces	17,514 (garage)  41 spaces
Bicycle Parking	75 Class 1 spaces 9 Class 2 spaces	30 Class 1 spaces -4 Class 2 spaces	105 Class 1 spaces 5 Class 2 spaces
Total	68,538	77,365	145,903

The proposed addition would consist of 12,331 square feet of below-grade parking for the office use, a new bike room with seven Class 1 bicycle spaces, 12 lockers and two showers for office employees at the site<sup>2</sup>; 1,117 square feet of arts activity or retail uses, 2,483 square feet of retail, and 5,183 square feet of parking for the residential use at the ground floor; 27,017 square feet of office use on floors 2 and 3; and 29,234 square feet of residential use on floors 4, 5, and 6. The project would include 24 dwelling units consisting of 14 one-bedroom and 10 two-bedroom units. The residential lobby would be at the corner of Treat Avenue and Mistral Street, fronting Mistral Street, with access to an elevator serving floors 1 and 4 through 6. Existing access to office uses would continue to be available at the ground floor from 19<sup>th</sup> and Harrison streets. In addition, a new elevator serving the office space would be accessible from the basement garage,

<sup>2</sup> For compliance with Planning Code sections 155.1-155.4, Bicycle Parking, Showers, and Lockers in New and Expanded Buildings.

a lobby fronting Mistral Street, and floors 2 and 3. Two arts activity or retail spaces would front Mistral Street, and the retail space would front Harrison Street.

Open space for retail (112 square feet) would be provided on the Harrison Street frontage of the building, in front of the retail space. Approximately 545 total square feet of open space for office use would be provided on floors 2 and 3 as 272 square foot balconies, each facing Mistral Street. Approximately 2,722 square feet of residential common open space would be provided on the fourth and fifth floors in the form of terraces. In addition, approximately 1,405 square feet of private open space would be provided for some of the residential units as private balconies for five residential units. Following development of the project, uses at the site would consist of 95,555 square feet of office use, 29,234 square feet of residential use, 1,117 square feet of ground floor arts activity or retail uses, 2,483 square feet of retail, 17,514 square feet of parking, and 6,176 square feet of open space.

The proposed project would remove the existing surface parking lot with 61 parking spaces. It would provide 41 vehicle parking spaces: 31 for office and 10 for residential use as follows. Twenty-eight parking spaces for the office use would be located in the basement garage accessed from a proposed 14-foot-wide curb cut on Treat Avenue. Additionally, three of the existing five parking spaces on the Harrison Street exterior of the building would be retained for the office use and accessed via the existing 20-foot-wide curb cut. Ten vehicle spaces for the residential use would be located in a ground floor parking garage accessed from a proposed 14-foot-wide curb cut on Mistral Street.

The proposed project would add 30 Class 1 bicycle parking spaces at the basement and ground floor levels—24 for residential use, five for office use, and one for retail use. The existing nine Class 2 bicycle spaces in the surface parking lot would be removed. Adjacent to the existing project site on Treat Avenue is an on-street bicycle corral with 10 Class 2 spaces and two bicycle racks on the sidewalk with four Class 2 spaces. This corral and the sidewalk racks would be relocated to accommodate the proposed Treat Avenue curb cut. Due to the vertical and horizontal additions, the project would be required to provide five Class 2 bicycle parking spaces in the right-of-way adjacent to the project site on the surrounding sidewalks. Following implementation of the project, the project site would provide 105 Class 1 bicycle parking spaces on-site and five Class 2 bicycle parking spaces on the sidewalks surrounding the site. The proposal also includes the addition of 14 street trees: one on Treat Avenue, 12 on Mistral Street, and one on Harrison Street.

The proposal includes several transportation-related changes, including some changes within the public right-of-way. With the removal of the surface parking lot and new construction, the project sponsor proposes removing three curb cuts – a 17-foot-wide curb cut on Treat Avenue, and two curb cuts on Harrison Street (17-foot-4-inch-wide and 18-foot-6-inch-wide, respectively (see Site Plan in Appendix B, Sheet A111). For access to the proposed below-grade and at-grade garages, new curb cuts are proposed along Treat Avenue and Mistral Street as described above.

The project sponsor would widen the sidewalk along the north side of Mistral Street, between Harrison Street and Treat Avenue, from 5 feet to 8-feet-8-inches, to improve access to the site for people walking, and would request that all on-street parking along the south side of Mistral Street be removed to provide clearance for fire department vehicles. Additionally, a bulb out at the corner of Harrison and Mistral streets would extend 9 feet into Harrison Street. North/south crosswalk striping across Mistral Street at the southeast corner of the project site is also proposed.



The project sponsor would also request that the SFMTA install commercial and passenger loading zones and no-parking zones (red curb). Along the building's 19<sup>th</sup> Street frontage, a 74-foot-long dual use<sup>3</sup> loading zone is proposed east of Treat Avenue and near the existing office entry along 19<sup>th</sup> Street, which is anticipated to be used for commercial and passenger loading associated with the office use. A 45-foot-long white passenger loading zone along Harrison Street is proposed, just north of the proposed bulbout. Removal of 19 on-street parking spaces is proposed along the entire southside of Mistral Street, both sides of Treat Avenue along the project site frontage, and portions of the northside of Mistral Street. The project sponsor would also request the SFMTA install no-parking zones (red curb) in the areas of parking removal (see Site Plan in Appendix B, Sheet A111).

A geotechnical investigation was prepared for the proposed project. The investigation indicated that the proposed building could be supported by either torque-down piles or auger cast-in-place piles extending up to 55 feet below ground surface or by a mat slab foundation supported on improved soils; impact piling driving is not proposed or required.<sup>4</sup> During the approximately 18-month construction period, excavation of approximately 5,500 cubic yards would occur across the site to a depth of approximately 15 feet for the building foundation. Project construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving.

## CUMULATIVE SETTING

CEQA Guidelines section 15130(b)(1) provides two methods for cumulative impact analysis: the "list-based approach" and the "projections-based approach." The list-based approach uses a list of projects producing closely related impacts that could combine with those of a proposed project to evaluate whether the project would contribute to significant cumulative impacts. The projections-based approach uses projections contained in a general plan or related planning document to evaluate the potential for cumulative impacts. This project-specific analysis employs both the list-based and projections-based approaches, depending on which approach best suits the resource topic being analyzed.

The proposed project is located within the area of the city addressed under the Eastern Neighborhoods Rezoning and Area Plans. The Eastern Neighborhoods PEIR evaluated the physical environmental impacts resulting from the rezoning of this plan area, including impacts resulting from an increase of up to 9,858 housing units and 6.6 million square feet of non-residential uses and a reduction of up to 4.9 million square feet of production, distribution, and repair (PDR) uses. The cumulative impact analysis provided in this initial study includes updated analysis as needed to evaluate whether the proposed project could result in new or substantially more severe cumulative impacts than were anticipated in the Eastern Neighborhoods PEIR. For example, the cumulative transportation analysis in this initial study is based on projected 2040 cumulative conditions, whereas the Eastern Neighborhoods PEIR relied on 2025 cumulative transportation projections.

Additionally, the following is a list of reasonably foreseeable projects within one-quarter mile of the project site that may be included in the cumulative analysis for certain localized impact topics (e.g., cumulative shadow effects).

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<sup>3</sup> Dual use refers to zones that may be used for commercial loading at times and as passenger loading at other times. The SFMTA would confirm the curb designation (yellow or white) prior to occupancy based on the conditions in the vicinity.

<sup>4</sup> Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

- 2219 Bryant Street (Case No. 2006.1340ENV) – The project consists of a vertical addition to add one story to an existing two-story single-family dwelling in zoning district RM-1. The project would add one additional dwelling unit and one additional off-street parking space.
- 2507 Folsom Street (Case No. 2016-002874ENV) – The project would demolish two one-story buildings, subdivide the lot, and construct a three-unit, four-story residential building on each lot, for a total of six new dwelling units with six vehicle parking spaces.
- 2750 19th Street (Case No. 2014.0999ENV) – The project would demolish the existing 10,934-square-foot industrial building and construct a 68-foot-tall mixed-use building with 60 dwelling units, 10,000 square feet of PDR on ground floor.
- 2971 21st Street (Case No. 2018-010967ENV) – The project would include a one-story rear horizontal addition with a roof deck. This new addition would replace and enlarge an existing rear deck.
- 3324 19th Street (Case No. 2014-000255ENV) – The project would include remodeling the existing unimproved first floor for two residential units, remodel existing second and third floor apartments, vertical addition of a fourth floor for 4 new residential units. Includes a rear horizontal addition.
- 3421 20th Street (Case No. 2018-004775ENV) – The project would include two accessory dwelling units, each with one bedroom and one bath, on the first floor.
- 793 South Van Ness Avenue (Case No. 2015-001360ENV) – The project would demolish the existing gas station and construct a seven-story residential building with 73 dwelling units and 4,577 square feet of retail space at the ground floor.

## **APPROVAL ACTION**

The proposed 2300 Harrison Street project would require the following approvals:

### **Actions by the Planning Commission or Planning Department**

- Approval of a large project authorization from the Planning Commission is required per Planning Code section 329 for the new construction of a building greater than 25,000 gross square feet in size.
- Approval of an office allocation per Planning Code section 321 is required for projects proposing between 25,000 and 49,999 square feet of office.
- Planning Department recommendation regarding the General Plan Referral for changes within the public right-of-way including sidewalk legislation.

### **Actions by other City Departments**

- Approval of building permits by the San Francisco Department of Building Inspection for site grading and alterations to the existing building.
- Recommendation to the San Francisco Board of Supervisors regarding sidewalk legislation, approval of tree planting, and other streetscape improvements from San Francisco Public Works.
- Approval of modifications to on-street loading and other colored curb zones, removal of on-street parking spaces, special traffic permits for construction staging, if needed, and placement of bicycle racks in the public right-of-way from the San Francisco Municipal Transportation Agency.
- Approval by the San Francisco Board of Supervisors for sidewalk legislation to widen the sidewalk.
- Approval of a final site mitigation plan by the Department of Public Health.
- Approval of a Stormwater Control Plan from the San Francisco Public Utilities Commission.

The approval of the large project authorization would be the *approval action* for the project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

### **Evaluation of Environmental Effects**

This initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>5</sup> The initial study considers whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

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

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

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<sup>5</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

The proposed project would include a six-story-over-basement horizontal and vertical addition to an existing three-story office building. The addition would demolish a surface parking lot and construct basement parking; ground floor parking, retail and arts activity or retail use. The second and third floors of the new construction would consist of office use, connecting to the existing three-story office building on the site. The fourth through sixth floors would consist of 24 one- and two-bedroom dwelling units. As discussed below in this initial study, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## CHANGES IN THE REGULATORY ENVIRONMENT

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

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA section 21099” heading below).
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various city agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program consisting of adoption of a transportation sustainability fee, effective January 2016; Planning Commission resolution 19579, effective March 2016; and adoption of a transportation demand management program, effective March 2017.
- San Francisco Planning Department Transportation Impact Assessment Guidelines Update in February 2019. San Francisco now only considers capacity-related impacts as significant if they result in potentially hazard conditions for public transit and people walking or bicycling. This removes transit capacity and sidewalk capacity (overcrowding) as impact topics for CEQA consistent with 2019 amendments to the CEQA Guideline by the state Office of Planning and Research effective January 1, 2019 (see initial study Transportation section). For other transportation subtopics, the new guidelines provide more description regarding effects and in some instances establish screening criteria to identify projects that would not result in significant environmental effects.
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).

- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- Urban Water Management Plan adoption in 2015 (see initial study Utilities and Service Systems section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

**CEQA section 21099**

In accordance with CEQA section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets 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.<sup>6</sup>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>1. LAND USE AND LAND USE PLANNING—Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that implementation of the area plans would not create any new physical barriers in the Eastern Neighborhoods plan areas because the rezoning and area plans do not provide for any new major roadways, such as freeways that would disrupt or divide the plan area or individual neighborhoods or subareas. The Eastern Neighborhoods Rezoning and Area Plans is a regulatory program and the PEIR determined that the plan is consistent with various plans, policies, and regulations. The Eastern Neighborhoods PEIR determined that adoption of the rezoning and area plans would result in an unavoidable significant impact on land use due to the cumulative loss of production,

<sup>6</sup> San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 2300 Harrison Street, April 11, 2019. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2016-010589ENV.

distribution, and repair (PDR) land uses. Subsequent CEQA case law since certification of the Eastern Neighborhoods PEIR has clarified that "community character" itself is not a physical environmental effect.<sup>7</sup> Therefore, consistent with Appendix G of the CEQA Guidelines, analysis concerning land use character has been removed from further evaluation in this project-specific initial study.

The proposed project would not result in the construction of a physical barrier to neighborhood access or the removal of an existing means of access; it would result in the construction of a horizontal and vertical addition to an existing building within established lot boundaries. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Therefore, the proposed project would not physically divide an established community.

The proposed project would not remove any existing PDR uses and would therefore not directly contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. The project site was zoned Light Industrial (M-1) prior to the rezoning of Eastern Neighborhoods. M-1 zoning districts are suitable for smaller industries, compared with M-2 districts, which are dependent upon truck transportation. Through the rezoning process the project site was rezoned to Urban Mixed-Use district (UMU), which is intended to buffer industrial and mixed uses and promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. This zoning district permits PDR uses, and therefore, rezoning to UMU, a district that permits PDR uses, did not contribute to the significant impact identified in the PEIR.

However, development of the proposed project would limit and may preclude development of PDR space on this site in the future. The loss of 14,000 square feet or more of potential PDR space would indirectly contribute to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. However, this loss would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project's contribution to this cumulative impact does not require any additional environmental review beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study.

The Citywide Planning and Current Planning divisions of the planning department have determined that the proposed project is permitted in the Urban Mixed Use (UMU) District and is consistent with the development density established for the project site in the Mission Area Plan, the UMU land use requirements, as well as the height and bulk requirements of the 68-X height and bulk district.<sup>8,9</sup> The project is seeking a height waiver pursuant to the state density bonus law to exceed the applicable 68-X height limit. The project proposes 24 dwelling units, 42 percent of which would be two-bedroom units. The project would add 27,017 square feet of office space that would be subject to the Small Cap Office Allocation pursuant to Planning Code section 321 and within the allowable floor area ratio. The proposed project is consistent with Mission Plan Objective 1.1, which calls for strengthening the mixed-use character of the neighborhood while maintaining the neighborhood as a place to live and work.

The proposed project is consistent with the development density established in the Eastern Neighborhoods Rezoning and Area Plans, and therefore would not conflict with applicable land use plans or policies adopted for the purpose of avoiding or mitigating an environmental effect.

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<sup>7</sup> Preserve Poway v. City of Poway, 245 Ca1.App.4~ 560.

<sup>8</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2300 Harrison Street, October 4, 2018.

<sup>9</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2300 Harrison Street, February 12, 2018.

**Cumulative Analysis**

While the proposed project would indirectly contribute to the significant cumulative land use impact related to the loss of PDR space that was identified in the Eastern Neighborhoods PEIR, for the reasons stated above the proposed project would not result in new or more severe impacts than were disclosed in the PEIR. The proposed project would have no impact with respect to physically dividing a community or conflicting with an applicable land use plan and therefore would not have the potential to contribute to significant cumulative impacts related to land use or land use planning.

**Conclusion**

Implementation of the proposed project would not result in significant project-level or cumulative land use impacts. Therefore, the proposed project would not result in significant physical environmental land use impacts that were not already disclosed in the Eastern Neighborhoods PEIR related to land use and land use planning.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING—</b>				
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods area plans is to identify appropriate locations for housing in the City’s industrially zoned land to meet the citywide demand for additional housing. The PEIR assessed how the rezoning actions would affect housing supply and location options for businesses in the Eastern Neighborhoods and compared these outcomes to what would otherwise be expected without the rezoning, assuming a continuation of development trends and ad hoc land use changes (such as allowing housing within industrial zones through conditional use authorization on a case-by-case basis, site-specific rezoning to permit housing, and other similar case-by-case approaches). The PEIR concluded that adoption of the rezoning and area plans “would induce substantial growth and concentration of population in San Francisco.” The PEIR states that the increase in population expected to occur as a result of the proposed rezoning and adoption of the area plans would not, in itself, result in adverse physical effects, and would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City’s transit first policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the area plan neighborhoods. The Eastern Neighborhoods PEIR determined that the

anticipated increase in population and density would not directly result in significant adverse physical effects on the environment. However, the PEIR identified significant cumulative impacts on the physical environment that would result indirectly from growth afforded under the rezoning and area plans, including impacts on land use, transportation, air quality, and noise. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics, and identifies mitigation measures to address significant impacts where feasible.

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

The proposed project would not displace any existing housing units as the site is currently in use as office and an associated surface parking lot. The proposed project would demolish the surface parking lot to construct a horizontal and vertical addition, including 24 dwelling units, 2,483 square feet of retail, an addition of 27,017 square feet of office, and 1,117 square feet of arts activities or retail.<sup>10</sup> The proposed project would result in an increase of about 56 residents and 136 new employees (126 office employees and 10 retail and arts activity or retail employees).<sup>11,12</sup>

The Association of Bay Area Governments (ABAG) prepares projections of employment and housing growth for the Bay Area. The latest projections were prepared as part of Plan Bay Area 2040, adopted by ABAG and the Metropolitan Transportation Commission in 2017. The growth projections for San Francisco County anticipate an increase of 137,800 households and 295,700 jobs between 2010 and 2040.<sup>13</sup>

The project's 24 units and 30,617 square feet of commercial space would contribute to growth that is projected by ABAG. As part of the planning process for Plan Bay Area, San Francisco identified *priority development areas*, which are areas where new development will support the day-to-day needs of residents

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<sup>10</sup> For the purposes of increased employees on site, the square footage for non-residential artisan uses were calculated using office square footage.

<sup>11</sup> U.S. Census Bureau, San Francisco County, California, Families and Living Arrangements, Households, 2013-2017. Available online at: <https://www.census.gov/quickfacts/sanfranciscocountycalifornia>. Accessed April 10, 2019. Estimated number of new residents based on average household size (2.35) of occupied housing units in San Francisco and the proposed project's 24 new dwelling units [24 \* 2.35 = 56.4 residents].

<sup>12</sup> Estimated number of new employees based on City and County of San Francisco, SF Planning *Transportation Impact Analysis Guidelines* 2019 update. [27,017 square feet of new office space / 214 employees per square foot = 126 office employees] + [3,600 square feet of gross floor area of new retail space / 350 employees per square foot = 10 employees] = 136 employees.

<sup>13</sup> Metropolitan Transportation Commission and Association of Bay Area Government, *Plan Bay Area 2010 Final Supplemental Report: Land Use and Modeling Report*. July 2017. This document is available online at: <http://2040.planbayarea.org/reports>. Accessed November 7, 2018.



and workers in a pedestrian-friendly environment served by transit. The project site is located within the Eastern Neighborhoods priority development area; thus, it would be implemented in an area where new population growth is anticipated.

The project would also be located in a developed urban area with available access to necessary infrastructure and services (transportation, utilities, schools, parks, hospitals, etc.). Since the project site is located in an established urban neighborhood and is not an infrastructure project, it would not indirectly induce substantial population growth. Therefore, the housing and employment growth generated by the project would not result in new or more severe impacts than were identified in the Eastern Neighborhoods PEIR. The physical environmental impacts resulting from housing and employment growth generated by the project are evaluated in the relevant resources topics in this initial study.

The proposed project would not displace any residents or housing units since no housing units currently exist on the project site. Therefore, the proposed project would have no direct impact related to the displacement of housing units or people and would not necessitate the construction of replacement housing elsewhere that could result in physical environmental effects.

### **Cumulative Analysis**

The cumulative context for the population and housing topic is the City and County of San Francisco. The proposed project would provide housing units and commercial space but would not result in growth that would exceed ABAG projections. The proposed project would provide housing units and commercial space that would result in increases in population (households and jobs). Between 2010 and 2017, San Francisco's population grew by approximately 13,000 households and 137,200 jobs, leaving approximately 124,839 households and 158,486 jobs projected for San Francisco through 2040.<sup>14,15</sup> As of the fourth quarter of 2018, approximately 70,960 net new housing units are in the pipeline, i.e., are either under construction, have building permits approved or filed, or applications filed, including remaining phases of major multi-phased projects.<sup>16</sup> The pipeline also includes projects with land uses that would result in an estimated 94,600 new employees.<sup>17,18</sup> As such, cumulative household and employment growth is below the ABAG projections for planned growth in San Francisco. Therefore, the proposed project would not contribute to any cumulative environmental effects associated with inducing population growth or displacing substantial numbers of people necessitating the construction of replacement housing elsewhere.

### **Conclusion**

The proposed project would contribute a small portion of the growth anticipated within the Eastern Neighborhoods plan area under the Eastern Neighborhoods Rezoning and Area Plans. The project's incremental contribution to this anticipated growth would not result in a significant individual or cumulative impact related to population and housing. Therefore, the proposed project would not result in

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<sup>14</sup> U S. Census Bureau, American Fact Finder, 2010 Demographic Profile Data and 2010 Business Patterns, San Francisco County. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/programs.xhtml?program=dec>. Accessed April 10, 2019.

<sup>15</sup> U S. Census Bureau, Quick Facts, San Francisco County, California, Population Estimates July 1, 2017 and Households 2013-2017. Available online at: <https://www.census.gov/quickfacts/sanfranciscocountycalifornia>. Accessed April 10, 2019.

<sup>16</sup> San Francisco Planning Department, 2018 Q4. Housing Development Pipeline. Available online at: <https://sfplanning.org/project/pipeline-report>. Accessed April 10, 2019.

<sup>17</sup> Ibid.

<sup>18</sup> San Francisco Planning Department, Citywide Division, Information and Analysis Group, Scott Edmundson, March 19, 2019.

significant physical environmental impacts related to population and housing that were not identified in the Eastern Neighborhoods PEIR.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Historic Architectural Resources

Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The existing office building was determined to not be a historic resource in the Showplace Square/Northeast Mission Historic Resource Survey.<sup>19</sup> A rehabilitation of the building retained the frame only of the 1913 industrial building. For this reason, the existing structure was determined to no longer retain integrity, and it is not a historic resource for the purpose of CEQA. The project site is bounded by streets on all sides; there are no adjacent historic buildings on the same block as the project. Therefore, the proposed project would not affect a historic resource on the project site and would not contribute to the

<sup>19</sup> San Francisco Planning Department, *Showplace Square/Northeast Mission Historic Resource Survey*, June 2011. Available at <https://sf-planning.org/showplace-square-northeast-mission-historic-resource-survey>, accessed November 8, 2018.

significant historic resource impact identified in the Eastern Neighborhoods PEIR. No historic resource mitigation measures would apply to the proposed project.

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

### **Archeological Resources**

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology. No prior archeological research design and treatment plan has been prepared for the 2300 Harrison Street parcel, and the project site is not within the Mission Dolores Archeological District.

Therefore, PEIR Mitigation Measure J-2 is applicable to the proposed project. PEIR Mitigation Measure J-2 states that any project resulting in soils disturbance for which no archeological assessment report has been prepared or for which the archeological document is incomplete or inadequate shall be required to conduct a preliminary archeological sensitivity study prepared by a qualified archeological consultant having expertise in California prehistoric and urban historical archaeology. Based on the study, a determination shall be made if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. In accordance with this measure, the Planning Department's archeologist conducted a preliminary review of the project site in conformance with the study requirements of Mitigation Measures J-2, in order to recommend appropriate further action.<sup>20</sup>

The project site is located along the historic shoreline of Mission Creek, where there is a moderate potential for buried prehistoric archeological resources based on proximity to known sites, depth of fill, and prehistoric settlement modeling conducted for the Planning Department. The construction of the proposed project would involve excavation of up to 15 feet in depth, and the removal of approximately 5,500 cubic yards of material. On this basis, the Planning Department archeologist determined that the Planning Department's third standard archeological mitigation measure (archeological testing) should be implemented for the proposed project.<sup>21</sup> Therefore, **Project Mitigation Measure 1: Archeological Testing** (implementing PEIR Mitigation Measure J-2) is applicable to the project and is discussed in the Mitigation Measures section below. In accordance with this measure, an Archeological Testing Plan shall be developed by a qualified archeological consultant for review and approval by the Planning Department prior to the start of construction and shall be implemented during or prior to construction. Full text of this mitigation measure is provided in the Mitigation Measures section below.

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<sup>20</sup> San Francisco Planning Department, Environmental Planning Preliminary Archeological Review, 2300 Harrison Street, July 23, 2018.

<sup>21</sup> Ibid.

The potential of the project to adversely affect archeological resources would be reduced to less than significant by implementation of the **Project Mitigation Measure 1: Archeological Testing**. For these reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Eastern Neighborhoods PEIR.

### **Paleontological Resources**

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Construction activities are not anticipated to encounter any below-grade paleontological resources. The proposed project includes a basement parking level that would require excavation to a depth of 15 feet below grade surface. The proposed foundation would include torque-down piles or auger cast-in-place piles, extending to a depth of 45 to 55 feet. The project site is underlain by undocumented fill to a depth of approximately 15 to 25 feet, which itself is underlain by soft to medium stiff, highly compressible clay to a depth of 40 feet. Both soil types have low potential for paleontological resources. Therefore, the project would have a less-than-significant impact on paleontological resources.

### **Cumulative Analysis**

As discussed above, the proposed project would have no effect on on-site or off-site historic architectural resources and therefore would not have the potential to contribute to any cumulative historic resources impact.

The cumulative context for archeological resources, paleontological resources, and human remains are site specific and generally limited to the immediate construction area. For these reasons, the proposed project, in combination with reasonably foreseeable future projects, would not result in a cumulatively considerable impact on archeological resource, paleontological resources or human remains.

### **Conclusion**

The proposed project would not result in significant impacts to historic architectural resources or paleontological resources and impacts to archeological resources would be mitigated to less than significant levels with implementation of mitigation measures identified in the Eastern Neighborhoods PEIRs. The project sponsor has agreed to implement **Project Mitigation Measure 1 (Archeological Testing)**. Therefore, the proposed project would not result in significant impacts on cultural resources that were not identified in the Eastern Neighborhoods PEIR.

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<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION—Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The PEIR anticipated that growth resulting from the zoning changes could result in significant and unavoidable with mitigation impacts on automobile delay and transit (both delay and ridership). The PEIR identified Mitigation Measures E-1 through E-11 to address these impacts. The city, and not developers of individual development projects, is responsible for implementing these measures. At the time of the PEIR, the city could not guarantee the future implementation of these measures. Since the certification of the Eastern Neighborhoods PEIR in 2008, the city has implemented some of these measures (e.g., Transit Effectiveness Project, increased transit funding, and others listed under “Regulatory Changes”). In addition, the state amended CEQA to remove automobile delay as a consideration (CEQA section 21099(b)(2)). In March 2016, Planning Commission resolution 19579 implemented this state-level change in San Francisco. Lastly, in February 2019, the department updated its Transportation Impact Analysis Guidelines (2019 guidelines). With that update, the department deleted the transit capacity criterion to be consistent with state guidance regarding not treating addition of new users as an adverse impact and to reflect funding sources for and policies that encourage additional ridership.<sup>22</sup> Accordingly, this initial study does not evaluate the project’s impact on automobile delay or transit capacity. The planning department

<sup>22</sup> San Francisco Planning Department, “Transportation Impact Analysis Guidelines Update: Summary of Changes Memorandum”, February 14, 2019.

conducted project-level analysis of the pedestrian, bicycle, loading, and construction transportation impacts of the proposed project.<sup>23</sup>

### **Trip Generation**

Localized trip generation that could result from the project was calculated using a trip-based analysis and information in the 2019 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>24</sup> The proposed project would generate an estimated 1,117 person trips (inbound and outbound) on a weekday daily basis, consisting of 358 person trips by automobile (272 vehicle trips accounting for vehicle occupancy data), 60 for-hire person trips (40 vehicle trips accounting for vehicle occupancy data), 172 trips by transit, 436 trips by walking, and 33 trips by bicycling, and 58 trips by other modes.<sup>25</sup>

During the p.m. peak hour, the proposed project would generate an estimated 100 person trips, consisting of 32 person trips by automobile (24 vehicle trips accounting for vehicle occupancy data), 5 for-hire person trips (4 vehicle trips accounting for vehicle occupancy data), 15 trips by transit, 39 trips by walking, and 3 trips by bicycling, and 5 trips by other modes. For background and reference information, the existing office use generates an estimated 96 person trips during the p.m. peak hour, consisting of 36 person trips by automobile (32 vehicle trips accounting for vehicle occupancy data), 11 for-hire vehicle trips (7 vehicle trips account for vehicle occupancy data), 18 trips by transit, 16 trips by walking, 3 trips by bicycling and 12 by other modes.

The department used this information to inform the analysis of the project's impacts on transportation and circulation during both construction and operation. The following considers effects on potentially hazardous conditions, accessibility (including emergency access), public transit delay, vehicle miles traveled, and loading.

### **Construction**

The 2019 guidelines set forth screening criteria, based on project site context and construction duration and magnitude, for types of construction activities that would typically not result in significant construction-related transportation effects. Project construction would last approximately 18 months. During construction, the project may result in temporary closures of the public right-of-way. The project would require up to 5,500 cubic yards of excavation. Street space surrounding the site may be needed for construction staging. The project sponsor would apply for permits from the SFMTA and/or San Francisco Public Works if use of street space is needed. Based on this information, the project meets the screening criteria.

Further, the project would be subject to the San Francisco Regulations for Working in San Francisco Streets (the blue book). The blue book is prepared and regularly updated by the San Francisco Municipal Transportation Agency, under the authority derived from the San Francisco Transportation Code. It serves

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<sup>23</sup> San Francisco Planning Department, Transportation Study Determination, Case No. 2016-010589ENV, 2300 Harrison St/3101 19<sup>th</sup> Street, January 8, 2018.

<sup>24</sup> San Francisco Planning Department, Transportation Calculations for 2300 Harrison Street, April 10, 2019. It was assumed that the arts activity or retail space would generate a similar rate of person trips as retail use and the combined square footage of the retail and arts activity or retail uses were calculated together.

<sup>25</sup> TNC stands for transportation network company. Also known as ride-sourcing, it is a mobility service where a trip is requested typically using a phone, internet, or phone/computer application. Regulated by the California Public Utilities Commission as a "transportation network company." San Francisco Planning Department, Transportation Impact Analysis Guidelines, February 2019. Available at [http://default.sfplanning.org/publications\\_reports/TIA\\_Guidelines.pdf](http://default.sfplanning.org/publications_reports/TIA_Guidelines.pdf). Accessed April 10, 2019.

as a guide for contractors working in San Francisco streets. The blue book establishes rules and guidance so that construction work can be done safely and with the least possible interference with pedestrians, bicycle, transit and vehicular traffic. Therefore, the project would have a less-than-significant construction-related transportation impact.

### **Potentially Hazardous Conditions and Accessibility**

The project would remove three curb cuts (a 17-foot-wide curb cut on Treat Avenue and two curb cuts on Harrison Street, 17-foot-4-inch-wide and 18-foot-6-inch-wide, respectively) and add two new 14-foot curb cuts and driveways for below and at-grade parking garage access on Treat Avenue and Mistral Street, respectively. The vehicle access for the office garage is immediately across Treat Avenue from a 39.5-foot-long commercial loading zone at 620 Treat Avenue. On this segment, Treat Avenue is a low volume, two-way street that dead ends at Mistral Street. The project would add 28 p.m. peak hour vehicle trips (private passenger vehicles and for-hire vehicles), and there are 39 p.m. peak vehicle trips associated with the existing office use. These vehicle trips would likely start from or end at project's driveways or convenient loading zones and be dispersed along nearby streets. The number of vehicles entering and exiting the project site at this location would be reduced from existing conditions due to the reduced number of available parking spaces within the office and residential garages and the locations of proposed loading zones.<sup>26</sup> As described in the project description and shown on the site plan in Appendix B, the project sponsor would request that the SFMTA remove 19 on-street parking spaces and install five no-parking zones (red curb) to support emergency vehicle access to the project site. Additional vehicles along this street shared by emergency services would not be substantial. A 74-foot combined commercial and passenger loading zone is proposed along 19<sup>th</sup> Street and commercial vehicles would be able to pull into and out of the Treat Avenue loading zone as under existing conditions.

People driving into the project site's driveways would have adequate visibility of people walking and bicycling. Both proposed driveways would be on side streets and the speed at which drivers entering and exiting the driveway would be slow enough given the width of the curb cut (14 feet, respectively) to avoid potentially hazardous conditions. In addition, the design of the project's driveway would be able to accommodate the anticipated number of vehicle trips without blocking access to a substantial number of people walking within the sidewalk. There are no bicycle lanes on Treat Avenue or Mistral Street, and the project would remove two curb cuts adjacent to the Harrison Street bicycle lanes. Further, the project would include several changes to the public right-of-way that would lessen impacts, including removing three curb cuts along Treat Avenue and Harrison Street, widening the sidewalk along the north side of Mistral Street, between Harrison Street and Treat Avenue, from 5 feet to 8-feet-8-inches. Additionally, a 9-foot bulb out at the corner of Harrison and Mistral streets would support pedestrian safety crossing Harrison Street. Therefore, the project would have less-than-significant potentially hazardous conditions and accessibility impacts.

### **Public Transit Delay**

The 2019 guidelines set forth a screening criterion, based on the number of inbound project vehicle trips, for projects that would typically not result in significant public transit delay effects. The project would add 10 inbound p.m. peak hour vehicle trips, which is less than the screening criterion of 300. Therefore, the

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<sup>26</sup> It is anticipated that some project-generated vehicles would travel on Treat Avenue to access the entrance to the residential parking on Mistral Street.

project meets the screening criterion and the project would have a less-than-significant public transit delay impact.

### **Vehicle Miles Traveled (VMT)**

The 2019 guidelines set forth screening criteria, based on project site location and characteristics, for types of projects that would typically not result in significant vehicle miles traveled impacts. The project site is an area where existing vehicle miles traveled per capita is more than 15 percent below the existing regional per capita and per employee averages. Therefore, the project meets this screening criterion, and the project would have a less-than-significant vehicle miles traveled impact. Furthermore, the project site meets the proximity to transit screening criterion, as it is within one-half mile of an existing major transit stop or an existing stop along a high-quality transit corridor, among other requirements. This screening criterion also indicates the project's uses would not cause substantial additional VMT.<sup>27</sup>

### **Loading**

#### *Commercial Loading*

The commercial loading demand of the existing 68,538-square-foot office building is for one commercial loading space at peak hour, which is usually at midday.<sup>28</sup> Existing commercial loading activities occur within the parking spaces along the building's Harrison Street frontage or in the parking spaces along 19<sup>th</sup> Street. Additionally, some freight loading occurs onsite within the existing surface parking lot.

The proposed project would increase loading demand at the site by one additional loading space, for an onsite demand of two loading spaces in the peak hour.<sup>29</sup> The project sponsor would request that the SFMTA install a 74-foot-long loading zone along the building's 19<sup>th</sup> Street frontage, near the intersection with Treat Avenue (see Site Plan in Appendix B, Sheet A111). Based on the off-site freight loading mentioned above, the project's commercial loading demand would be met.

#### *Passenger Loading*

Currently, passenger loading at the project site is uncoordinated as there are no white zones adjacent to the site. The project sponsor would request the SFMTA install a 45-foot-long white passenger loading zone along Harrison Street, just north of the proposed bulbout, for office use passenger loading. In addition, a portion of the 74-foot loading zone on 19<sup>th</sup> Street near Treat Avenue may be used for passenger loading. These spaces would accommodate anticipated demand, and there would be no significant passenger loading impact.

Overall, the project would have a less-than-significant loading impact. The requested loading zones would be implemented by SFMTA based on conditions at the time of building occupancy and with input from the fire department, as applicable.

### **Cumulative Analysis**

#### **Construction**

Construction impacts are generally limited to the immediate vicinity of the project site. Additionally, construction activities are temporary and cease once the project becomes operational. Based on the list of

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<sup>27</sup> San Francisco Planning Department, Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 2300 Harrison St/3101 19<sup>th</sup> Street, April 11, 2019.

<sup>28</sup> San Francisco Planning Department, Existing Travel Demand for Peak Freight Loading, April 10, 2019.

<sup>29</sup> San Francisco Planning Department, Proposed Travel Demand for Peak Freight Loading, April 10, 2019.



cumulative projects provided, there are no reasonably foreseeable projects close enough or of a scale such that the impacts would combine with the project's to result in significant cumulative construction impacts. Therefore, this project would not contribute to a significant cumulative construction impact.

### **Potentially Hazardous Conditions and Accessibility**

The PEIR disclosed that vehicular and other ways of travel (e.g., walking, bicycling) volumes would increase in the Eastern Neighborhoods as a result of the plan and other cumulative projects. This volume increase would result in a potential for more conflicts between various ways of travel. None of the cumulative projects listed in the cumulative projects section of this initial study would overlap with the project's vehicle trips near the project site, as none are within the project block or study area intersections. Therefore, the project, in combination with cumulative projects, would not result in significant cumulative potentially hazardous conditions and accessibility impacts. There are no cumulative projects in the immediate vicinity that would have effects related to hazards or emergency access such that a significant cumulative impact could occur.

### **Public Transit Delay**

Public transit delay typically occurs from traffic congestion, including transit reentry, and passenger boarding delay. The PEIR used transit delay as significance criterion and identified significant and unavoidable with mitigation traffic congestion impacts on streets that public transit travels upon (e.g., 7<sup>th</sup>, 8<sup>th</sup>, and Townsend streets) and significant transit ridership impacts which would delay transit (e.g., 22-Fillmore and 27-Bryant). The PEIR identified mitigation measures to be implemented by the city: E-6, E-10, and E-11 (traffic congestion and transit delay) and E-5 to E-8 (ridership and transit delay).

The project would add 28 p.m. peak hour vehicle trips and 15 p.m. peak hour transit trips, respectively. These trips would be dispersed along Treat Avenue, and Harrison, 19<sup>th</sup>, and Mistral streets and among Muni routes 12 Folsom and 27 Bryant in addition to 22 Fillmore, 33 Ashbury-18<sup>th</sup> Street, and 55 16<sup>th</sup> Street with potential connections to BART. These trips would not contribute considerably to cumulative transit delay. Therefore, the proposed project would not result in new or more severe transit delay impacts than were identified in the Eastern Neighborhoods PEIR.

### **Vehicle Miles Traveled**

VMT by its nature is largely a cumulative impact. As described above, the project would not exceed the project-level quantitative thresholds of significance for VMT. Furthermore, the project site is an area where projected year 2040 vehicle miles traveled per capita is more than 15 percent below the future regional per capita and per employee averages. Therefore, the project, in combination with cumulative projects, would not result in a significant cumulative vehicle miles traveled impact.

### **Loading**

The cumulative projects listed in the Cumulative Setting section of this initial study would not overlap with the project's loading demand – the closest cumulative project would not be on the project block or adjacent intersections. Given the cumulative projects would not result in a loading deficit, the project, in combination with cumulative projects, would not result in a significant cumulative loading impact.

### **Conclusion**

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

contribute considerably to cumulative transportation and circulation impacts that were identified in the Eastern Neighborhoods PEIR.

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

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

projects.<sup>30</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

### Construction Noise

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). Construction of the proposed project would result in temporary elevated noise levels at nearby residences and schools, which are noise sensitive receptors for the analysis. John O'Connell Technical High School is located about 30 feet southwest of the project site across Mistral Street. Residential uses, which are also considered noise sensitive receptors, are located about 85 feet across Harrison Street and on the south side of 19<sup>th</sup> Street. Additional residential uses are located two blocks—about 300 feet—to the east of the project site. The geotechnical investigation (discussed further in the Geology and Soils section below) recommends either a deep foundation system with torque-down piles or auger cast-in-place piles or a mat foundation supported on soil improved by drilled displacement columns. The proposed foundation system would be installed with a drill rig, which would not result in vibration or pile-driving.<sup>31</sup> As these construction methods are drilled, not driven, Mitigation Measure F-1: Pile Driving would not apply to the proposed project. During the construction period, a generator would likely be used on-site. The proposed project would not include use of heavy impact tools in close proximity to sensitive receptors, but would result in an increase in noise for the approximately 18 month construction period. As the final foundation design, reinforcement, and construction methods would be determined by the project engineers, this analysis conservatively assumes that due to the close proximity of noise sensitive receptors to the proposed construction, Mitigation Measure F-2 would apply to the proposed project and would be considered **Project Mitigation 2: Construction Noise**. Project Mitigation Measure 2 requires the identification and implementation of site-specific noise attenuation measures.

Project construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving, and would take approximately 18 months. These activities would be subject to the San Francisco Noise Ordinance (article 29 of the San Francisco Police Code). The noise ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Building Inspection (building department) 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.

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<sup>30</sup> Eastern Neighborhoods PEIR Mitigation Measures F-3, F-4, and F-6 address the siting of sensitive land uses in noisy environments. In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Available at: <http://www.courts.ca.gov/opinions/documents/S213478.PDF>). As noted above, the *Eastern Neighborhoods PEIR* determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant, and thus would not exacerbate the existing noise environment. Therefore, Eastern Neighborhoods Mitigation Measures F-3, F-4, and F-6 are not applicable. Nonetheless, for all noise sensitive uses, the general requirements for adequate interior noise levels of Mitigation Measures F-3 and F-4 are met by compliance with the acoustical standards required under the California Building Standards Code (California Code of Regulations Title 24).

<sup>31</sup> Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

and 7:00 a.m. unless the director of the building department authorizes a special permit for conducting the work during that period.

The building department is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The police department is responsible for enforcing the noise ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 18 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. The increase in noise in the project area during project construction could be a significant impact of the proposed project. Therefore, the contractor would be required to comply with the Noise Ordinance and Eastern Neighborhoods PEIR Mitigation Measure F-2, which would reduce construction noise impacts to a less-than-significant level. Mitigation Measure F-2 is included as **Project Mitigation Measure 2** in the Mitigation Measures section below.

### Operational Noise

Increases in ambient noise levels could result from increases in traffic and/or noise-generating equipment or activities. A potentially significant increase in the ambient noise level due to traffic resulting from a proposed project is unlikely unless the project would cause a doubling of existing traffic levels, which is generally assumed to result in a 3 dBA increase in the existing ambient noise environment.<sup>32</sup> An increase of less than 3 dBA is generally not perceptible outside of controlled laboratory conditions.<sup>33</sup> The proposed project would generate 312 daily vehicle trips (including private passenger vehicles and for-hire vehicles). These vehicle trips would be dispersed along the local roadway network and would not result in a doubling of vehicle trips on roadways in the vicinity of the project site. Therefore, traffic noise impacts resulting from the project would be less than significant. Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed project's residential, office, and retail uses would be similar to that of the surrounding vicinity and are not expected to generate noise levels in excess of ambient noise, therefore PEIR Mitigation Measure F-5 would not apply.

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

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<sup>32</sup> Caltrans, *Technical Noise Supplement*, November 2009. Available at: <http://www.dot.ca.gov/env/noise/docs/tens-sep2013.pdf>. Accessed: December 18, 2017.

<sup>33</sup> California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, pp. 2-44 to 2-45, September 2013. Available: [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf). Accessed July 30, 2017.

The proposed project would not be subject to the Noise Regulations Relating to Residential Uses Near Places of Entertainment, Chapter 116 of the San Francisco Administrative Code. The intent of these regulations is to address noise conflicts between residential uses in noise critical areas, such as in proximity to highways and other high-volume roadways, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. For new residential development within 300 feet of a place of entertainment, the Entertainment Commission may require acoustical measurements and a hearing regarding noise issues related to the proposed project and nearby places of entertainment. Regardless of whether a hearing is held, the Entertainment Commission may make recommendations regarding noise attenuation measures for the proposed development.

During the environmental review process for the proposed project, a concern was raised regarding conflicts between residential use proposed by the project and entertainment uses in the project vicinity. The brewery at 620 Treat Avenue across the street from the project site became a registered place of entertainment in December 2018. Pursuant to the regulations outlined in Chapter 116, the San Francisco Entertainment Commission process does not apply to places of entertainment that were registered less than 12 months prior to the filing of the first complete application for a Development Permit for construction of the Project structure.<sup>34</sup> The first complete application for the proposed project's development permit was received by the planning department December 14, 2017. Therefore, these code provisions are not applicable to the proposed project. As stated above, the proposed building would be required to comply with interior noise insulation standards in Title 24.

In addition, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015,<sup>35</sup> the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing hazards or conditions might impact a project's users or residents, except where the project would significantly exacerbate an existing environmental hazard. Therefore, CEQA does not apply to the potential noise effects in the project vicinity on the residents of the proposed project, and this initial study does not include such analysis. The concern is acknowledged and may be considered by the decisionmakers when considering whether to approve, disapprove, or modify the proposed project.

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, topics 5e and f above are not applicable.

### **Cumulative Analysis**

The cumulative context for traffic noise analyses are typically confined to the local roadways nearest the project site. As project-generated vehicle trips disperse along the local roadway network, the contribution of traffic noise along any given roadway segment would similarly be reduced. As discussed above, the proposed project would not result in a perceptible increase in traffic noise. Therefore, the proposed project would not result in a considerable contribution to ambient noise levels from project traffic.

The cumulative context for point sources of noise, such as building heating, ventilation and air conditioning systems and construction noise are typically confined to nearby noise sources, usually not further than

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<sup>34</sup> San Francisco Administrative Code. Chapter 116: Compatibility and Protection For Residential Uses and Places of Entertainment. Section 116.2(4).  
[http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter116compatibilityandprotectionforr?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_116.2](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter116compatibilityandprotectionforr?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_116.2). Accessed on April 10, 2019.

<sup>35</sup> *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369. Opinion Filed December 17, 2015.

about 900 feet from the project site.<sup>36</sup> Based on the list of projects under the cumulative setting section above, there are two reasonably foreseeable projects within 900 feet of the project site that could combine with the proposed project’s noise impacts, located at 793 South Van Ness and 2750 19<sup>th</sup> Street, respectively.<sup>37</sup> However, these two projects are required to comply with the Noise Ordinance, which because it establishes limits for both construction equipment and for operational noise sources would ensure that no significant cumulative noise impact would occur.

**Conclusion**

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities. The proposed project would implement a mitigation measure identified in the Eastern Neighborhoods PEIR to reduce construction noise, referred to as Project Mitigation Measure 2. With implementation of the mitigation measure identified in the PEIR, the proposed project would not result in new or more severe noise impacts than were identified in the Eastern Neighborhoods PEIR.

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

<sup>36</sup> This distance was selected because typical construction noise levels can affect a sensitive receptor at a distance of 900 feet if there is a direct line-of-sight between a noise source and a noise receptor (i.e., a piece of equipment generating 85 dBA would attenuate to 60 dBA over a distance of 900 feet). An exterior noise level of 60 dBA will typically attenuate to an interior noise level of 35 dBA with the windows closed and 45 dBA with the windows open.

<sup>37</sup> 793 South Van Ness Avenue (Case No. 2015-001360ENV) and 2750 19<sup>th</sup> Street (Case No. 2014.09999ENV).

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>38</sup> as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.<sup>39</sup>

### **Construction Dust Control**

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

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 incorporate and expand on the dust control provisions of PEIR Mitigation Measure G-1. Therefore, compliance with the dust control ordinance would ensure that the proposed project would not result in substantial amounts of fugitive dust, including particulate matter, during construction activities and portions of PEIR Mitigation Measure G-1 that address construction dust are not required.

### **Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for

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<sup>38</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

<sup>39</sup> The Eastern Neighborhoods PEIR also includes Mitigation Measure G-2, which has been superseded by Health Code Article 38, as discussed below, and is no longer applicable.

individual projects.”<sup>40</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>41</sup> for determining whether a project’s criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria. The project would entail the demolition of a surface parking lot and horizontal and vertical addition of a six-story-over-basement, 75-foot-tall mixed-use building with 24 dwelling units, 27,017 square feet of office, 2,483 square feet of retail, and 1,117 square feet of arts activity or retail use. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### **Health Risk**

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, article 38 (Ordinance 224-14, amended December 8, 2014)(article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative particulate matter 2.5 (PM<sub>2.5</sub>) concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality. The project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the project’s residential units are not subject to article 38.

### **Construction**

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

### **Siting New Sources**

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. In addition, the proposed project would not include any sources that would emit DPM or other TACs. A generator would likely be used during construction, but the proposed project would not include an emergency generator

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<sup>40</sup> San Francisco Planning Department, Eastern Neighborhood’s Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

<sup>41</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2017. Available online at: [http://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en). Accessed April 25, 2019. See pp. 3-2 to 3-3.



for operational purposes. 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.

**Cumulative Analysis**

As discussed above, regional air pollution is by its nature a cumulative impact. Emissions from past, present, and future projects contribute to the region’s adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulative adverse air quality impacts.<sup>42</sup> The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project’s construction and operational emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

**Conclusion**

For the above reasons, none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and the proposed project would not result in significant air quality impacts that were not identified in the PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>7. GREENHOUSE GAS EMISSIONS—</b>				
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Mission Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>43</sup> per service population,<sup>44</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

<sup>42</sup> BAAQMD, CEQA Air Quality Guidelines, May 2017, page 2-1.

<sup>43</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>44</sup> Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project's GHG impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions*<sup>45</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>46</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *2017 Clean Air Plan*,<sup>47</sup> Executive Order S-3-05<sup>48</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>49,50</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>51</sup> and B-30-15.<sup>52,53</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site by introducing residential uses (24 dwelling units), 2,483 square feet of retail use, and 1,117 square feet of arts activity or retail use and adding 27,017 square feet of office use to the existing 68,538 square feet of office use. The proposed project would reduce the amount of vehicle parking provided onsite from the current 66 spaces to 41 total: 31 for the combined existing and proposed office use and 10 spaces for residential use. Overall, the project would result in an increase in daily person and vehicle trips to the project site. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential, office and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce

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<sup>45</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, July 2017. Available at [http://sfmea.sfplanning.org/GHG/GHG\\_Strategy\\_October2017.pdf](http://sfmea.sfplanning.org/GHG/GHG_Strategy_October2017.pdf), accessed November 8, 2018.

<sup>46</sup> ICF International, Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco, January 21, 2015.

<sup>47</sup> Bay Area Air Quality Management District, Clean Air Plan, April 2017. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed November 8, 2018.

<sup>48</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

<sup>49</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>50</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>51</sup> Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>52</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>53</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

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

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>54</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>55</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>56</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>57</sup>

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

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<sup>54</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>55</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>56</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>57</sup> San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 2300 Harrison Street, February 7, 2019.

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

**Wind**

Based upon experience of the planning department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The existing building on the project site is 42 feet tall. As part of the proposed project, the new horizontal addition will be 75 feet tall with a 10-foot-tall elevator overrun and stairs to access the roof. The proposed stair penthouse and elevator overrun would be set back about 25 feet from the Mistral Street façade of the building and about 30 feet from the Treat Avenue façade of the building. Given the small footprints of these two structures and their locations away from the west and south façades of the building, any overhead winds that they intercept would be redirected onto the roof of the building. Overhead winds that are intercepted and redirected by these two penthouse structures would not reach the sidewalk. For these reasons, the proposed project would not result in any significant wind impacts beyond those 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 if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct a 75-foot-tall building (approximately 85 feet with roof appurtenances); therefore, the planning department prepared a shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks or public open spaces.<sup>58</sup> The shadow fan modeled both the 75-foot-tall proposed building and the additional 10 feet of roof

<sup>58</sup> San Francisco Planning Department, Shadow Fan, 2300 Harrison Street, July 3, 2018.

appurtenances. In both scenarios, no new shade would fall on public open space or parks under the jurisdiction of the San Francisco Recreation and Parks Commission as a result of the horizontal and vertical additions.<sup>59</sup>

The proposed project would also 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 properties may regard the increase in shadow in the project vicinity as undesirable, the limited increase in shading of private properties as a result of the proposed project is not considered a significant impact under CEQA.

### **Cumulative Analysis**

As discussed above, structures that are less than 80 feet in height typically do not result in wind impacts. The proposed project would be under 80 feet in height, and thus it would therefore not result in a significant wind impact. None of the nearby projects considered in the cumulative projects list above is above 80 feet in height, and none are located close enough to result in combined wind effects with the proposed project. Therefore, the proposed project would not combine with other projects to create, or contribute to, a cumulative wind impact.

As discussed above, the proposed project would not shade any nearby public parks or open spaces. Therefore, the proposed project would not contribute to any potential cumulative shadow impact on parks and open spaces. The sidewalks in the project vicinity are already shaded for periods of the day by the densely developed, multi-story buildings. Although implementation of the proposed project and nearby cumulative development projects would add net new shadow to the sidewalks in the project vicinity, these shadows would be transitory in nature, would not substantially affect the use of the sidewalks, and would not increase shadows above levels that are common and generally expected in a densely developed urban environment.

For these reasons, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to result in a significant cumulative shadow impact.

### **Conclusion**

For the reasons stated above, the proposed project would not result in significant wind or shadow impacts, either at a project level or cumulatively. Therefore, the proposed project would not result in significant impacts related to wind or shadow that were not identified in the Eastern Neighborhoods PEIR.

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<sup>59</sup> Some schoolyards participate in the San Francisco Shared Schoolyard Project, a partnership that opens schoolyards for recreation and open space on the weekends when schools are not in session. John O'Connell Technical High School is located south of the project, but its schoolyard is listed as ineligible for participation in this program. Thus, this schoolyard was not included in the shadow analysis for this project. Information on this program is available online at: [http://www.sfsharedschoolyard.org/participating\\_schools](http://www.sfsharedschoolyard.org/participating_schools), accessed February 1, 2019.

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

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

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

An update of the Recreation and Open Space Element (ROSE) of the San Francisco General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the city. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Daggett Park at Daggett Street between 7th and 16th streets opened on April 19, 2017 and In Chan Kaajal Park at 17th and Folsom streets opened on June 23, 2017. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to “Transportation” section for description) and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment.<sup>60</sup> Six routes identified within the

<sup>60</sup> San Francisco Planning Department. Green Connections. <https://sfplanning.org/project/green-connections>. Accessed April 10, 2019.

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 shown on Map 7 of the ROSE, the project site is not located in an area with a greater need of open spaces.<sup>61</sup>

There are three open space and recreation facilities in the project vicinity including Jose Coronado Playground at 21<sup>st</sup> and Folsom streets, Alioto Park at 20<sup>th</sup> and Capp streets, and In Chan Kaajal Park at 17<sup>th</sup> and Folsom streets. The proposed project would be located 700 feet directly north of the Mission Arts Center on Treat Avenue and 900 feet northeast of Jose Coronado Playground on 21<sup>st</sup> Street between Shotwell and Folsom streets. Furthermore, the Planning Code requires a specified amount of new usable open space (either private or common) for each new residential unit and other proposed uses. Some developments are also required to provide privately owned, publicly accessible open spaces. The proposed project includes 112 square feet of retail open space, 4,220 square feet of residential open space in the form of common and private terraces, and 544 square feet of office open space. Although the proposed project would introduce a new permanent population to the project site, the number of new residents and employees projected would not be large enough to increase demand for, or use of, neighborhood parks or recreational facilities, such that substantial physical deterioration would be expected. The Planning Code open space requirements would help offset some of the additional open space needs generated by increased residential and employee population to the project area.

The permanent residential population on the site and on-site daytime population growth that would result from the proposed building's other uses (office and retail) would not require the construction of new recreational facilities or the expansion of existing facilities, nor would the population increase physically degrade or accelerate the physical deterioration of any existing recreational resources in the neighborhood.

### **Cumulative Analysis**

Cumulative development in the project vicinity would result in an intensification of land uses and an increase in the use of nearby recreational resources and facilities. The Recreation and Open Space Element of the General Plan provides a framework for providing a high-quality open space system for its residents, while accounting for expected population growth through year 2040. In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition, planning, and renovation of the City's network of recreational resources. As discussed above, there are several parks, open spaces, or other recreational facilities within a quarter-mile of the project site, and two new parks have recently been constructed within the Eastern Neighborhoods plan areas. It is expected that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by the project and nearby cumulative development projects without resulting in physical degradation of those resources. For these reasons, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on recreational resources or facilities.

### **Conclusion**

Therefore, the proposed project would not create a substantial increase in the use of open space and recreation facilities such that physical deterioration or degradation of existing facilities would occur, and

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<sup>61</sup> San Francisco General Plan Recreation and Open Space Element, *Map 07 High Needs Areas: Priority Acquisition & Renovation Areas*, April 2014.

there would be no additional impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—</b>				
<b>Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population as a result of development under the area plans 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 (public utilities commission) adopted the 2015 Urban Water Management Plan (UWMP) for the City and County of San Francisco.<sup>62</sup> The 2015 UWMP estimates that current and projected water supplies will be sufficient to meet future retail demand through 2035 under normal year, single dry year and multiple dry years conditions; however, if a multiple dry year event occurs, the SFPUC would implement water use and supply reductions through

<sup>62</sup> San Francisco Public Utilities Commission, 2015 Urban Water Management Plan for the City and County of San Francisco, June 2016, <https://sfwater.org/modules/showdocument.aspx?documentid=9300>, accessed June 2018.



their drought response plan and a corresponding retail water shortage allocation plan. In addition, the proposed project would incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the city's Green Building Ordinance. For these reasons, there would be sufficient water supply available to serve the proposed project from existing water supply entitlements and resources, and new or expanded resources or entitlements would not be required. Therefore, environmental impacts relating to water use and supply would be less than significant.

The public utilities commission 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.

The proposed project would not substantially increase the amount of stormwater entering the combined sewer system because the project would not increase impervious surfaces at the project site. Compliance with the city's Stormwater Management Ordinance and the Stormwater Management Requirements and Design Guidelines would ensure that the design of the proposed project includes installation of appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit discharges from the site from entering the city's combined stormwater/sewer system. Under the Stormwater Management ordinance, stormwater generated by the proposed project is required to meet a performance standard that reduces the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm and therefore would not contribute additional volume of polluted runoff to the city's stormwater infrastructure.

Although the proposed project would add approximately 56 new residents and 136 employees to the project site, the combined sewer system has capacity to serve projected growth through year 2040. Therefore, the incremental increase in wastewater treatment resulting from the project would be met by the existing sewer system and would not require expansion of existing wastewater facilities or construction of new facilities.

The City disposes of its municipal solid waste at the Recology Hay Road Landfill, and that practice is anticipated to continue until 2025, with an option to renew the agreement thereafter for an additional six years. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris to be transported to a facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. San Francisco's Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and persons in the city to separate their recyclables, compostables, and landfill trash.

The proposed project would incrementally increase total city waste generation; however, the proposed project would be required to comply with San Francisco ordinance numbers 27-06 and 100-09. Due to the existing and anticipated increase of solid waste recycling in the city and the requirements to divert construction debris from the landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing Hay Road landfill. Thus, the proposed project would have less-than-significant impacts related to solid waste.

**Cumulative Analysis**

As explained in the analysis above, existing service management plans for water, wastewater, and solid waste disposal account for anticipated citywide growth. Furthermore, all projects in San Francisco would be required to comply with the same regulations described above which reduce stormwater, potable water, and waste generation. Therefore, the proposed project, in combination with reasonably foreseeable future projects would not result in a cumulative utilities and service systems impact.

**Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to utilities and service systems. Therefore, the proposed project would not result in a significant utilities and service system impact that was not disclosed in the Eastern Neighborhoods PEIR.

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

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

Project residents and employees would be served by the San Francisco Police Department and Fire Department. The closest police station to the project site is the Mission Station, about 0.5 miles northwest of the project site. The closest fire station to the project site is Station 7, one block west of the project site at 19<sup>th</sup> and Folsom streets. The increased population at the project site could result in more calls for police, fire, and emergency response. However, the increase in demand for these services would not be substantial given the overall demand for such services on a citywide basis. Moreover, the proximity of the project site to police and fire stations would help minimize the response time for these services should incidents occur at the project site.

The San Francisco Unified School District (school district) maintains a property and building portfolio that has capacity for almost 64,000 students.<sup>63</sup> A decade-long decline in district enrollment ended in the 2008-2009 school year at 52,066 students, and total enrollment in the district has increased to about 54,063 in the 2017-2018 school year, an increase of approximately 1,997 students since 2008.<sup>64,65</sup> Thus, even with increasing enrollment, school district currently has more classrooms district-wide than needed.<sup>66</sup> However, the net effect of housing development across San Francisco is expected to increase enrollment by at least 7,000 students by 2030 and eventually enrollment is likely to exceed the capacity of current facilities.<sup>67</sup>

Lapkoff & Gobalet Demographic Research, Inc. conducted a study in 2010 for the school district that projected student enrollment through 2040.<sup>68</sup> This study is being updated as additional information becomes available. The study considered several new and ongoing large-scale developments (Mission Bay, Candlestick Point, Hunters Point Shipyard/San Francisco Shipyard, and Treasure/Yerba Buena Islands, Parkmerced, and others) as well as planned housing units outside those areas.<sup>69</sup> In addition, it developed student yield assumptions informed by historical yield, building type, unit size, unit price, ownership (rented or owner-occupied), whether units are subsidized, whether subsidized units are in standalone buildings or in inclusionary buildings, and other site specific factors. For most developments, the study establishes a student generation rate of 0.80 Kindergarten through 12th grade students per unit in a standalone affordable housing site, 0.25 students per unit for inclusionary affordable housing units, and 0.10 students per unit for market-rate housing.

The Leroy F. Greene School Facilities Act of 1998, or SB 50, restricts the ability of local agencies to deny land use approvals on the basis that public school facilities are inadequate. SB 50, however, permits the levying of developer fees to address local school facility needs resulting from new development. Local jurisdictions are precluded under state law from imposing school-enrollment-related mitigation beyond the school development fees. The school district collects these fees, which are used in conjunction with other school district funds, to support efforts to complete capital improvement projects within the city. The proposed project would be subject to the school impact fees.

The proposed project would be expected to generate approximately 3 school-aged children, some of whom may be served by the San Francisco Unified School District and others through private schools in the areas.<sup>70</sup> The school district currently has capacity to accommodate this minor increase in demand without

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<sup>63</sup> This analysis was informed, in part, by a Target Enrollment Survey the San Francisco Unified School District performed of all schools in 2010.

<sup>64</sup> San Francisco Unified School District, Facts at a Glance, 2018, <http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/sfusd-facts-at-a-glance.pdf>, accessed April 11, 2019.

<sup>65</sup> Note that Enrollment summaries do not include charter schools. Approximately 4,283 students enrolled in charter schools are operated by other organizations but located in school district facilities.

<sup>66</sup> San Francisco Unified School District, San Francisco Bay Area Planning and Urban Research (SPUR) Forum Presentation, Growing Population, Growing Schools, August 31, 2016, [https://www.spur.org/sites/default/files/events\\_pdfs/SPUR%20Forum\\_August%2031%202016.pptx\\_.pdf](https://www.spur.org/sites/default/files/events_pdfs/SPUR%20Forum_August%2031%202016.pptx_.pdf), accessed October 5, 2018.

<sup>67</sup> Lapkoff & Gobalet Demographic Research, Inc., Demographic Analyses and Enrollment Forecasts for the San Francisco Unified School District, February 16, 2018, p. 2, <http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/demographic-analyses-enrollment-forecast.pdf>, accessed October 5, 2018.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> As the project is utilizing the state density bonus program, three (11%) of the 24 units would be made affordable for low income residents. Thus, the estimated addition of school-aged children to the neighborhood as a result of this development would be approximately 3. (21 units \* 0.10 students per unit) + (3 units \* 0.25 students per unit) = 2.85 students.

the need for new or physically altered schools, the construction of which may result in environmental impacts.

Impacts to parks and recreational facilities are addressed above in the Recreation section.

**Cumulative Analysis**

The proposed project combined with projected citywide growth through 2040 would increase demand for public services, including police and fire protection and public schooling. The fire department, the police department, the school district, and other city agencies have accounted for such growth in providing public services to the residents of San Francisco. For these reasons, the proposed project would not combine with reasonably foreseeable future projects to increase the demand for public services requiring new or expanded facilities, the construction of which could result in significant physical environmental impacts.

**Conclusion**

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>12. BIOLOGICAL RESOURCES—Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project site is a developed site located within Mission Plan Area of the Eastern Neighborhoods 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.

**Cumulative Analysis**

Furthermore, the project vicinity does not support any candidate, sensitive, or special-status species, any riparian habitat, or any other identified sensitive natural community. For these reasons, the proposed project would not have the potential to combine with past, present, and reasonably foreseeable future projects in the project vicinity to result in a significant cumulative impact related to biological resources. Therefore, the project, in combination with other projects in the area, would not result in cumulative impacts on biological resources.

**Conclusion**

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to biological resources. Therefore, the proposed project would not result in a significant biological resources impact that was not disclosed in the Eastern Neighborhoods PEIR.

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<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>13. GEOLOGY AND SOILS—Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

A geotechnical investigation was prepared for the proposed project.<sup>71</sup> The geotechnical investigation included four borings conducted in 1998 at the project site. The project site's soil conditions consist of undocumented fill to a depth of about 15 to 25 feet below ground surface of the fill varies from medium stiff to stiff sandy clay overlaying primarily soft to medium stiff compressible clay up to 40 feet. Dense to very dense native sands with varying silt and clay were found between 40 and 75 feet below ground surface. Stiff to very stiff clay and sandy clay was found up to 88 feet, and bedrock is located at 150 feet

<sup>71</sup> Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

below ground surface. Groundwater was encountered at 7 feet below ground surface in the 1998 measurements and the geotechnical engineer estimated that historic high groundwater may be at about 5 feet below existing grade. The project site is not located within the Alquist-Priolo Earthquake Fault area, but it is within a seismic hazard zone for liquefaction hazard. The geotechnical report recommends the proposed development be supported on either a deep foundation system of torque-down piles or auger cast-in-place piles or a mat foundation on improved soils.<sup>72</sup> The alternative to use a mat foundation would include soil improvement by installing drilled displacement columns that would extend 20 to 25 feet below the mat foundation (35 to 40 feet below existing grade).<sup>73</sup>

The project is required to conform to state and local building codes, which ensure the safety of all new construction in the City. The building department will review the project construction documents for conformance with the recommendations in the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site-specific soils report(s) through the building permit application process, as needed. The building department requirement for a geotechnical report and review of the building permit application pursuant to building department's implementation of state and local building codes and local implementing procedures would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

The project site is occupied by an existing building with a paved parking area and is entirely covered with impervious surfaces. For these reasons, construction of the proposed project would not result in the loss of substantial topsoil. Site preparation and excavation activities would disturb soil to a depth of approximately 15 feet below ground surface, creating the potential for windborne and waterborne soil erosion. The project would be required to comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, non-stormwater and waste runoff from a construction site. For construction projects disturbing 5,000 square feet or more, a project must also submit an Erosion and Sediment Control Plan that details the use, location and emplacement of sediment and control devices. These measures would reduce the potential for erosion during construction. Therefore, the proposed project would not result in significant impacts related to soil erosion or the loss of top soil.

The project would have no impact with regards to environmental effects of septic systems or alternative waste disposal systems or unique geologic features, and topics 13e and f are not applicable.

### **Cumulative Analysis**

Environmental impacts related to geology and soils are generally site-specific. All development within San Francisco would be subject to the same seismic safety standards and design review procedures of the California and local building codes and be subject to the requirements of the Construction Site Runoff Ordinance. These regulations would ensure that cumulative effects of development on seismic safety, geologic hazards, and erosion are less than significant. For these reasons, the proposed project would not

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<sup>72</sup> A torque-down pile is a steel pipe pile that can be installed with minimal vibration and noise, as compared to driven piles. An auger cast-in-place pile is a hollow-stem auger drilled into the ground to a specified depth, which generates very little noise and vibrations compared to driven piles. Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

<sup>73</sup> Drilled displacement columns are installed by drilling a hollow-stem auger through which concrete is pumped under pressure as the auger is recovered. The method reduces vibration from foundation work and generates very little excess soils for off-haul. *Ibid.*

combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to geology and soils.

**Conclusion**

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards, nor would it contribute to a cumulative impact. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

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



<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Wastewater and stormwater from the project site would be accommodated by the city’s sewer system and treated at the Southeast Water Pollution Control Plant to the standards contained in the city’s National Pollution Discharge Elimination System (NPDES) permit.<sup>74</sup> Furthermore, as discussed in topic 13b in Geology and Soils, the project is required to comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, non-stormwater and waste runoff from a construction site. The City’s compliance with the requirements of its NPDES permit and the project’s compliance with Construction Site Runoff Ordinance would ensure that the project would not result in significant impacts to water quality.

As discussed under Geology and Soils, groundwater is approximately 5 to 7 feet below the ground surface at the project site and may be encountered during excavation. Therefore, dewatering is likely to be necessary during construction. The project would not require long-term dewatering, and does not propose to extract any underlying groundwater supplies. In addition, the project site is located in the Downtown San Francisco Groundwater Basin. This basin is not used as a drinking water supply and there are no plans for development of this basin for groundwater production.<sup>75</sup> For these reasons, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. This impact would be less than significant, and no mitigation measures are necessary.

The project site is currently occupied by an 14,000-square-foot paved surface parking lot and existing office building; with the proposed project, the modified building would also occupy the entire project site, and there would not be any change in the amount of impervious surface coverage. As a result, the proposed project would not increase stormwater runoff. In addition, in accordance with the City’s Stormwater Management Requirements and Design Guidelines,<sup>76</sup> the proposed project would be subject to develop a Stormwater Control Plan to incorporate low impact design approaches and stormwater management systems into the project. As a result, the proposed project would not increase stormwater runoff.

<sup>74</sup> San Francisco Public Utilities Commission, Wastewater Discharge Permits, <https://sfwater.org/index.aspx?page=498>, accessed on April 25, 2019.

<sup>75</sup> The San Francisco Public Utilities Commission (SFPUC) supplies water to all of San Francisco residents and businesses. The SFPUC’s groundwater supply program includes two groundwater projects: one along the peninsula and the other supplying groundwater from San Francisco’s Westside Groundwater Basin aquifer, approximately 400 feet below ground surface. For more information see: <https://sfwater.org/index.aspx?page=184>. Accessed November 19, 2018.

<sup>76</sup> The Stormwater Management Requirements apply to new and redevelopment projects that create and/or replace greater than or equal to 5,000 square feet of impervious surface in the separate and combined sewer areas. San Francisco Public Utilities Commission, Stormwater Management Requirements, <https://sfwater.org/index.aspx?page=1000>, accessed April 11, 2019.

There are no streams or rivers in the vicinity of the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area.<sup>77</sup>

The project site is not located within a 100-year flood hazard zone, a dam failure area, or a tsunami or seiche hazard area. No mudslide hazards exist on the project site because the site is not located near any landslide-prone areas. Therefore, topics 14g, 14h, 14i, and 14j are not applicable to the proposed project.

**Cumulative Analysis**

The proposed project would have no impact with respect to the following topics, and therefore would not have the potential to contribute to any cumulative impacts for those resource areas: location of the project site within a 100-year flood hazard area or areas subject to dam failure, tsunami, seiche, or mudslide, alterations to a stream or river or changes to existing drainage patterns. Additionally, the proposed project and other development within San Francisco would be required to comply with the Stormwater Management and Construction Site Runoff ordinances that would reduce the amount of stormwater entering the combined sewer system and prevent discharge of construction-related pollutants into the sewer system. As the project site is not located in a groundwater basin that is used for water supply, the project would not combine with reasonably foreseeable projects to result in significant cumulative impacts to groundwater. Therefore, the proposed project in combination with cumulative projects would not result in significant cumulative impacts to hydrology and water quality.

**Conclusion**

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

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

<sup>77</sup> Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017. The project site is within historic marsh area that bordered the former Upper Mission Creek, and the geotechnical investigation accounts for the subsurface conditions at the site in making the recommendations for the proposed development.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

### **Hazardous Building Materials**

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

below. With implementation of Mitigation Measure L-1, there would be a less-than-significant impact on the environment with respect to hazardous building materials.

### **Soil and Groundwater Contamination**

Since certification of the PEIR, article 22A of the health code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The overarching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal, and when necessary, remediation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *phase I environmental site assessment (site assessment)* that meets the requirements of health code section 22.A.6. The *site assessment* would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan to the San Francisco Department of Public Health (public health department) or other appropriate state or federal agency(ies), and to remediate site contamination in accordance with an approved site mitigation plan prior to the issuance of any building permit.

The proposed project would involve soils disturbance of up to 55 feet below grade for installation of the building foundation, and would involve approximately 15 feet of excavation and approximately 5,500 cubic yards of soil removal on a site where hazardous substances could be present due to previous industrial uses.<sup>78</sup> 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 (health department). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *site assessment* that meets the requirements of health code section 22.A.6.

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

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to the health department and a *site assessment* has been prepared to assess the potential for site contamination.<sup>79,80</sup> The *site assessment* summarizes the historic use of the site and existing structure, which was constructed in 1913 and used as a storage, shipping, and experimenting facility for the American Can Company in 1914.

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<sup>78</sup> Golder Associates Inc., Phase I Environmental Site Assessment, Commercial Property, 2300 Harrison Street, San Francisco, California. October 2000.

<sup>79</sup> San Francisco Department of Public Health, *Maher Ordinance Application, 2300 Harrison Street*, October 15, 2018.

<sup>80</sup> Golder Associates Inc., Phase I Environmental Site Assessment, Commercial Property, 2300 Harrison Street, San Francisco, California. October 2000.

The current building is shown on historical aerial maps from at least 1947 to 1965 and was connected to a bottling plant adjacent to the south. A smaller rectangular building is visible on the southern part of the subject property in 1982 and 1994. The *site assessment* found evidence of potential environmental issues associated with the project site. In particular, groundwater samples collected near a former underground storage tank that was removed from the project site in 1993 were not analyzed for fuel oxygenates.

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

**Cumulative Analysis**

Environmental impacts related to hazards and hazardous materials are generally site-specific. Nearby cumulative development projects would be subject to the same regulations addressing use of hazardous waste (article 22 of the health code), hazardous soil and groundwater (article 22b of the health code) and building and fire codes addressing emergency response and fire safety. For these reasons, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.

**Conclusion**

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

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

The Eastern Neighborhoods PEIR determined that the area plans would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the building department. The plan area does not

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

Energy demand for the proposed project would be typical of residential mixed-use projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including the Green Building Ordinance and Title 24 of the California Code of Regulations. As documented in the GHG compliance checklist for the proposed project, the project would be required to comply with applicable regulations promoting water conservation and reducing potable water use. As discussed in topic E.4, Transportation and Circulation, the project site is located in a transportation analysis zone that experiences low levels of VMT per capita. Therefore, the project would not encourage the use of large amounts of fuel, water, or energy or use these in a wasteful manner.

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. In November 2008, Executive Order S-14-08 was signed requiring all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In 2015, Senate Bill 350 codifies the requirement for renewables portfolio standard to achieve 50 percent renewable by 2030, and in 2018, Senate Bill 100 requires 60 percent renewable by 2030 and 100 percent by 2045.<sup>81</sup>

San Francisco's electricity supply is 41 percent renewable, and San Francisco's goal is to meet 100 percent of its electricity demand with renewable power.<sup>82</sup> CleanPowerSF is the city's Community Choice Aggregation Program operated by the SFPUC, which provides renewable energy to residents and businesses. GreenFinanceSF allows commercial property owners to finance renewable energy projects, as well as energy and water efficiency projects, through a municipal bond and repay the debt via their property tax account.

As discussed above, the project would comply with the energy efficiency requirements of the state and local building codes and would not conflict with or obstruct implementation of city and State plans for renewable energy and energy efficiency.

### **Cumulative**

The proposed project would have no impact on mineral resources and therefore would not have the potential to contribute to any cumulative mineral resource impact.

All development projects within San Francisco would be required to comply with applicable regulations in the City's Green Building Ordinance and Title 24 of the California Code of Regulations that reduce both energy use and potable water use. The majority of San Francisco is located within a transportation analysis zone that experiences low levels of VMT per capita compared to regional VMT levels. Therefore, the proposed project, in combination with other reasonably foreseeable cumulative projects would not encourage activities that result in the use of large amounts of fuel, water, or energy or use these in a wasteful manner.

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<sup>81</sup> California Energy Commission, California Renewable Energy Overview and Programs. Available at: <https://www.energy.ca.gov/renewables/>. Accessed April 24, 2019.

<sup>82</sup> San Francisco Mayor's Renewable Energy Task Force Recommendations Report, September 2012. Accessed on April 24, 2019. Available at: [https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_re\\_renewableenergytaskforcerecommendationsreport.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_re_renewableenergytaskforcerecommendationsreport.pdf).

**Conclusion**

For the reasons stated above, there would be no additional project level or cumulative impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project site is within an urbanized area in the City and County of San Francisco that does not contain any prime farmland, unique farmland, or farmland of statewide importance; forest land; or land under Williamson Act contract. The project site is not zoned for any agricultural uses. Topics 17 a-e are not applicable to the proposed project, and the project would have no impact either individually or cumulatively on agricultural or forest resources.

**Conclusion**

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

## MITIGATION MEASURES

**Project Mitigation Measure 1 – Archeological Testing (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure J-2).** The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>83</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>84</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that

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<sup>83</sup> The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>84</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.



may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

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

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

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

The scope of the ADRP shall include the following elements:

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

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the

archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinterment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

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

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

**Project Mitigation Measure 2 — Construction Noise (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) 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; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Project Mitigation Measure 3 — Hazardous Building Materials (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure L-1).** The project sponsor or the project sponsor's Contractor shall ensure that any equipment containing polychlorinated biphenyls (PCBs) or di(2-ethylhexyl) phthalate (DEPH), such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tube fixtures, which could contain mercury, are similarly removed intact and properly

disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.



# SAN FRANCISCO PLANNING DEPARTMENT

## Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis

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*Date of Preparation:* April 11, 2019  
*Case No.:* 2016-010589ENV  
*Project Title:* 2300 Harrison Street/3101 19<sup>th</sup> Street  
*Zoning:* Eastern Neighborhoods Plan Area  
Mission District  
68-X Height and Bulk District  
*Block/Lot:* 3593/001  
*Lot Size:* 38,676 square feet (0.89 Acres)  
*Project Sponsor:* Tuija Catalano, Reuben, Junius & Rose, LLP, (415) 567-9000  
*Staff Contact:* Megan Calpin, (415) 575-9049  
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This checklist is in response to California Environmental Quality Act (CEQA) Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects and Planning Commission Resolution 19579. CEQA Section 21099 allows for a determination that aesthetic and parking effects of a project need not be considered significant environmental effects. Planning Commission Resolution 19579 replaces automobile delay with vehicle miles traveled analysis. This checklist provides screening criteria for determining when detailed VMT analysis is required for a project.

### **Aesthetics and Parking**

In accordance with California Environmental Quality Act (CEQA) Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria (Attachment A sets forth the definitions of the terms below):

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

As demonstrated by Table 1 on page 3, the proposed project described below satisfies each of the above criteria and therefore qualifies as a transit-oriented infill project subject to CEQA Section 21099.

### **Automobile Delay and Vehicle Miles Traveled**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar

measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a [Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA](#) recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects. (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.)

The Planning Department has identified screening criteria to identify types, characteristics, or locations of projects and a list of transportation project types that would not result in significant transportation impacts under the VMT metric. These screening criteria are consistent with CEQA Section 21099 and the screening criteria recommended by OPR. If a project would generate VMT, but meets the screening criteria in Table 2a or 2b or falls within the types of transportation projects listed in Table 3, then a detailed VMT analysis is not required for a project.

As demonstrated by Table 2a, 2b, and 3 on pages 5 through 7, the proposed project described below meets one or more of the screening criteria.

**Project Description:**

The approximately 38,676-square-foot project site is located on the west side of Harrison Street, on the southwest corner of the intersection of Harrison and 19th Streets in the Mission neighborhood. The project site is bounded by 19th Street to the north, Harrison Street to the east, Mistral Street to the south, and Treat Avenue to the west. The site is currently occupied by a 42-foot-tall, three-story, 68,538-square-foot office building, constructed in 1913, and a 14,000-square-foot surface parking lot with 61 parking spaces. There are currently five additional parking spaces on-site along the Harrison Street exterior of the existing office building, for a total of 66 off-street vehicle parking spaces. The existing office building provides a bicycle room with 48 Class 1 bicycle spaces, and two showers and a locker room with existing bicycle racks for 27 bicycles. There are nine Class 2 bicycle parking spaces bicycles in the existing parking lot (see Existing Site Plan page A110 in Appendix B). Adjacent to the project site, there are an additional 14 Class 2 bicycle parking spaces on the east side of Treat Avenue (five bicycle racks in an on-street bicycle corral and two bicycle racks on the sidewalk).

Pedestrian access to the existing office building is located on 19<sup>th</sup> Street, Harrison Street, and from the existing surface parking lot on the southside of the building. The existing site has four curb cuts: one 17-foot-wide curb cut on Treat Avenue to access the surface parking lot and three on Harrison Street: one 17-foot-4-inch-wide curb cut to access the surface parking lot and two to the north, one 18-foot-6-inch-wide and one 20-foot-wide curb cut, respectively.

The proposed project would include a horizontal and vertical addition to the existing building that would replace the surface parking lot with new construction of a 75-foot-tall (up to 85-foot-tall for the elevator penthouse), six-story-over-basement, 77,365-square-foot mixed-use building. The new building would be connected to the existing building at the second and third levels to expand the existing office uses on those floors. An office lobby fronting Mistral Street would provide access to an elevator serving the

basement garage through floor 3 of the new building. Other than for the connections at the second and third levels and expansion of the existing office uses, no changes are proposed to the existing building.

The proposed addition would consist of 12,331 square feet of below-grade parking, a new bike room with lockers and two showers for office employees at the site<sup>1</sup>; 1,117 square feet of arts activity or retail uses, 2,483 square feet of retail, and 5,183 square feet of parking at the ground floor; 27,017 square feet of office use on floors 2 and 3; and 29,234 square feet of residential use on floors 4, 5, and 6. The project would include 24 dwelling units consisting of 14 one-bedroom and 10 two-bedroom units. The residential lobby would be at the corner of Treat Avenue and Mistral Street, fronting Mistral Street, with access to an elevator serving floors 1 and 4 through 6. Future office access would be available at the ground floor from 19<sup>th</sup> and Harrison streets. A new elevator serving the below-grade office parking garage and an elevator lobby fronting Mistral Street would serve floors 2 and 3. Two arts activity or retail spaces would front Mistral Street and the retail space would front Harrison Street. The project would use the state density bonus law (California Government Code sections 65915-65918), which allows waivers, concessions, and modifications from local development standards for projects. Under the state density bonus law, the project would seek modifications and concessions for active ground floor uses, narrow street height limit, ground floor height, and rear yard setback. The project also seeks a waiver for one additional floor of height over the existing height limit, which would permit the development up to 75 feet in height.

Open space for retail (112 square feet) would be provided on the Harrison Street frontage of the building, in front of the retail space. Approximately 545 total square feet of open space for office use would be provided on floors 2 and 3 as 272 square foot balconies, each facing Mistral Street. Approximately 2,722 square feet of residential common open space would be provided on the fourth and fifth floors in the form of terraces. In addition, approximately 1,405 square feet of private open space would be provided for some of the residential units as private balconies for five residential units. In total, the final existing plus proposed land uses would include 95,555 square feet of office use, 29,234 square feet of residential use, 1,117 square feet of ground floor arts activity or retail uses, 2,483 square feet of retail, 17,514 square feet of parking, and 6,176 square feet of open space.

The proposed project would remove the existing surface parking lot. It would provide 41 vehicle parking spaces: 31 for office and 10 for residential use as follows. Twenty-eight parking spaces for the office use would be located in the basement garage accessed from a proposed new 14-foot-wide curb cut on Treat Avenue. Additionally, three of the existing five parking spaces would be retained for the office use on the Harrison Street exterior of the existing building, accessed via an existing 20-foot-wide curb cut. Ten vehicle spaces for the residential use would be located in a ground floor parking garage accessed from a proposed new 14-foot-wide curb cut on Mistral Street.

The proposed project would add 30 Class 1 bicycle parking spaces at the basement and ground floor levels—24 for residential use, five for office employees, and one for retail employees. Adjacent to the existing project site is an on-street bicycle corral with 10 Class 2 parking. This corral would be relocated to accommodate the proposed new Treat Avenue curb cut at the project site. As part of the proposed vertical and horizontal addition, the project would provide five Class 2 bicycle parking spaces in the right-of-way adjacent to the project site on the surrounding sidewalks. In total, following implementation of these improvements, the project site would provide 105 Class 1 bicycle parking spaces and five Class 2

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<sup>1</sup> For compliance with Planning Code sections 155.1-155.4, Bicycle Parking, Showers, and Lockers in New and Expanded Buildings.

bicycle parking spaces on the sidewalks surrounding the site. The proposal also includes the addition of 15 street trees: one on Treat Avenue, 12 on Mistral Street, and two on Harrison Street.

The project sponsor would widen the sidewalk along the north side of Mistral Street, between Harrison Street and Treat Avenue, from 5 feet to 8-feet-8-inches, to improve access to the site for people walking, and would request that all on-street parking along the south side of Mistral Street be removed to provide clearance for fire department vehicles. Additionally, a bulb out at the corner of Harrison and Mistral streets would extend 9 feet into Harrison Street. North/south crosswalk striping across Mistral Street at the southeast corner of the project site is also proposed.

The sponsor would also request that the SFMTA install new commercial and passenger loading zones and no-parking zones (red curb). Along the building’s 19<sup>th</sup> Street frontage, a 74-foot-long dual use loading zone is proposed near the existing office entry, east of Treat Avenue. A 45-foot-long white passenger loading zone along Harrison Street is proposed, just north of the proposed bulbout. Removal of 19 on-street parking spaces is proposed along the entire southside of Mistral Street, both sides of Treat Avenue, and portions of the northside of Mistral Street. The project sponsor would also request SFMTA install no-parking (red curb) zones in the areas of parking removal.

A geotechnical investigation was prepared for the proposed project.<sup>2</sup> The investigation indicated that the proposed building could be supported by either a mat slab foundation on improved soil or supported by torque-down piles or auger cast-in-place piles extending up to 55 feet below ground surface; impact piling driving is not proposed or required. During the approximately 18-month construction period, excavation of approximately 5,500 cubic yards would occur across the site to a depth of approximately 12 feet for the building foundation. Project construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving.

<b>Table 1: Transit-Oriented Infill Project Eligibility Checklist</b> The project must meet all three criteria below for <u>aesthetics and parking</u> to be excluded from CEQA review. See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	<p><b>Criterion 1. Does the project meet the definition of a residential, mixed-use residential, or “employment center”<sup>3</sup> and</b></p> <p>Yes. The project is a mixed-use residential, office and retail project. The parcel is zoned Urban Mixed Use (UMU). Two floors of office use are permitted above the ground floor per Planning Code Sections 803.9 and 843. Floors 4, 5, and 6 would include 24 residential units.</p>
<input checked="" type="checkbox"/>	<p><b>Criterion 2. Is the proposed project located on an “infill site” and</b></p> <p>Yes. The project site, as detailed in the Showplace Square/Northeast Mission Historic Survey, was developed in 1913 with the existing building, and is surrounded by parcels that are developed with qualified urban uses.<sup>4</sup></p>

<sup>2</sup> Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

<sup>3</sup> See **Attachment A** for definitions.

<sup>4</sup> State of California, Department of Parks and Recreation. Primary Record. <http://sf-planning.org/ftp/files/GIS/Showplace/Docs/3593001.pdf>



<input checked="" type="checkbox"/>	<p><b>Criterion 3. Is the proposed project site located within a “transit priority area?”</b></p> <p>Yes. The proposed project site is within a transit priority area.</p> <p><b>Map:</b> See Attachment B.</p> <p><b>Muni Bus Line Stops:</b></p> <p>The proposed project site is located within one-quarter mile of the following Muni bus lines:</p> <ul style="list-style-type: none"> <li>- 12 Folsom/Pacific with weekday headways of 15 minutes before 7 p.m. The closest bus stop for this route is 900 feet to the southwest at 20<sup>th</sup> and Folsom streets.</li> <li>- 27 Bryant with weekday headways of 15 minutes before 7 p.m. The closest bus stop for this route is 770 feet to the east at 19<sup>th</sup> and Bryant streets.</li> </ul> <p><b>BART Stops:</b></p> <p>The proposed project site is located within one-half mile of the 16<sup>th</sup> Street Mission BART Station.</p>
<p><b>Table 2a: Vehicle Miles Traveled Analysis – Screening Criterion</b></p> <p>If a project meets the screening criterion listed below, then a detailed <u>VMT</u> analysis is not required.<sup>5</sup> See Attachment A for definitions and other terms.</p>	
<input checked="" type="checkbox"/>	<p><b>Criterion 1. Is the proposed project site located within the “map-based screening” area?</b></p> <p>Yes. The proposed project would include 24 dwelling units, 17,814 square feet of parking, 27,017 square feet of office use, 2,483 square feet of retail space, and 1,117 square feet of arts activities.</p> <p>Existing average daily VMT per capita for residential use is 5.4 for the traffic analysis zone 188; this is 69 percent below the existing regional average daily VMT per capita of 17.2. Future 2040 average daily VMT per capita for residential use is 4.8 for the traffic analysis zone 188; this is 70 percent below the existing regional average daily VMT per capita of 16.1.</p> <p>Existing average daily VMT per office employee for office use is 8.8 for the traffic analysis zone 188; this is 54 percent below the existing regional average daily VMT per office employee of 19.1. Future 2040 average daily VMT per office employee for office use is 8.1 for the traffic analysis zone 188; this is 53 percent below the existing regional average daily VMT per office employee of 17.1.</p> <p>Existing average daily VMT per retail employee for retail use is 9.3 for the traffic analysis zone 188; this is 37 percent below the existing regional average daily VMT per retail employee of 14.8. Future 2040 average daily VMT per retail employee for retail use is 9.7 for the traffic analysis zone 188; this is 34 percent below the existing regional average daily VMT per retail employee of 14.6.</p>

<sup>5</sup> For projects that propose multiple land use types (e.g. residential, office, retail, etc.), each land use type must qualify under the three screening criterion in Table 2a.

<b>Table 2b: Vehicle Miles Traveled Analysis – Additional Screening Criteria</b> Identify whether a projects meets any of the additional screening criteria. See Attachment A for definitions and other terms.	
<input type="checkbox"/>	<p><b>Criterion 1. Does the proposed project qualify as a “small project”? or</b></p> <p>No. The proposed project proposes to add 24 dwelling units, 2,483 square feet of retail, 1,117 square feet of arts activities, and 27,017 square feet of office use. Combined, the project would result in approximately 272 new daily vehicle trips. This is greater than 100 vehicle trips per day; thus it does not qualify as a small project.</p>
<input checked="" type="checkbox"/>	<p><b>Criterion 2. Proximity to Transit Stations (must meet all four sub-criteria)</b></p> <hr/> <p><b>Is the proposed project site located within a half mile of an existing major transit stop; and</b></p> <p>Yes, as evidenced below:</p> <p><b>Map:</b> See Attachment B.</p> <p><b>Muni Bus Stops:</b></p> <p>Within a half mile of the project site are stops for 10 Muni bus lines that operate at a frequency of at least every 15 minutes during a.m. and p.m. peak periods (the 8, 9, 12, 14, 22, 27, 33, 49 and 55) where two or more routes intersect.</p> <p><b>BART Line Stops:</b></p> <p>Within a half mile of the project site are the 16<sup>th</sup> Street Mission BART station.</p> <hr/> <p><b>Would the proposed project have a floor area ratio of greater than or equal to 0.75, and</b></p> <p>Yes.</p> <p>The square footage of the portion of the lot to be developed is approximately 14,120 square feet. The proposed project would construct 77,365 gross square feet. Thus, the floor area ratio of the new construction is 5.5.</p> <p>The project site is 38,676 square feet. The proposed gross square footage (existing + proposed) would be 145,903 square feet. Thus, the total floor area ratio of the entire project would be 3.8.</p> <hr/> <p><b>Would the project result in an amount of parking that is less than or equal to that required or allowed by the Planning Code without a conditional use authorization, and</b></p> <p>Yes. The proposed project would provide a total of 41 parking spaces: 31 for office use, and 10 for residential use. The amount of parking allowable for the office use is 96, and the amount of parking permitted for the residential use is 20. Thus, the project results in less than the allowable amount of parking.</p> <hr/> <p><b>Is the proposed project consistent with the Sustainable Communities Strategy?<sup>6</sup></b></p> <p>Yes. The project site is in Eastern Neighborhoods, a priority development area as shown in <i>Plan Bay Area</i>.</p>

<sup>6</sup> A project is considered to be inconsistent with the Sustainable Communities Strategy if development is located outside of areas contemplated for development in the Sustainable Communities Strategy.

<b>Table 3: Induce Automobile Travel Analysis</b>	
If a project contains transportation elements and fits within the general types of projects described below, then a detailed VMT analysis is not required. See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	<p><b>Project Type 1. Does the proposed project qualify as an “active transportation, rightsizing (aka Road Diet) and Transit Project”?</b> or</p> <p>Yes. The proposed project would install a bulbout on the east/southeast portion of the block, to improve pedestrian safety crossing across Harrison Street.</p>
<input checked="" type="checkbox"/>	<p><b>Project Type 2. Does the proposed project qualify as an “other minor transportation project”?</b></p> <p>Yes. The proposed project would remove 19 on-street parking spaces—seven on both sides of Treat Avenue, two along the north side of Mistral Street at the intersections, and ten along the south side of Mistral Street; expand the sidewalk on the north side of Mistral Street from 5 feet to 8-feet-8-inches; and add crosswalk striping across Mistral Street at the intersection with Harrison Street. The project also results in a net reduction of 25 off-street parking spaces.</p> <p>The project proposes to request that the SFMTA install a 33.5-foot-long yellow commercial loading zone along the building’s 19<sup>th</sup> Street frontage, near the intersection with Treat Avenue (see Site Plan in Appendix B). For office employee passenger loading, the project sponsor would request the SFMTA to install a 74-foot-long combined commercial and passenger loading zone between the existing office entry and Treat Avenue along 19<sup>th</sup> Avenue. Additionally, a 45-foot-long white passenger loading zone would be requested along Harrison Street, just north of the proposed bulbout. The project sponsor would also request for SFMTA installation of red no parking zones in the areas of on-street parking removal to ensure emergency vehicle access to the expanded portions of the building.</p>

**ATTACHMENT A**

**DEFINITIONS**

**Active transportation, rightsizing (aka road diet) and transit project** means any of the following:

- Reduction in number of through lanes
- Infrastructure projects, including safety and accessibility improvements, for people walking or bicycling
- Installation or reconfiguration of traffic calming devices
- Creation of new or expansion of existing transit service
- Creation of new or conversion of existing general purpose lanes (including vehicle ramps) to transit lanes
- Creation of new or addition of roadway capacity on local or collector streets, provided the project also substantially improves conditions for people walking, bicycling, and, if applicable, riding transit (e.g., by improving neighborhood connectivity or improving safety)

**Employment center project** means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area. If the underlying zoning for the project site allows for commercial uses and the project meets the rest of the criteria in this definition, then the project may be considered an employment center.

**Floor area ratio** means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.

**Gross building area** means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

**Infill opportunity zone** means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

**Infill site** means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

**Lot** means all parcels utilized by the project.

**Major transit stop** is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

**Map-based screening** means the proposed project site is located within a transportation analysis zone that exhibits low levels of VMT.

**Net lot area** means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

**Other land use projects** mean a land use other than residential, retail, and office. OPR has not provided proposed screening criteria or thresholds of significance for other types of land uses, other than those that meet the definition of a small project.

- Tourist hotels, student housing, single room occupancy hotels, and group housing land uses should be treated as residential for screening and analysis.
- Childcare, K-12 schools, post-secondary institutional (non-student housing), Medical, and production, distribution, and repair (PDR) land uses should be treated as office for screening and analysis.
- Grocery stores, local-serving entertainment venues, religious institutions, parks, and athletic clubs land uses should be treated as retail for screening and analysis.
- Public services (e.g., police, fire stations, public utilities) and do not generally generate VMT. Instead, these land uses are often built in response to development from other land uses (e.g., office and residential). Therefore, these land uses can be presumed to have less-than-significant impacts on VMT. However, this presumption would not apply if the project is sited in a location that would require employees or visitors to travel substantial distances and the project is not located within ½ mile of a major transit stop or does not meet the small project screening criterion.
- Event centers and regional-serving entertainment venues would most likely require a detailed VMT analysis. Therefore, no screening criterion is applicable.

**Other minor transportation project** means any of the following:

- Rehabilitation, maintenance, replacement and repair projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, or emergency breakdown lanes that are not used as through lanes
- Conversion of existing general purpose lanes (including vehicle ramps) to managed lanes (e.g., HOV, HOT, or trucks) or transit lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g. HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Traffic metering systems
- Timing of signals to optimize vehicle, bicycle or pedestrian flow on local or collector streets
- Installation of roundabouts
- Adoption of or increase in tolls
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Addition of transportation wayfinding signage
- Removal of off- or on-street parking spaces

- Adoption, removal, or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)

**Small project** means the project would not result in over 100 vehicle trips per day.



**Transit priority area** means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

**Vehicle miles traveled** measures the amount and distance that a project might cause people to drive and accounts for the number of passengers per vehicle.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 JAN 13 PM 12:29

*BY*

CARLOS E. BOCANEGRA		1178
		68-7497/2560
		DATE <u>1/13/20</u>
PAY TO THE ORDER OF	<u>Planning Department</u>	\$ <u>640<sup>00</sup></u>
	<u>Six Hundred Forty Dollars <sup>00</sup>/<sub>100</sub></u>	DOLLARS  <small>Photo Safe Deposit Details on back</small>
<b>NAVY FEDERAL</b> Credit Union	<u>CERA Appeal</u>	
FOR		



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SAN FRANCISCO

2020 JAN 13 PM 12:28

BY JF

## FEE EXEMPTION FOR INDIGENT INDIVIDUALS

### APPLICATION

#### Discretionary Review or Appeal Requestor's Information

Name: Carlos Bocanegra

Address: 72 Woodward Street  
San Francisco, CA 94103

Email Address: cbocanegra@ustcra.edu

Telephone: (760)822-9677

#### Justification for Exemption Request:

[Redacted]  
[Redacted] My income is not enough to pay the fee without affecting my ability to pay for the necessities of life.

#### Property Information

Project Address: 2300 Harrison Street

Project Application (PRJ) Record No:

Record ID No:

Date of Decision (if any): 12/12/2019

#### Select the application for which a fee exemption is being requested:

Discretionary Review Request

Appeal to the Board of Supervisors

Appeal to the Planning Commission (CEQA)

Appeal to the Board of Supervisors (CEQA)

The requestor must submit documentation proving that their "income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life." Select the documentation being submitted with this application:

IRS Tax Form 1040/1099/540

W-2 / Unemployment Benefits

Medi-Cal Eligibility Statement

Other:

#### For Department Use Only

#### Determination:

WAIVER APPROVED

WAIVER DENIED

Yvonne Ko, Revenue Team Supervisor

Date

Anika Lyons, Finance Operations Manager

Date



January 13, 2020

To Whom It May Concern:

I Carlos Bocanegra certify [REDACTED]. Paying this fee would substantially affect my ability to pay for the necessities of life. I formally declare my indigency and request a full waiver of any and all fees associated with this appeal. I would also be substantially affected by the proposed project.

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

Date: 1/13/20

Name: Carlos Bocanegra

Signature: CEB